

# IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed  
Oct 23 2020 03:31 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

PAUL D.S. EDWARDS,  
Appellant(s),

vs.

TIMESHARE LIQUIDATORS,LLC,  
A/D/B/A TLC RESORT LIQUIDATORS,  
A/D/B/A TLC RESORTS, A/D/B/A TLC  
RESORTS VACATION CLUB, A/D/B/A  
TLC RESORTS VACATION CLUB, LLC,  
A/D/B/A TLC TRAVEL, A/D/B/A  
TLCRESORTS.COM, A/D/B/A VIP  
TRAVEL, A/D/B/A VIP VACATIONS;  
CASH4ASKING, LLC, A/D/B/A  
CASH4ASKING.COM; STANLEY C.  
MUULLIS, A/K/A STANLEY MULLIS  
A/K/A STAN MULLIS; ANGEL MULLIS,  
A/K/A ANGEL C. MULLIS; EDUARDO  
ROMAY HERNANDEZ, A/K/A  
EDUARDO L. ROMAYHERNANDEZ,  
A/K/A EDUARDO ROMARY, A/K/A  
EDUARDO L. ROMAY HERNANDEZ,  
A/K/A HERNANDEZ EDUARDO  
ROMAY, A/K/A HERNANDEZ  
EDUARDO L. ROMAY, A/K/A  
EDUARDO ROMAY, A/K/A EDUARDO  
L. ROMAY; AND GLADYS C. RIONDA,  
A/K/A SUITO GLADYS RIONDA, A/K/A  
GLADYS C. RIONDA-SUITO, A/K/A  
GLADYS SUITO, A/K/A GLADYS  
RIONDA SUITO,  
Respondent(s),

Case No: A-19-799140-C  
*Consolidated with A-18-776375-C*  
Docket No: 81759

# **RECORD ON APPEAL**

## **VOLUME**

# **1**

**ATTORNEY FOR APPELLANT**  
**PAUL EDWARDS, PROPER PERSON**  
**713 WHEAT RIDGE LANE, UNIT 203**  
**LAS VEGAS, NV 89145**

**ATTORNEY FOR RESPONDENT**  
**BRIAN P. CLARK, ESQ.**  
**7371 PRAIRIE FALCON RD., STE 120**  
**LAS VEGAS, NV 89128**

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**A-19-799140-C**

**Paul Edwards, Plaintiff(s)**

**vs.**

**Timeshare Liquidators, LLC, Defendant(s)**

**I N D E X**

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1 **NITD (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
7 Cellular Telephone: 702.893.1776  
8 Email: pauldse@pauldsedwards.com

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**DISTRICT COURT,  
CLARK COUNTY, NEVADA**

10 PAUL D.S. EDWARDS,

11 **Plaintiff,**

12 **vs.**

13 TIMESHARE LIQUIDATORS, LLC,  
14 a/d/b/a TLC RESORT LIQUIDATORS,  
15 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
16 a/d/b/a TLC RESORTS VACATION CLUB,  
17 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
18 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
19 a/d/b/a VIP VACATIONS,  
20 a/d/b/a VIP INTERNATIONAL,  
21 and CASH4ASKING, LLC,  
22 a/d/b/a CASH4ASKING.COM,  
23 and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
24 a/k/a STAN MULLIS,  
25 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
26 a/k/a ANGEL SANTILLI,  
27 and EDUARDO ROMAY HERNANDEZ,  
28 a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.:** A-19-799140-C

**DEPT. NO.:** XXIII

**THREE (3) DAY NOTICE OF  
INTENT TO TAKE DEFAULT AGAINST DEFENDANTS**

1 **TO:** CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM,  
2 and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L ROMAYHERNANDEZ,  
3 a/k/a EDUARDO ROMARY, a/k/a EDUARDO L. ROMAY HERNANDEZ,  
4 a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO L ROMAY,  
5 a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUTO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUTO,  
a/k/a GLADYS RIONDA SUTO  
(collectively “Defendants”);

6 **TO:** Chad F. Clement, MARQUIS AURBACH COFFING, **Attorneys for Defendants.**

7 **PLEASE TAKE NOTICE** that Plaintiff PAUL D.S. EDWARDS, *pro se* (“Plaintiff”),  
8 intends to take Default against Defendants CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM,  
9 and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L ROMAYHERNANDEZ, a/k/a  
10 EDUARDO ROMARY, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a HERNANDEZ  
11 EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO L ROMAY, a/k/a EDUARDO ROMAY,  
12 a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUTO GLADYS RIONDA,  
13 a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUTO, a/k/a GLADYS RIONDA SUTO  
14 (collectively “Defendants”)— unless, on or before September 11, 2019, Defendants shall Answer,  
15 or otherwise defend to Plaintiff’s Complaint for Damages, Injunctive Relief, and Demand for Trial  
16 by Jury, and pay to the Clerk of the Eighth Judicial District Court, Clark County, Nevada, the  
17 Defendants’ official Appearance fees.  
18

19 DATED this 7th day of September 2019.

20 PAUL D.S. EDWARDS,

21  
22 /s/ Paul D.S. Edwards

23 Paul D.S. Edwards  
24 Plaintiff, *pro se*  
25 713 Wheat Ridge Lane, Unit 203  
26 Las Vegas, Nevada 89145  
27 Landline Telephone: 702.341.1776  
28 Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com

1 **CERTIFICATE OF E-SERVICE**

2 I HEREBY CERTIFY that, on the 7th day of September 2019, pursuant to the Nevada  
3 Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and  
4 correct copy of the following document:

- 5 1. Three (3) Day Notice of Intent to Take Default Against Defendants CASH4ASKING,  
6 LLC, a/d/b/a CASH4ASKING.COM, and EDUARDO ROMAY HERNANDEZ,  
7 a/k/a EDUARDO L ROMAYHERNANDEZ, a/k/a EDUARDO ROMARY, a/k/a  
8 EDUARDO L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY,  
9 a/k/a HERNANDEZ EDUARDO L ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR  
EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUTO GLADYS  
RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUTO, a/k/a  
GLADYS RIONDA SUTO

10 to the following email address[es]:

11 Chad F. Clement, MARQUIS AURBACH COFFING  
12 Attorneys for Defendants, at,  
cclement@maclaw.com

13  
14  
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16 

17 \_\_\_\_\_  
18 Designee for Plaintiff  
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1 **NITD (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
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8 Email: pauldse@pauldsedwards.com

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**DISTRICT COURT,  
CLARK COUNTY, NEVADA**

10 PAUL D.S. EDWARDS,

11 **Plaintiff,**

12 **vs.**

13 TIMESHARE LIQUIDATORS, LLC,  
14 a/d/b/a TLC RESORT LIQUIDATORS,  
15 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
16 a/d/b/a TLC RESORTS VACATION CLUB,  
17 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
18 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
19 a/d/b/a VIP VACATIONS,  
20 a/d/b/a VIP INTERNATIONAL,  
21 and CASH4ASKING, LLC,  
22 a/d/b/a CASH4ASKING.COM,  
23 and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
24 a/k/a STAN MULLIS,  
25 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
26 a/k/a ANGEL SANTILLI,  
27 and EDUARDO ROMAY HERNANDEZ,  
28 a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT. NO.: XXIII**

**THREE (3) DAY NOTICE OF  
INTENT TO TAKE DEFAULT AGAINST DEFENDANTS**

1 **TO:** TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC  
2 RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a  
3 TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP  
4 TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL, and STANLEY C.  
MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS, and ANGEL C. MULLIS, a/k/a  
ANGEL MULLIS, a/k/a ANGEL SANTILLI  
(collectively “Defendants”);

5 **TO:** Brian P. Clark, CLARK MCCOURT

6 **PLEASE TAKE NOTICE** that Plaintiff PAUL D.S. EDWARDS, *pro se* (“Plaintiff”),  
7 intends to take Default against Defendants TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC  
8 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC  
9 RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC  
10 TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP  
11 INTERNATIONAL, and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS,  
12 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI (collectively  
13 “Defendants”)— unless, on or before September 12, 2019, Defendants shall Answer, or otherwise  
14 defend to Plaintiff’s Complaint for Damages, Injunctive Relief, and Demand for Trial by Jury, and  
15 pay to the Clerk of the Eighth Judicial District Court, Clark County, Nevada, the Defendants’ official  
16 Appearance fees.  
17

18 DATED this 8th day of September 2019.

19 PAUL D.S. EDWARDS,

20  
21 /s/ Paul D.S. Edwards  
Paul D.S. Edwards  
22 Plaintiff, *pro se*  
713 Wheat Ridge Lane, Unit 203  
23 Las Vegas, Nevada 89145  
Landline Telephone: 702.341.1776  
24 Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com  
25  
26  
27  
28



1 **CERTIFICATE OF E-SERVICE**

2 I HEREBY CERTIFY that, on the 8th day of September 2019, pursuant to the Nevada  
3 Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and  
4 correct copy of the following document:

- 5 1. Three (3) Day Notice of Intent to Take Default Against Defendants TIMESHARE  
6 LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC  
7 RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB,  
8 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a  
9 TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP  
INTERNATIONAL, and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a  
STAN MULLIS, and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL  
SANTILLI

10 to the following:

11 Brian P. Clark, CLARK MCCOURT

12  
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16 \_\_\_\_\_  
17 Designee for Plaintiff  
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See Nevada Rules of Civil Procedure 4(b).

NOTE: When service is by publication, add a brief statement of the object of the action.

CHAUNTE PLEASANT  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

STEVEN D. GRIERSON, CLERK OF COURT  
By: *[Signature]* JUL 26 2019  
Deputy Clerk  
Date

Submitted by: *[Signature]*  
Name: PAUL D.S. EDWARDS  
Address: 713 Wheat Ridge Lane, Unit 203  
City/State/Zip: Las Vegas, Nevada 89145  
Telephone No: 702.341.1776  
Attorney for: Plaintiff pro se

TO THE DEFENDANTS: A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

(a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.

(b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, official subdivisions, agencies, officers, employees, board members, commission members and legislators each, 15 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

## SUMMONS - CIVIL

CASE NO.: A-19-799140-C  
DEPT. NO.: XXIII

Paul D.S. Edwards,  
Plaintiff,  
vs.  
TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
a/d/b/a TLC RESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a TLC,  
a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAY HERNANDEZ,  
a/k/a EDUARDO ROMAY, a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUTO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUTO, a/k/a GLADYS SUTO,  
a/k/a GLADYS RIONDA SUTO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

DISTRICT COURT,  
CLARK COUNTY, NEVADA

ORIGINAL

SUMM

Electronically Filed  
8/10/2018 3:42 PM  
Steven D. Grierson  
CLERK OF THE COURT

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA )  
COUNTY OF CLARK )  
ss: )

I, P. Hestand P #9593, being duly sworn, says: That at all times herein, affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received 1 copy of the Summons and Complaint—PAUL D.S. EDWARDS v. TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORTS, a/d/b/a TLC TRAVEL, VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM, and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI, and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a EDUARDO ROMAY, a/k/a EDUARDO ROMAY, L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA SUITO, and DOES I-X, and ROE CORPORATIONS XI-XX, et al—on the 15 day of August 2019, and served 1 copy of the same on the 15 day of August 2019, by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant \_\_\_\_\_ at (state address) \_\_\_\_\_
2. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy with \_\_\_\_\_, a person of suitable age and discretion residing at the Defendant's usual place of abode located at \_\_\_\_\_ (state address) \_\_\_\_\_
3. [Use paragraph 3 for service upon agent, completing (a) or (b)]
- Serving the Defendant TIMESHARE LIQUIDATORS, LLC by personally delivering and leaving a copy at (state address) 4135 NORTH BUTLER STREET
- (a) With STAN MULLIS as CONTACT, an agent lawfully designated by statute to accept service of process;
- (b) With \_\_\_\_\_ pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. Personally depositing, as stipulated to a copy of the Summons and Complaint in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):
- ☐ Ordinary mail
- ☐ Certified mail, return receipt requested
- ☐ Registered mail, return receipt requested
- ☐ Express Mail, signature required

\_\_\_\_\_ address, which is \_\_\_\_\_ addressed to Defendant \_\_\_\_\_ at Defendant's last known

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 15 day of August 2019.

\_\_\_\_\_  
Signature of person making service

SUMM

**ORIGINAL**  
**DISTRICT COURT,**  
**CLARK COUNTY, NEVADA**

Electronically Filed  
9/10/2019 3:42 PM  
Steven D. Grierson  
CLERK OF THE COURT



Paul D.S. Edwards,

**Plaintiff,**  
**vs.**

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a TLC,  
a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAY HERNANDEZ,  
a/k/a EDUARDO ROMAY, a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT. NO.: XXIII**

**SUMMONS - CIVIL**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT[S]:** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

(a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.

(b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

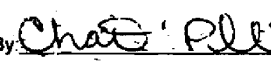
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:

  
**Name:** PAUL D.S. EDWARDS  
**Address:** 713 Wheat Ridge Lane, Unit 203  
**City/State/Zip:** Las Vegas, Nevada 89145  
**Telephone No:** 702.341.1776  
**Attorney for:** Plaintiff pro se

STEVEN D. GRIERSON, CLERK OF COURT

By:  **CHAUNTE PLEASANT**  
Deputy Clerk Date

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

**NOTE: When service is by publication, add a brief statement of the object of the action.**

**See Nevada Rules of Civil Procedure 4(b).**

Case Number: A-19-799140-C

## AFFIDAVIT OF SERVICE

STATE OF NEVADA                     )  
  ) ss:  
COUNTY OF CLARK                 )

I, P. Hestand P #9593 being duly sworn, says: That at all times herein, affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received 1 copy of the Summons and Complaint—PAUL D.S. EDWARDS v. TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM, and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS, and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI, and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L ROMAY HERNANDEZ, a/k/a EDUARDO ROMARY, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO L ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA SUITO, and DOES I-X, and ROE CORPORATIONS XI-XX, et al.— on the 15 day of August 2019, and served 1 copy of the same on the 15 day of August 2019, by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant STAN MULLIS at (state address) 4135 NORTH BUTLER STREET
2. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy with \_\_\_\_\_, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) \_\_\_\_\_

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy at (state address) \_\_\_\_\_
  - (a) With \_\_\_\_\_ as \_\_\_\_\_, an agent lawfully designated by statute to accept service of process;
  - (b) With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing, as stipulated to a copy of the Summons and Complaint in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):
  - ☐ Ordinary mail
  - ☐ Certified mail, return receipt requested
  - ☐ Registered mail, return receipt requested
  - ☐ Express Mail, signature required

addressed to Defendant \_\_\_\_\_ at Defendant's last known address, which is \_\_\_\_\_

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.


EXECUTED this 15 day of August 2019.

  
\_\_\_\_\_  
Signature of person making service

SUMM

**ORIGINAL**  
**DISTRICT COURT,**  
**CLARK COUNTY, NEVADA**

Electronically Filed  
9/10/2019 3:42 PM  
Steven D. Grierson  
CLERK OF THE COURT



Paul D.S. Edwards,

**Plaintiff,**  
**vs.**

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a TLC,  
a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAY HERNANDEZ,  
a/k/a EDUARDO ROMARY, a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT. NO.: XXIII**

**SUMMONS - CIVIL**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEST INTEREST BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT[S]:** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

- (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- (b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:

Name: PAUL D.S. EDWARDS  
Address: 713 Wheat Ridge Lane, Unit 203  
City/State/Zip: Las Vegas, Nevada 89145  
Telephone No: 702.341.1776  
Attorney for: Plaintiff pro se

STEVEN D. GRIERSON, CLERK OF COURT

By: CHAUNTE PLEASANT JUL 25 2019

Deputy Clerk Date

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155  
**CHAUNTE PLEASANT**

**NOTE: When service is by publication, add a brief statement of the object of the action.**  
**See Nevada Rules of Civil Procedure 4(b).**

## AFFIDAVIT OF SERVICE

STATE OF NEVADA                     )  
  ) ss:  
COUNTY OF CLARK                 )

I, P. Hestand P #9593, being duly sworn, says: That at all times herein, affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received 1 copy of the Summons and Complaint—PAUL D.S. EDWARDS v. TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM, and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS, and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI, and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L ROMAY HERNANDEZ, a/k/a EDUARDO ROMAY, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO L ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA SUITO, and DOES I-X, and ROE CORPORATIONS XI-XX, et al.— on the 15 day of August 2019, and served 1 copy of the same on the 15 day of August 2019, by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant \_\_\_\_\_ at (state address) \_\_\_\_\_
2. Serving the Defendant ANGEL MULLIS by personally delivering and leaving a copy with STAN MULLIS, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) 4135 NORTH BUTLER STREET

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy at (state address) \_\_\_\_\_
  - (a) With \_\_\_\_\_ as \_\_\_\_\_, an agent lawfully designated by statute to accept service of process;
  - (b) With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. Personally depositing, as stipulated to a copy of the Summons and Complaint in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):
  - ☐ Ordinary mail
  - ☐ Certified mail, return receipt requested
  - ☐ Registered mail, return receipt requested
  - ☐ Express Mail, signature required

\_\_\_\_\_ addressed to Defendant \_\_\_\_\_ at Defendant's last known address, which is \_\_\_\_\_

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 15 day of August 2019.

  
\_\_\_\_\_  
Signature of person making service

SUMM

ORIGINAL

DISTRICT COURT,  
CLARK COUNTY, NEVADAElectronically Filed  
8/10/2018 3:42 PM  
Steven D. Grier  
CLERK OF THE COURTCASE NO.: A-19-799140-C  
DEPT. NO.: XXIII

## SUMMONS - CIVIL

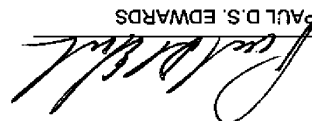
Paul D. S. Edwards,  
Plaintiff,  
vs.  
TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
a/d/b/a TLC RESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a TLC,  
a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL  
and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
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a/k/a HERNANDEZ EDUARDO ROMAY,  
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a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUTO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

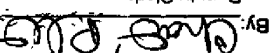
## Defendants.

NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING  
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.

TO THE DEFENDANT[S]: A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the  
Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the  
day of service, you must do the following:
  - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the  
Complaint in accordance with the rules of the Court, with the appropriate filing fee.
  - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond  
will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking  
of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response  
may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission  
members and legislators each have 45 days after service of this Summons within which to file an Answer or other  
responsive pleading to the Complaint.

Submitted by:   
Name: PAUL D.S. EDWARDS  
Address: 713 Wheat Ridge Lane, Unit 203  
City/State/Zip: Las Vegas, Nevada 89145  
Telephone No: 702.341.1776  
Attorney for: Plaintiff pro se

STEVEN D. GRIERSON, CLERK OF COURT  
By:  JUL 26 2019  
Deputy Clerk  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155  
CHAUNTE PLEASANT

NOTE: When service is by publication, add a brief statement of the object of the action.  
See Nevada Rules of Civil Procedure 4(b).



**AFFIDAVIT OF SERVICE**

STATE OF ARIZONA  
)  
( ss:  
)  
COUNTY OF Maricopa  
)

I, Shirley Litten, being duly sworn, says: That at all times herein, affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received 1 copy of the Summons and Complaint—PAUL D.S. EDWARDS v. TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a CASH4ASKING.COM, and a/d/b/a ANGEL MULLIS, a/k/a STANLEY MULLIS, and ANGEL C. MULLIS, a/k/a ANGEL SANTILLI, and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO ROMAY, a/k/a EDUARDO ROMAY, L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUITO GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA SUITO, and DOES I-X, and ROE CORPORATIONS XI-XX, et al— on the Friday of August 2019, and served 1 copy of the same on the 27th day of August 2019, by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant \_\_\_\_\_ at (state address) \_\_\_\_\_
2. Serving the Defendant Edward Romay Hernandez personally delivering and leaving a copy with Edward Romay Hernandez a person of suitable age and discretion residing at the Defendant's usual place of abode located at 1550 E. Thunderbolt Rd, Apt. 2041 Phoenix, AZ 85022 (state address) \_\_\_\_\_ [Use paragraph 3 for service upon agent, completing (a) or (b)]
3. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy at (state address) \_\_\_\_\_

- (a) With \_\_\_\_\_ as \_\_\_\_\_, an agent lawfully designated by statute to accept service of process;
- (b) With \_\_\_\_\_ pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. Personally depositing, as stipulated to a copy of the Summons and Complaint in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

- ☐ Ordinary mail  
☐ Certified mail, return receipt requested  
☐ Registered mail, return receipt requested  
☐ Express Mail, signature required

\_\_\_\_\_ addressed to Defendant \_\_\_\_\_ at Defendant's last known address, which is \_\_\_\_\_

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 27th day of August 2019.

Shirley Litten  
#7330  
Signature of person making service

SUMM

ORIGINAL

DISTRICT COURT,  
CLARK COUNTY, NEVADAElectronically Filed  
8/10/2018 3:42 PM  
Steven D. Grier  
CLERK OF THE COURTCASE NO.: A-19-799140-C  
DEPT. NO.: XXIII

## SUMMONS - CIVIL

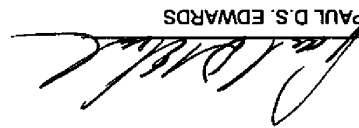
Paul D.S. Edwards,  
Plaintiff,  
vs.  
TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a TLC,  
a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
and CASHASKING, LLC, a/d/b/a CASHASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAY HERNANDEZ,  
a/k/a EDUARDO ROMARY, a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

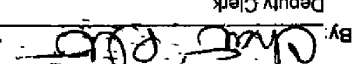
**Defendants.**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING  
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT[S]:** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:
  - (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
  - (b) Serve a copy of your response upon the attorney whose name and address is shown below.
2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:   
PAUL D.S. EDWARDS  
Name:  
Address: 713 Wheat Ridge Lane, Unit 203  
City/State/Zip: Las Vegas, Nevada 89145  
Telephone No: 702.341.1776  
Attorney for: Plaintiff pro se

STEVEN D. GRIERSON, CLERK OF COURT  
By:   
Date: JUL 26 2019  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155  
CHAUNTE PLEASANT

**NOTE:** When service is by publication, add a brief statement of the object of the action.  
See Nevada Rules of Civil Procedure 4(b).

**AFFIDAVIT OF SERVICE**

STATE OF ARIZONA  
( )  
COUNTY OF MARICOPA  
( ) ss:  
( )

I, Shirley H. H. H., being duly sworn, says: That at all times herein, affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received 1 copy of the Summons and Complaint—PAUL D.S. EDWARDS v. TIMES SHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORTS, a/d/b/a TLC TRAVEL, VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL and CASH4ASKING.COM, and a/d/b/a ANGEL C. MULLIS, a/k/a STANLEY MULLIS, and ANGEL C. MULLIS, a/k/a ANGEL SANTILLI, and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a EDUARDO ROMAY, L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA SUITO, and DOES I-X, and ROE CORPORATIONS XI-XX, et al. — on the 2nd day of August 2019, and served 1 copy of the same on the 2nd day of August 2019, by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant GLADYS C. RIONDA SUITO at (state address) 1550 E. THUNDERBOLT RD., APT. 2041  
PHOENIX, AZ 85022  
Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy with \_\_\_\_\_, a person of suitable age and discretion residing at the Defendant's usual place of abode located at \_\_\_\_\_ (state address)

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy at (state address) \_\_\_\_\_

- (a) With \_\_\_\_\_ as \_\_\_\_\_, an agent lawfully designated by statute to accept service of process;  
(b) With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. Personally depositing, as stipulated to a copy of the Summons and Complaint in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):

- ☐ Ordinary mail  
☐ Certified mail, return receipt requested  
☐ Registered mail, return receipt requested  
☐ Express Mail, signature required

address, which is \_\_\_\_\_ at Defendant's last known

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 8th day of August 2019.

Signature of person making service

#7330

SUMM

**ORIGINAL**  
**DISTRICT COURT,**  
**CLARK COUNTY, NEVADA**

Electronically Filed  
9/10/2019 3:42 PM  
Steven D. Grierson  
CLERK OF THE COURT



Paul D.S. Edwards,

**Plaintiff,**  
**vs.**

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a TLC,  
a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAY HERNANDEZ,  
a/k/a EDUARDO ROMAY, a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT. NO.: XXIII**

**SUMMONS - CIVIL**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING  
HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

**TO THE DEFENDANT[S]:** A civil Complaint has been filed by the Plaintiff(s) against you for the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you, exclusive of the day of service, you must do the following:

- (a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.
- (b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:

Name: PAUL D.S. EDWARDS

Address: 713 Wheat Ridge Lane, Unit 203

City/State/Zip: Las Vegas, Nevada 89145

Telephone No: 702.341.1776

Attorney for: Plaintiff pro se

STEVEN D. GRIERSON, CLERK OF COURT

By:

Deputy Clerk

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89155

Date

CHAUNTE PLEASANT

**NOTE: When service is by publication, add a brief statement of the object of the action.  
See Nevada Rules of Civil Procedure 4(b).**

Case Number: A-19-799140-C

## AFFIDAVIT OF SERVICE

STATE OF ARIZONA                     )  
  ) ss:  
COUNTY OF MARICOPA            )

I, SABINE HILTEN, being duly sworn, says: That at all times herein, affiant was and is a citizen of the United States, over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received 1 copy of the Summons and Complaint—PAUL D.S. EDWARDS v. TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM, and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN MULLIS, and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI, and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a EDUARDO ROMAY, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO L. ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA SUITO, and DOES I-X, and ROE CORPORATIONS XI-XX, et al.— on the 2nd day of August 2019, and served 1 copy of the same on the 6TH day of August 2019, by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant \_\_\_\_\_ at (state address) \_\_\_\_\_
2. Serving the Defendant \_\_\_\_\_ by personally delivering and leaving a copy with \_\_\_\_\_, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) \_\_\_\_\_

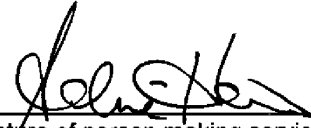
[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant CASH4ASKING, LLC by personally delivering and leaving a copy at (state address) 1550 E. THUNDERBIRD RD, APT. 2041  
PHOENIX, AZ 85022
  - (a) With GLADYS C. RIONDA SUITO as MEMBER OF CO., an agent lawfully designated by statute to accept service of process;
  - (b) With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. Personally depositing, as stipulated to a copy of the Summons and Complaint in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):
  - ☐ Ordinary mail
  - ☐ Certified mail, return receipt requested
  - ☐ Registered mail, return receipt requested
  - ☐ Express Mail, signature required

addressed to Defendant \_\_\_\_\_ at Defendant's last known address, which is \_\_\_\_\_

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 8TH day of August 2019.

  
\_\_\_\_\_  
Signature of person making service #7330



1 **Marquis Aurbach Coffing**  
2 Chad F. Clement, Esq.  
3 Nevada Bar No. 12192  
4 10001 Park Run Drive  
5 Las Vegas, Nevada 89145  
6 Telephone: (702) 382-0711  
7 Facsimile: (702) 382-5816  
8 cclement@maclaw.com  
9 *Attorneys for Defendants*  
10 *Cash4 Asking, LLC; Eduardo Romay Hernandez;*  
11 *and Gladys Rionda Suito*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 PAUL D.S. EDWARDS,

13 Plaintiff,

14 vs.

Case No.: A-19-799140-C  
Dept. No.: 23

15 TIMESHARE LIQUIDATORS, LLC,  
16 a/d/b/a TLC RESORT LIQUIDATORS,  
17 a/d/b/a TLC RESORTS VACATION CLUB,  
18 LLC, a/d/b/a TLC RESORTS VACATION  
19 CLUB, a/d/b/a TLC RESORTS, a/k/a  
20 TLCRESORTS.COM, a/d/b/a TLC TRAVEL,  
21 a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP  
22 VACATIONS, a/d/b/a VIP INTERNATIONAL,  
23 and CASH4ASKING, LLC, a/d/b/a  
24 CASH4ASKING.COM,  
25 and STANLEY C. MULLIS, a/k/a STANLEY  
26 MULLIS, a/k/a STAN MULLIS, and ANGEL C.  
27 MULLIS, a/k/a ANGEL MULLIS, a/k/a  
28 ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMARY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO  
GLADYS RIONDA a/k/a GLADYS C.  
RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a  
GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-  
XX, et al.,

Defendants.

**DEFENDANTS EDUARDO ROMAY  
HERNANDEZ' AND GLADYS RIONDA  
SUITO'S MOTION TO DISMISS FOR  
LACK OF PERSONAL JURISDICTION,  
MOTION TO DISMISS FOR FAILURE  
TO STATE A CLAIM UPON WHICH  
RELIEF CAN BE GRANTED, AND  
MOTION FOR A MORE DEFINITE  
STATEMENT**

(HEARING REQUESTED)

1 Defendants Eduardo Romay Hernandez ("Mr. Hernandez") and Gladys Rionda Suito  
2 ("Mrs. Suito"), by and through their attorneys of record, the law firm of Marquis Aurbach  
3 Coffing, hereby move to dismiss for lack of personal jurisdiction, for failure to state a claim upon  
4 which relief can be granted, and for a more definite statement under NRCP 12(b)(2), NRCP  
5 12(b)(5), and NRCP 12(c), respectively. This motion is made and based upon the pleadings and  
6 papers on file herein, the attached memorandum of points and authorities, and any oral argument  
7 the Court permits at the time of hearing on the matter.

8 Dated this 11th day of September, 2019.

9  
10 MARQUIS AURBACH COFFING

11  
12 By /s/ Chad F. Clement  
13 Chad F. Clement, Esq.  
14 Nevada Bar No. 12192  
15 10001 Park Run Drive  
16 Las Vegas, Nevada 89145  
17 Telephone: (702) 382-0711  
18 Facsimile: (702) 382-5816  
19 cclement@maclaw.com  
20 *Attorneys for Defendants*  
21 *Cash4Asking, LLC; Eduardo Romay Hernandez*  
22 *and Gladys Rionda Suito*  
23  
24  
25  
26  
27  
28

**MEMORANDUM OF POINTS AND AUTHORITIES****I. INTRODUCTION**

Mr. Hernandez and Mrs. Suito, who are nonresident defendants, are not personally subject to jurisdiction in Nevada, and the Plaintiff Paul Edwards (“Mr. Edwards”) cannot prove that they are. Even if they are, they should be dismissed under NRCP 12(b)(5) for failure to state a claim upon which relief can be granted. Mr. Hernandez and Mrs. Suito cannot be held individually liable for the debts, obligations, or liabilities of Defendant Cash4Asking, LLC (“C4A”) under Arizona law. In any event, at a minimum, Mr. Hernandez and Mrs. Suito are entitled to a more definite statement so that they can reasonably prepare a response to the Complaint.

**II. LEGAL ARGUMENT****A. MR. HERNANDEZ AND MRS. SUITO ARE NOT SUBJECT TO PERSONAL JURISDICTION IN NEVADA**

“A plaintiff bears the burden of showing that personal jurisdiction over a nonresident defendant exists.” *Fulbright & Jaworski, LLP v. Eighth Judicial Dist. Court*, 131 Nev. 30, 35-36, 342 P.3d 997, 1001 (2015). The exercise of jurisdiction must comport with Nevada’s long-arm statute, NRS 14.065, and the Fourteenth Amendment’s Due Process Clause. *Id.* at 36, 342 P.3d at 1001. Nevada’s long-arm statute encompasses the full extent of federal due process; thus, the “inquiry [here] is confined to whether the exercise of jurisdiction over [Mr. Hernandez and Mrs. Suito] comports with due process.” *Id.*

[A] nonresident defendant must have sufficient minimum contacts with the forum state so that subjecting the defendant to the state’s jurisdiction will not offend traditional notions of fair play and substantial justice. Due process requirements are satisfied if the nonresident defendant[’s] contacts are sufficient to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction and it is reasonable to subject the nonresident defendant[ ] to suit [in the forum state].

*Id.* (alterations in original) (internal quotation marks and citation omitted).

General personal jurisdiction occurs when the nonresident defendant’s “contacts with the forum state are so continuous and systematic as to render [the defendant] essentially at home in the forum State.” *Id.* 131 Nev. at 36, 342 P.3d at 1001-02 (alterations in original) (internal quotation marks omitted). “[S]pecific personal jurisdiction is proper only where the cause of



1 action arises from the defendant's contacts with the forum." *Id.* at 37, 342 P.3d at 1002 (internal  
2 quotation marks omitted). To make a prima facie showing of specific personal jurisdiction, a  
3 plaintiff must demonstrate that the nonresident defendant: (1) purposefully availed itself of the  
4 forum, (2) its activities or consequences thereof must be the basis of the cause of action, and (3)  
5 "those activities, or consequence thereof, must have a substantial enough connection with the  
6 forum state to make the exercise of jurisdiction over the defendant reasonable." *Id.* at 38, 342  
7 P.3d at 1002 (quoting *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458, 282 P.3d 751, 755  
8 (2012)).

9 "When a challenge to personal jurisdiction is made, the plaintiff has the burden of  
10 introducing competent evidence of essential facts which establish a prima facie showing that  
11 personal jurisdiction exists." *Trump v. Eighth Judicial Dist. Court*, 109 Nev. 687, 692, 857 P.2d  
12 740, 743 (1993) (internal quotations omitted). "The plaintiff must produce some evidence in  
13 support of all facts necessary for a finding of personal jurisdiction, and the burden of proof never  
14 shifts to the party challenging jurisdiction." *Id.* at 692, 857 P.2d at 744.

15 Here, Mr. Hernandez and Mrs. Suito object to, and challenge, the Court's exercise of  
16 personal jurisdiction over them. Both of them are nonresident defendants (residents of Arizona).  
17 See Affidavits of Service, on file herein. And neither Mr. Hernandez nor Mrs. Suito has had  
18 contacts with Nevada that would enable this Court to exercise general or specific jurisdiction  
19 over them. Thus, Mr. Hernandez and Mrs. Suito challenge Mr. Edwards to come forward with  
20 actual evidence establishing a prima facie showing that personal jurisdiction over them exists.  
21 Accordingly, absent such a showing, Mr. Hernandez and Mrs. Suito should be dismiss for lack of  
22 personal jurisdiction.

23 **B. MR. HERNANDEZ AND MRS SUITO SHOULD BE DISMISSED**  
24 **BECAUSE THE COMPLAINT FAILS TO STATE A CLAIM AGAINST**  
**THEM FOR WHICH RELIEF CAN BE GRANTED**

25 In the event this Court does not dismiss Mr. Hernandez and Mrs. Suito for lack of  
26 personal jurisdiction, they should be dismissed under NRCP 12(b)(5) for failure to state a claim  
27  
28

1 upon which relief can be granted. Mr. Hernandez and Mrs. Suito cannot be held individually  
2 liable for the debts, obligations, or liabilities of C4A under Arizona law.<sup>1</sup>

3 Under A.R.S. § 29–651 (1998):

4 a member, manager, employee, officer or agent of a limited liability  
5 company is not liable, solely by reason of being a member, manager, employee,  
6 officer or agent, for the debts, obligations and liabilities of the limited liability  
company whether arising in contract or tort, under a judgment, decree or order of  
a court or otherwise.

7 Here, Mr. Edwards alleges that Mr. Hernandez and Mrs. Suito are members, managers,  
8 officers, and agents of C4A. Complaint (“Compl.”), on file herein, at ¶¶ 122, 134. Mr. Edwards  
9 does not allege any factual allegations to suggest that Mr. Hernandez and Mrs. Suito personally  
10 committed any of the purported wrongdoing alleged in the Complaint. *See generally* Compl. To  
11 the contrary, all of the allegations made against Mr. Hernandez and Mrs. Suito relate to their  
12 association with C4A, or their roles as members, managers, officers, and agents of C4A. *Id.* As  
13 a chief example, Mr. Edwards does not allege that either Mr. Hernandez or Mrs. Suito personally  
14 made telephone calls. *Id.* And even if they had or if it was alleged, it would still be insufficient  
15 because such calls would clearly be undertaken in their capacities as members, managers,  
16 employees, officers, or agents of C4A. Consequently, because Mr. Hernandez and Mrs. Suito  
17 cannot be individually liable for the debts, obligations, or liabilities of C4A under Arizona law,  
18 the Complaint fails to state a claim against them upon which relief can be granted. Accordingly,  
19 the Court should dismiss them from the case with prejudice.

20 **C. MR. HERNANDEZ AND MRS. SUITO ARE ENTITLED TO A MORE**  
21 **DEFINITE STATEMENT**

22 For the sake of judicial economy, Mr. Hernandez and Mrs. Suito hereby incorporate by  
23 this reference the legal authorities and arguments set forth in C4A’s motion for a more definite  
24 statement.

25 \_\_\_\_\_  
26 <sup>1</sup> C4A is an Arizona limited liability company. Compl., at ¶ 40. Even if Nevada law applied, the result  
27 would be the same. NRS 86.371 (“Unless otherwise provided in the articles of organization or an  
28 agreement signed by the member or manager to be charged, no member or manager of any limited-  
liability company formed under the laws of this State is individually liable for the debts or liabilities of  
the company.”).

1 **III. CONCLUSION**

2 Mr. Hernandez and Mrs. Suito should be dismissed for lack of personal jurisdiction, for  
3 failure to state a claim against them upon which relief can be granted, or are entitled to a more  
4 definite statement so that they can reasonably prepare a response to the Complaint.

5 Dated this 11th day of September, 2019.

6 MARQUIS AURBACH COFFING

7  
8 By /s/ Chad F. Clement

9 Chad F. Clement, Esq.  
10 Nevada Bar No. 12192  
11 10001 Park Run Drive  
12 Las Vegas, Nevada 89145  
13 Telephone: (702) 382-0711  
14 Facsimile: (702) 382-5816  
15 cclement@maclaw.com  
16 *Attorneys for Defendants*  
17 *Cash4Asking, LLC; Eduardo Romay Hernandez;*  
18 *and Gladys Rionda Suito*  
19  
20  
21  
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24  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing DEFENDANTS EDUARDO ROMAY HERNANDEZ'S AND GLADYS RIONDA SUI TO'S MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION, MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED, AND MOTION FOR A MORE DEFINITE STATEMENT was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 11th day of September, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>2</sup>

Paul D.S. Edwards (pauldse@pauldsedwards.com)  
Plaintiff *pro se*

Brian Clark (bpc@clarkmccourt.com)

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Chad F. Clement  
Chad F. Clement, an employee of  
Marquis Aurbach Coffing

<sup>2</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRC P 5(b)(2)(D).



1 **Marquis Aurbach Coffing**  
2 Chad F. Clement, Esq.  
3 Nevada Bar No. 12192  
4 10001 Park Run Drive  
5 Las Vegas, Nevada 89145  
6 Telephone: (702) 382-0711  
7 Facsimile: (702) 382-5816  
8 cclement@maclaw.com  
9 *Attorneys for Defendants*  
10 *Cash4 Asking, LLC; Eduardo Romay Hernandez;*  
11 *and Gladys Rionda Suito*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 PAUL D.S. EDWARDS,

13 Plaintiff,

14 vs.

Case No.: A-19-799140-C  
Dept. No.: 23

**DEFENDANT CASH4ASKING, LLC'S**  
**MOTION FOR A MORE DEFINITE**  
**STATEMENT**

(HEARING REQUESTED)

15 TIMESHARE LIQUIDATORS, LLC,  
16 a/d/b/a TLC RESORT LIQUIDATORS,  
17 a/d/b/a TLC RESORTS VACATION CLUB,  
18 LLC, a/d/b/a TLC RESORTS VACATION  
19 CLUB, a/d/b/a TLC RESORTS, a/k/a  
20 TLCRESORTS.COM, a/d/b/a TLC TRAVEL,  
21 a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP  
22 VACATIONS, a/d/b/a VIP INTERNATIONAL,  
23 and CASH4ASKING, LLC, a/d/b/a  
24 CASH4ASKING.COM,  
25 and STANLEY C. MULLIS, a/k/a STANLEY  
26 MULLIS, a/k/a STAN MULLIS, and ANGEL C.  
27 MULLIS, a/k/a ANGEL MULLIS, a/k/a  
28 ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO  
GLADYS RIONDA a/k/a GLADYS C.  
RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a  
GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-  
XX, et al.,

Defendants.

**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

1 Defendant Cash4Asking, LLC (“C4A”), by and through its attorneys of record, the law  
2 firm of Marquis Aurbach Coffing, hereby moves this Court under NRCP 12(e) for a more  
3 definite statement of the Complaint. This motion is made and based upon the pleadings and  
4 papers on file herein, the attached memorandum of points and authorities, and any oral argument  
5 the Court permits at the time of hearing on the matter.

6 Dated this 11th day of September, 2019.

7  
8 MARQUIS AURBACH COFFING

9  
10 By /s/ Chad F. Clement

11 Chad F. Clement, Esq.  
12 Nevada Bar No. 12192  
13 10001 Park Run Drive  
14 Las Vegas, Nevada 89145  
15 Telephone: (702) 382-0711  
16 Facsimile: (702) 382-5816  
17 cclement@maclaw.com  
18 *Attorneys for Defendants*  
19 *Cash4Asking, LLC; Eduardo Romay Hernandez;*  
20 *and Gladys Rionda Suito*

1                                    **MEMORANDUM OF POINTS AND AUTHORITIES**

2                    “A party may move for a more definite statement of a pleading to which a responsive  
3 pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare  
4 a response.” NRCP 12(e). A plaintiff’s complaint must contain “a short and plain statement of  
5 the claim showing that the pleader is entitled to relief” and “a demand for the relief sought[.]”  
6 NRCP 8(a). “Each allegation must be simple, concise, and direct.” NRCP 8(d)(1). Long,  
7 confusing, or unclear complaints “impose unfair burdens on litigants and judges.” *McHenry v.*  
8 *Renne*, 84 F.3d 1172, 1179 (9th Cir. 1996) (explaining that defendants and courts could disagree  
9 on what claims are being alleged or risk surprises from the plaintiff later on in the case).

10                   Here, the Complaint is excessively long—106 pages, with over 252 paragraphs of  
11 allegations. Compl., at 1-106, on file herein. It is unreasonably difficult, if not impossible, to  
12 understand precisely what is being alleged against whom, both factually and legally, for a  
13 number of reasons. *See generally id.*

14                   First, the Complaint consistently lumps all of the defendants together, making it  
15 impossible to decipher exactly who Mr. Edwards is claiming did what. *See generally id.*

16                   Second, it contains quotations, citations, and references to various statutes and legal  
17 authorities throughout the entirety of the Complaint (i.e., in the introduction, in the factual  
18 allegations, etc., and not just in the claims for relief), rendering it unreasonably difficult to  
19 determine whether Plaintiff Paul Edwards (“Mr. Edwards”) is simply alleging those for context  
20 or background, or whether he is actually alleging that the defendants violated those laws, and if  
21 so, which ones. *See generally id.* at ¶¶ 1-226.

22                   Third, the Complaint contains imprecise citations to statutory sections in the section on  
23 claims for relief, making it unreasonably difficult to evaluate precisely what sections or  
24 subsections Mr. Edwards alleges defendants’ violated. *See generally id.* at ¶¶ 227-229. In this  
25 kind of litigation, where nearly all of the claims are statutory creatures, understanding precisely  
26 which statutory sections are claimed to have been violated is everything because the statutory  
27 language governs the defense, as well as the affirmative defenses that are unique to particular  
28 statutes.

1 Fourth, the Complaint contains verbose, repetitive, conclusory, and confusing allegations  
2 that make it unreasonable to prepare a response to. *See generally id.*

3 Accordingly, Mr. Edwards should be required to file an amended complaint that contains  
4 a short and plain statement of his claims, and simple, concise, and direct allegations of who  
5 factually did what and precisely what statutory sections they violated, so that C4A can prepare a  
6 response to the Complaint.

7 Dated this 11th day of September, 2019.

8  
9 MARQUIS AURBACH COFFING

10  
11 By /s/ Chad F. Clement  
12 Chad F. Clement, Esq.  
13 Nevada Bar No. 12192  
14 10001 Park Run Drive  
15 Las Vegas, Nevada 89145  
16 Telephone: (702) 382-0711  
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18 cclement@maclaw.com  
19 Attorneys for Defendants  
20 Cash4Asking, LLC; Eduardo Romay Hernandez;  
21 and Gladys Rionda Suito  
22  
23  
24  
25  
26  
27  
28



**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing DEFENDANT CASH4ASKING, LLC'S MOTION FOR A MORE DEFINITE STATEMENT was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 11th day of September, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

Paul D.S. Edwards (pauldse@pauldsedwards.com)  
Plaintiff *pro se*

Brian Clark (bpc@clarkmccourt.com)

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Chad F. Clement  
Chad F. Clement, an employee of  
Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCp 5(b)(2)(D).



1 **Marquis Aurbach Coffing**  
2 Chad F. Clement, Esq.  
3 Nevada Bar No. 12192  
4 10001 Park Run Drive  
5 Las Vegas, Nevada 89145  
6 Telephone: (702) 382-0711  
7 Facsimile: (702) 382-5816  
8 cclement@maclaw.com  
9 *Attorneys for Defendants*  
10 *Cash4 Asking, LLC; Eduardo Romay Hernandez;*  
11 *and Gladys Rionda Suito*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 PAUL D.S. EDWARDS,

13 Plaintiff,

14 vs.

Case No.: A-19-799140-C  
Dept. No.: 23

**INITIAL APPEARANCE FEE**  
**DISCLOSURE**

15 TIMESHARE LIQUIDATORS, LLC,  
16 a/d/b/a TLC RESORT LIQUIDATORS,  
17 a/d/b/a TLC RESORTS VACATION CLUB,  
18 LLC, a/d/b/a TLC RESORTS VACATION  
19 CLUB, a/d/b/a TLC RESORTS, a/k/a  
20 TLCRESORTS.COM, a/d/b/a TLC TRAVEL,  
21 a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP  
22 VACATIONS, a/d/b/a VIP INTERNATIONAL,  
23 and CASH4ASKING, LLC, a/d/b/a  
24 CASH4ASKING.COM,  
25 and STANLEY C. MULLIS, a/k/a STANLEY  
26 MULLIS, a/k/a STAN MULLIS, and ANGEL C.  
27 MULLIS, a/k/a ANGEL MULLIS, a/k/a  
28 ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO  
GLADYS RIONDA a/k/a GLADYS C.  
RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a  
GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-  
XX, et al.,

Defendants.

**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above-entitled action as indicated below:

CASH4ASKING, LLC.....	\$223.00
EDUARDO ROMAY HERNANDEZ.....	\$30.00
GLADYS RIONDA SUITO .....	\$30.00
<b>TOTAL REMITTED.....</b>	<b>\$283.00</b>

Dated this 11th day of September, 2019.

MARQUIS AURBACH COFFING

By /s/ Chad F. Clement  
Chad F. Clement, Esq.  
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*Cash4Asking, LLC; Eduardo Romay*  
*Hernandez; and Gladys Rionda Suito*

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\*\*\*\*



Paul Edwards, Plaintiff(s)

Case No.: A-19-799140-C

vs.

Timeshare Liquidators, LLC, Defendant(s)

Department 23

**NOTICE OF HEARING**

Please be advised that the Defendant Cash4asking, LLC's Motion for a More Definite Statement; Eduardo Romay Hernandez's and Gladys Rionda Suito's Motion to Dismiss for Lack of Personal Jurisdiction, Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted, and Motion for a More Definite Statement in the above-entitled matter is set for hearing as follows:

**Date:** October 29, 2019

**Time:** 9:30 AM

**Location:** RJC Courtroom 12C  
Regional Justice Center  
200 Lewis Ave.  
Las Vegas, NV 89101

**NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.**

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Patricia Azucena-Preza  
Deputy Clerk of the Court

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Patricia Azucena-Preza  
Deputy Clerk of the Court



1 **IAFD**  
2 **BRIAN P. CLARK**  
3 Nevada Bar No. 4236  
4 **LUKAS B. McCOURT**  
5 Nevada Bar No. 11839  
6 **CLARK MCCOURT**  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
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11 [bpc@clarkmccourt.com](mailto:bpc@clarkmccourt.com)  
12 [lmccourt@clarkmccourt.com](mailto:lmccourt@clarkmccourt.com)  
13 Attorneys for Defendants Timeshare Liquidators, LLC  
14 Stanley Mullis and Angel Mullis

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 **PAUL D.S. EDWARDS,**

12 **Plaintiff,**

13 **v.**

14 **TIMESHARE LIQUIDATORS, LLC, a/d/b/a**  
15 **TLC RESORT LIQUIDATORS, a/d/b/a TLC**  
16 **RESORTS VACATION CLUB, LLC, a/d/b/a**  
17 **TLC RESORTS VACATION CLUB, a/d/b/a**  
18 **TLC RESORTS, a/k/a TLCRESORTS.COM,**  
19 **a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP**  
20 **TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a**  
21 **VIP INTERNATIONAL, and CASH4ASKING,**  
22 **LLC, a/d/b/a CASH4ASKING.COM, and**  
23 **STANLEY C. MULLIS, a/k/a STANLEY**  
24 **MULLIS, a/k/a STAN MULLIS, and ANGEL C.**  
25 **MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL**  
26 **SANTILLI, and EDUARDO ROMAY**  
27 **HERNANDEZ, a/k/a EDUARDO L**  
28 **ROMAYHERNANDEZ, a/k/a EDUARDO**  
**ROMAY, a/k/a EDUARDO L. ROMAY**  
**HERNANDEZ, a/k/a HERNANDEZ**  
**EDUARDO ROMAY, a/k/a HERNANDEZ**  
**EDUARDO L ROMAY, a/k/a EDUARDO**  
**ROMAY, a/k/a MR EDUARDO L. ROMAY,**  
**and GLADYS C. RIONDA, a/k/a SUITO**  
**GLADYS RIONDA, a/k/a GLADYS C. RIODA-**  
**SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS**  
**RIONDA SUITO, and DOES I-X, and ROE**  
**CORPORATIONS XI-XX, et al.**

27 **Defendants.**

Case No. A-19-799140-C  
Dept. No. XXIII


**INITIAL APPEARANCE FEE  
DISCLOSURE**

1 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for  
2 parties appearing in the above entitled action as indicated below:

3	TIMESHARE LIQUIDATORS, LLC	\$ 223.00
4	STANLEY C. MULLIS	\$ 30.00
5	ANGEL C. MULLIS	<u>\$ 30.00</u>
6	<b>TOTAL REMITTED</b>	<b>\$ 283.00</b>

7  
8 DATED this 12<sup>th</sup> day of September, 2019.


9 CLARK MCCOURT

10   
11 Brian F. Clark  
12 Nevada Bar No. 4236  
13 7371 Prairie Falcon Road, Suite 120  
14 Las Vegas, NV 89128  
15 Attorneys for Defendants Timeshare Liquidators, LLC  
16 Stanley Mullis and Angel Mullis

17 **CERTIFICATE OF SERVICE**

18 I certify that on the 12<sup>th</sup> day of September, 2019, I served a true and correct copy of  
19 **INITIAL APPEARANCE FEE DISCLOSURE** on the following parties/individuals via the  
20 court's electronic filing and service provider, Odyssey.

21 PAUL D.S. EDWARDS  
22 713 Wheat Ridge Lane, Unit 203  
23 Las Vegas, NV 89145  
24 Plaintiff in proper person

25   
26 An employee of Clark McCourt  
27  
28



AACC  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
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Attorneys for Defendants Timeshare Liquidators, LLC  
Stanley Mullis and Angel Mullis

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D.S. EDWARDS,  
Plaintiff,

Case No. A-19-799140-C  
Dept. No. XXIII

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a  
TLC RESORT LIQUIDATORS, a/d/b/a TLC  
RESORTS VACATION CLUB, LLC, a/d/b/a  
TLC RESORTS VACATION CLUB, a/d/b/a  
TLC RESORTS, a/k/a TLCRESORTS.COM;  
a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS, a/d/b/a VIP  
INTERNATIONAL, and CASH4ASKING,  
LLC, a/d/b/a CASH4ASKING.COM, and  
STANLEY C. MULLIS, a/k/a STANLEY  
MULLIS, a/k/a STAN MULLIS, and ANGEL  
C. MULLIS, a/k/a ANGEL MULLIS, a/k/a  
ANGEL SANTILLI, and EDUARDO ROMAY  
HERNANDEZ, a/k/a EDUARDO L. ROMAY  
HERNANDEZ, a/k/a EDUARDO ROMARY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L. ROMAY,  
a/k/a EDUARDO ROMAY, a/k/a MR  
EDUARDO L. ROMAY, and GLADYS C.  
RIONDA, a/k/a SUI TO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO, a/k/a  
GLADYS SUI TO, a/k/a GLADYS RIONDA  
SUITO, and DOES I-X, and ROE  
CORPORATIONS XI-XX, et al,

Defendants.





1           2.       Answering the allegations of paragraphs 6, 7, 51, 76, 77, 78, 79, 80, 81, 82, 83, 110,  
2 111, 112, 113, 114, 15, 116, 117, 176, 177, 178, 181, 182, 184, 185, 189, 190, 193, 194, 195, 196,  
3 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 217,  
4 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237,  
5 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, and 251 of Plaintiff's Complaint, these answering  
6 Defendants state that the allegations are merely legal conclusions unsupported by factual allegations  
7 for which no response is required. All factual allegations are denied.

8           3.       Answering the allegations of paragraphs 8, 9, 10, 38, 40, 41, 42, 85, 119, 122, 123,  
9 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143,  
10 144, 145, 146, 147, 148, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165,  
11 168, 172, 174, 186, 187, 188, 216, and 248 of Plaintiff's Complaint, these answering Defendants  
12 lack knowledge or information sufficient to form a belief about the truth of the allegations set forth  
13 in these paragraphs.

14           4.       Answering the allegations of paragraph 11 of Plaintiff's Complaint, these answering  
15 Defendants admit that Timeshare Liquidators, LLC is a limited liability company organized under  
16 the laws of the State of Nevada. Timeshare Liquidators, LLC admits that at certain times, all prior  
17 to the allegations contained in the Complaint, that it used the following "doing business as" names:

18                   TLC Resort Liquidators;  
19                   TLC Resorts Vacation Club;  
20                   TLC Resorts;  
21                   TLC Travel;  
                    Highway Challenge;  
                    Vegas Challenge.

22           Defendant Timeshare Liquidators, LLC denies using "TLC" as and "a/d/b/a" designation,  
23 but admits that "TLC" may be used by some as an abbreviation for one or more of the above  
24 "a/d/b/a" designations.

25           Defendant Timeshare Liquidators, LLC denies using TLCRESORTS.COM as an "a/d/b/a"  
26 designation but admits that the internet web address is related to Timeshare Liquidators, LLC.

27           ///

28           ///

1 Defendant Timeshare Liquidators, LLC denies using the following “doing business as”  
2 designations:

3 TLC Resort Liquidators, LLC;  
4 TLC Resort Vacation Club, LLC;  
5 VIP Travel;  
6 VIP Vacations;  
7 VIP International.

8 Defendant Timeshare Liquidators, LLC denies using any of the alleged “a/d/b/a” names in  
9 relation to Plaintiff.

10 5. Answering the allegations of paragraphs 12, 14, and 17 of Plaintiff’s Complaint,  
11 these answering Defendants admit the allegations.

12 6. Responding to the allegations of paragraph 13 of Plaintiff’s Complaint, these  
13 answering Defendants state that the allegations pre-date the allegations of telephone calls, have  
14 nothing to do with the alleged telephone calls, and that the allegations, in whole or in part, were  
15 previously stricken from Plaintiff’s prior complaint pursuant to NRCP 12. Based on the court’s  
16 prior ruling, no other response will be made to paragraph 13.

17 7. Answering the allegations of paragraphs 15, 20, 28, 44, 45, 46, 47, 48, 50, 52, 55, 57,  
18 58, 59, 61, 62, 63, 64, 65, 66, 71, 72, 89, 90, 91, 92, 93, 94, 96, 97, 98, 107, 121, 150, 166, 167,  
19 169, 170, 171, 173, 175, 179, 180, 183, 191, 192, 249, and 250 of Plaintiff’s Complaint, these  
20 answering Defendants deny the allegations.

21 8. Answering the allegations of paragraph 16 of Plaintiff’s Complaint, these answering  
22 Defendants lack knowledge or information sufficient to form a belief about the truth of the  
23 allegations and deny the inferences of Plaintiff’s allegations based on the attached exhibit.

24 9. Answering the allegations of paragraphs 18, 19, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37,  
25 39, 43, 53, 67, 68, 69, 70, 73, 74, 75, 84, 86, 87, 99, 100, 101, 102, 103, 104, 105, 106, 108, 109,  
26 118, and 120 of Plaintiff’s Complaint these answering Defendants refer Plaintiff to the general  
27 objections above, and based on the prior court orders and rulings in Case No. A-18-776375-C, and  
28 based on the vague and confusing nature of the allegations addressed to multiple individuals and  
business entities, or addressed to unidentified entities not made parties to the case, in violation of  
NRCP 19, and based on the unsupported conclusory allegations presented as fact, these answering

1 Defendants lack knowledge or information sufficient to form a belief about the truth of the  
2 allegations.

3 10. Answering the allegations of paragraphs 19, 20, 21, 23, 24, 25, and 26 of Plaintiff's  
4 Complaint, these answering Defendants state that the allegations are so vague and confusing,  
5 referring to the conduct of a non-party, and based on the unsupported conclusory allegations  
6 presented as fact, these answering Defendants lack knowledge or information sufficient to form a  
7 belief about the truth of the allegations. Additionally, Plaintiff's prior claims involving the Plaza  
8 Hotel & Casino, LLC were dismissed with admonitions to Plaintiff about his improper pleading.

9 11. Answering the allegations of paragraph 49, these answering Defendants state that the  
10 allegations in the paragraph are unintelligible and that Defendants lack knowledge or information  
11 sufficient to form a belief about the truth of the allegations.

12 12. Answering the allegations of paragraphs 54 and 60, these answering Defendants state  
13 that the allegations are the subject of prior court rulings and constitute evidence of Plaintiff's  
14 intentional misrepresentations and abuse of process. Stanley Mullis admits that he is a member of  
15 Timeshare Liquidators, LLC. All other allegations are denied.

16 13. Answering the allegations of paragraphs 56, these answering Defendants state that  
17 the allegations are the subject of prior court rulings and evidence of Plaintiff's intentional  
18 misrepresentations and abuse of process. Stanley Mullis admits that he is the manager of TLC  
19 Resorts Vacation Club, LLC. All other allegations are denied.

20 14. Answering the allegations of paragraphs 88 and 95, these answering Defendants state  
21 that the allegations are the subject of prior court rulings and constitute evidence of Plaintiff's  
22 intentional misrepresentations and abuse of process. Angel Mullis admits that she is a member of  
23 Timeshare Liquidators, LLC. All other allegations are denied.

24 15. Responding to paragraphs 149, 252 and 253, these answering Defendants state that  
25 there are no allegations present in the paragraphs.

26 WHEREFORE, the answering Defendants pray that Plaintiff take nothing by way of his  
27 Complaint, that the same be dismissed and that Defendants be awarded their fees and costs in the  
28 defense of this frivolous matter.

## AFFIRMATIVE DEFENSES

1. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff cannot create a justiciable dispute by misrepresentation and fraud.
3. Plaintiff's claim is barred by Plaintiff's unclean hands.
4. Plaintiff's claims for fraud and allegations of fraudulent conduct have not been pled with particularity as required by FRCP 9.
5. Any award of punitive damages based upon vague and undefined standards of liability would violate the Due Process Clause of the Fourteenth Amendment, U. S. Const. Amend. XIV, Section 1, and the laws of the State of Nevada.
6. Any award of punitive damages based upon any standard of proof less than "clear and convincing" evidence would violate the Due Process Clause of the Fourteenth Amendment of the United States Constitution, and the laws of the State of Nevada.
7. Any award of punitive damages would violate these answering Defendants' rights to equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution and the laws of the State of Nevada, as the absence of adequate and objective standards for the assessment of punitive damages fails to ensure the equality of treatment between similarly situated civil defendants.
8. Any award of punitive damages would violate the Commerce Clause of Article I of the United States Constitution, constituting an undue and unreasonable burden on interstate commerce, and to the extent it punishes acts or omissions which have occurred outside of state boundaries.
9. Any award of punitive damages would violate Defendants' rights under the contract clause of the United States Constitution and the laws of the State of Nevada, as it would impair the contractual obligations of the parties to this action, if any.
10. An award of punitive damages in this action would contravene the constitutional prohibitions against *ex post facto* laws.
11. Plaintiff's claims for punitive damages violate the Eighth Amendment's guarantee that excessive fines shall not be imposed.

- 1 12. Answering Defendants did not act with malice or reckless disregard for Plaintiff's  
2 rights.
- 3 13. Plaintiff's alleged damages arising from the conduct alleged in the Complaint were  
4 caused in whole or in part, or were contributed to by reason of the actions of the  
5 Plaintiff.
- 6 14. Plaintiff has failed and refused to comply with court rules and pleading requirements,  
7 thus requiring Plaintiff's pleading to be stricken.
- 8 15. Estoppel.
- 9 16. Waiver.
- 10 17. Claim preclusion.
- 11 18. Issue preclusion.
- 12 19. Defendants assert that any alleged conduct or omission by any Defendant was not the  
13 cause in fact or proximate cause of any injury alleged by Plaintiff.
- 14 20. Defendants did not breach any duty or obligation owed to Plaintiff.
- 15 21. Defendants have not violated any statute.
- 16 22. Plaintiff has improper motives for bringing suit, other than to resolve a dispute.
- 17 23. Plaintiff is a professional litigant and manufactured this law suit to maintain his  
18 standard of living.
- 19 24. Plaintiff's conduct bars recovery.
- 20 25. Plaintiff has violated the provisions of NRCP 11 in bringing these false and frivolous  
21 claims.
- 22 26. Plaintiff's claims are intentionally false and misleading, and are brought by Plaintiff  
23 for the sole purpose to harass and extort money from Defendants.
- 24 27. Plaintiff's damages, if any, are offset against any and all damages that the Plaintiff  
25 has caused to Defendant, including Defendant's attorney's fees as special damages.
- 26 28. Plaintiff has ratified, consented to and/or acquiesced in the alleged acts and conduct  
27 of Defendants.
- 28 29. Failure to name an indispensable party.

30. Res judicata.

31. Pursuant to NRCP 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of the Answer to the Complaint; therefore Defendants reserve the right to amend their answer and affirmative defenses as discovery progresses if the subsequent investigation warrants.

## COUNTER-CLAIMS

Timeshare Liquidators, LLC, through its attorneys of record, the law offices of Clark McCourt, and for its counter-claims against Paul D.S. Edwards alleges as follows.

1. Timeshare Liquidators, LLC is a Nevada limited liability company operating its business in Las Vegas, Clark County, Nevada.

2. Upon information and belief, Counter-Defendant Paul D.S. Edwards is a resident of Las Vegas, Clark County, Nevada.

3. The true names of DOE COUNTER-DEFENDANTS I through X, their citizenship and capacities, whether individual, corporate, associate, partnership or otherwise, are unknown to Counter-claimant, who therefore sues these DOE COUNTER-DEFENDANTS by such fictitious names. Counter-claimant is informed and believes, and therefore alleges, that each of the counter-defendants, designated as DOE COUNTER-DEFENDANTS I through X, are those that are assisting Plaintiff in his improper and violative pursuits, including attorneys or paralegals that assist Plaintiff in the preparation of documents or that may “ghost write” Plaintiff’s legal papers, and/or individuals who have joined internet or other groups that formulate and conspire to manufacture statutory violation claims for financial gain. Counter-claimant will ask leave of this Court to amend the Counter-claims to insert the true names and capacities of such DOE COUNTER-DEFENDANTS, when the same have been ascertained, and to join them in this action, together with the proper charges and allegations.

1           4.       Counter-Defendant filed the current action on July 25, 2019.

2           5.       Counter-Defendant's current action is based on Plaintiff's claims that he received at  
3 least 30 unsolicited telephone calls over the period March 5, 2018 to April 4, 2019. (Complaint at  
4 pp. 51-79.)

5           6.       This same alleged occurrences are the basis of Plaintiff's Complaint filed in Case  
6 No. A-18-776375-C, ("Original Action") filed June 16, 2018.

7           7.       In the Original Action Plaintiff actually sued, or filed a motion to amend to name, the  
8 same parties that are named in the current action.

9           8.       The Original Action is still pending in the District Court, Clark County, Nevada, in  
10 Department XXVII.

11          9.       Legal proceedings in the Original Action included:

12           a.       Removal of the Original Action to the United States District Court, District of  
13 Nevada based on federal question jurisdiction.

14           b.       Based on Plaintiff's repeated representations, verbal and written, that Plaintiff  
15 was not pursuing any claim based on federal law or regulations, the parties  
16 stipulated for the remand of the case to state court.

17           c.       Motion To Dismiss the Complaint along with a Motion For More Definite  
18 Statement and Motion For Evidentiary Hearing filed October 31, 2018. The  
19 court granted Defendants' motion to dismiss, allowing amendment on some  
20 issues but not on other issues, and granted Defendants' motion for a more  
21 definite statement. A written order was filed January 14, 2019.

22           d.       Dismissal was granted and entered in favor of individual defendants Stanley  
23 Mullis, Angel Mullis, Jonathan Jossel and Michael Pergolini, and also in  
24 favor of corporate entity Plaza Hotel.

25           e.       After the motion for more definite statement was granted Plaintiff refused to  
26 amend his defective pleading as required by NRCP 12.

27       ///

28       ///

- 1 f. Plaintiff demanded, upon threat of default, that the sole remaining Defendant  
2 in the Original Action, Timeshare Liquidators, LLC, answer the defective and  
3 mostly dismissed original Complaint. Timeshare Liquidators, LLC answered  
4 Plaintiff's original Complaint on February 6, 2019.
- 5 g. The NRCP 16.1 early case conference was conducted February 20, 2019.
- 6 h. On February 19, 2019, as a result of Plaintiff's refusal to comply with court  
7 rules, NRCP 12(e), and the court's January 14, 2019 order, Timeshare  
8 Liquidators, LLC filed a Motion To Strike pursuant to NRCP 12(e). The  
9 motion to strike was denied, but Plaintiff was ordered to file an amended  
10 complaint on or before April 17, 2019.
- 11 i. Plaintiff's filed his First Amended Complaint in the Original Action April 17,  
12 2019.
- 13 j. On April 24, 2019, the court conducted the mandatory NRCP 16 conference.
- 14 k. The First Amended Complaint was so replete with errors, defects and  
15 violations of the court's prior order that Timeshare Liquidators, LLC was  
16 compelled to file a Motion To Dismiss, Motion For More Definite Statement,  
17 and Motion To Strike the First Amended Complaint on May 1, 2019.
- 18 l. The parties began to exchange written discovery on May 12, 2019.
- 19 m. The hearing on the motion to dismiss the First Amended Complaint was held  
20 on June 19, 2019, and the court issued an order granting the motion to  
21 dismiss in its entirety on August 6, 2019.
- 22 n. On June 5, 2019, while the motion to dismiss the First Amended Complaint  
23 was pending, Plaintiff filed a Second Amended Complaint without first  
24 obtaining leave of court. The Second Amended Complaint raised new causes  
25 of action, named new parties (including the defendants named in the current  
26 action), and renamed some of the original Defendants that had been  
27 dismissed from the action without leave to amend.
- 28



- 1 o. After the parties exchanged telephone calls and emails on the issue of the  
2 appropriateness of filing a second amended complaint without leave of court,  
3 Plaintiff's refusal to withdraw the fugitive document, requiring Timeshare  
4 Liquidator, LLC to prepare and serve a motion for NRCP 11 sanctions.
- 5 p. On June 20, 2019, Plaintiff withdrew his Second Amended Complaint.
- 6 q. Plaintiff did not properly respond to Timeshare Liquidators, LLC's written  
7 discovery, necessitating the filing of a motion to compel discovery on June  
8 20, 2019.
- 9 r. On June 20, 2019, Plaintiff file a motion for leave to amend to file a Second  
10 Amended Complaint naming the Defendants in the current action.
- 11 s. On July 16, 2019, even though Timeshare Liquidators, LLC had answered the  
12 original complaint in February, Plaintiff filed a Notice of Voluntary Dismissal  
13 in violation of NRCP 41.
- 14 t. Because Plaintiff filed a Notice of Voluntary Dismissal the July 24, 2019  
15 hearing on Timeshare Liquidators, LLC's motion to compel discovery was  
16 removed from the court's calendar.
- 17 u. Plaintiff's stated purpose in filing the dismissal was to get a different judge  
18 assigned to his case.
- 19 v. On July 25, 2019, Plaintiff Edwards filed a the current action naming the  
20 same parties identified in his Second Amended Complaint (see Case No. A-  
21 19-799140-C).
- 22 w. On August 27, 2019, a formal order granting Timeshare Liquidators, LLC's  
23 motion to dismiss the First Amended Complaint was filed and notice of entry  
24 was served.
- 25 x. On August 30, 2019, Plaintiff filed a Notice of Appeal falsely representing  
26 that the order granting Timeshare Liquidators, LLC's motion to dismiss the  
27 First Amended Complaint dismiss the entire Original Action.
- 28

1           10. Counter-defendant had an ulterior purpose, other than resolving a legal dispute, when  
2 he filed the current action.

3           11. Counter-defendant's act of filing suit, based on the same factual allegations, when  
4 another action was already pending before the court on the same facts, was not proper in the regular  
5 conduct of the proceeding.

6           12. Counter-defendant's act of filing the current suit after the two separate motions to  
7 dismiss claims and parties had been granted in the Original Action was not proper in the regular  
8 conduct of the proceeding.

9           13. Counter-defendant's act of filing the current suit without leave of court to amend the  
10 Original Action, and renaming parties that were dismissed from the Original Action, was not proper  
11 in the regular conduct of the proceeding.

12           14. Counter-defendant's act of intentional misrepresentation in his Notice of Appeal,  
13 that the Original Action had been entirely dismissed, was not proper in the regular conduct of the  
14 proceeding.

15           15. As a result of Counter-defendants' actions, Counter-claimant has been damaged in an  
16 amount in excess of \$15,000.

17           16. The conduct of Counter-defendant was intentional and performed with malice, with  
18 the conscious disregard of, and a willful and deliberate failure to avoid, the probable and actual  
19 harmful consequences that would result to Timeshare Liquidators, LLC in defending a second law  
20 suit based on the same factual presentation.

21           17. The conduct of Counter-defendant was intentional; Counter-defendant intended to  
22 harass Timeshare Liquidators, LLC and to needlessly increase the costs of the litigation with the  
23 intent to extort a settlement on Plaintiff's claims.

24           18. As a result of the intentional and malicious conduct of the Counter-defendant,  
25 punitive damages should be awarded.

26 ///

27 ///

28 ///

1 WHEREFORE,  
2 Counter-claimant prays for judgment against Counter-defendant and seeks compensatory  
3 damages, including attorneys fees as special damages, punitive damages, costs of suit and  
4 prejudgment interest.

5 DATED this 12<sup>th</sup> day of September, 2019.

6 CLARK MCCOURT

7 

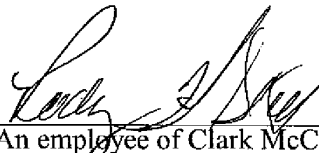
8 Brian P. Clark  
9 Nevada Bar No. 4236  
10 7371 Prairie Falcon Road, Suite 120  
11 Las Vegas, NV 89128  
12 Attorneys for Defendants

13 **CERTIFICATE OF SERVICE**

14 I certify that on the 12<sup>th</sup> day of September, 2019, I served a true and correct copy of  
15 **DEFENDANTS' TIMESHARE LIQUIDATORS, LLC'S, STANLEY MULLIS' AND ANGEL**  
16 **MULLIS' ANSWER TO COMPLAINT AND COUNTERCLAIMS FOR DAMAGES** on the  
17 following parties/individuals via the court's electronic filing and service provider, Odyssey.

18 PAUL D.S. EDWARDS  
19 713 Wheat Ridge Lane, Unit 203  
20 Las Vegas, NV 89145  
21 Plaintiff in proper person

22 Chad F. Clement  
23 MARQUIS AURBACH COFFING  
24 10001 Park Run Drive  
25 Las Vegas, NV 89145  
26 Attorneys for Cash4Asking, LLC; Eduardo  
27 Romay Hernandez; and Gladys Rionda Suito

28   
An employee of Clark McCourt



1 **DSST (CIV)**  
2 PAUL D.S. EDWARDS,  
3 713 Wheat Ridge Lane, Unit 203,  
4 Las Vegas, Nevada 89145  
5 Landline Telephone: 702.341.1776  
6 Cellular Telephone: 702.893.1776  
7 Email: pauldse@pauldsedwards.com  
8 Plaintiff *pro se*

9 **DISTRICT COURT,**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D.S. EDWARDS,

12 **Plaintiff,**

13 **vs.**

14 TIMESHARE LIQUIDATORS, LLC,  
15 a/d/b/a TLC RESORT LIQUIDATORS,  
16 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
17 a/d/b/a TLC RESORTS VACATION CLUB,  
18 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
19 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
20 a/d/b/a VIP VACATIONS,  
21 a/d/b/a VIP INTERNATIONAL,  
22 and CASH4ASKING, LLC,  
23 a/d/b/a CASH4ASKING.COM,  
24 and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
25 a/k/a STAN MULLIS,  
26 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
27 a/k/a ANGEL SANTILLI,  
28 and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT NO.: XXVIII**

**DISCLOSURE STATEMENT  
PURSUANT TO NEV. R. CIV. P., RULE 7.1(a)**

1 For the Plaintiff, there are no known interested parties other than Plaintiff PAUL D.S.  
2 EDWARDS participating in the case.

3 DATED this 18th day of September 2019.

4 PAUL D.S. EDWARDS,

5 /s/ Paul D.S. Edwards

6 PAUL D.S. EDWARDS,  
7 713 Wheat Ridge Lane, Unit 203,  
8 Las Vegas, Nevada 89145  
9 Landline Telephone: 702.341.1776  
10 Cellular Telephone: 702.893.1776  
11 Email: pauldse@pauldsedwards.com  
12 Plaintiff, *pro se*

13 **CERTIFICATE OF E-SERVICE**

14 I HEREBY CERTIFY that, on the 18th day of September 2019, pursuant to the Nevada  
15 Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-filed and e-served  
16 a true and correct copy of the following document:

17 1. Disclosure Statement Pursuant to Nev. R. Civ. P., Rule 7.1(a)  
18 to the following:

19 Brian P. Clark, CLARK MCCOURT  
20 bpc@clarkmccomi.com

21 Chad F. Clement, MARQUIS AURBACH COFFING  
22 cclement@maclaw.com

23  
24 

25 Designee for Plaintiff



1 **OPPM (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
7 Cellular Telephone: 702.893.1776  
8 Email: pauldse@pauldsedwards.com

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**DISTRICT COURT,  
CLARK COUNTY, NEVADA**

PAUL D.S. EDWARDS,

**Plaintiff,**

**vs.**

TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS,  
a/d/b/a VIP INTERNATIONAL,  
and CASH4ASKING, LLC,  
a/d/b/a CASH4ASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.:** A-19-799140-C

**DEPT. NO.:** XXIII

**Date of Hearing:** October 29, 2019

**Time of Hearing:** 9:30 a.m.

**OPPOSITION TO DEFENDANT CASH4ASKING, LLC'S  
MOTION FOR A MORE DEFINITE STATEMENT**

I.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**1. Introduction:**

This lawsuit stems from Defendants' *illegal actions* of causing (either individually or in consort with others, and either directly or indirectly) [a minimum of] thirty (30)<sup>1</sup> *unsolicited*,<sup>2</sup> *deceptive, and illegal* telemarketing<sup>3</sup> and solicitation<sup>4</sup> telephone calls to Plaintiff's landline (residential/wired), and wireless (cellular) telephone numbers (702.341.1776/702.893.1776, respectively)—without first obtaining Plaintiff's written permission<sup>5</sup> to call Plaintiff.

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<sup>1</sup>See Complaint, Pge. 52, ¶¶ 17-24; Pge. 77, ¶¶ 14-19; and Pge. 78, ¶¶ 1-9.

<sup>2</sup>47 C.F.R. § 64.1200(15) The term unsolicited advertisement means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission, in writing or otherwise. Also see NRS 228.530— "Unsolicited telephone call for the sale of goods or services" means an unsolicited telephone call, other than a telephone call on behalf of a charitable organization, religious organization or political organization, to: (a) Rent, lease, sell, exchange, promote or gift any good or service; (b) Solicit any act described in paragraph (a). Also see 47 U.S.C. § 227(a)(5).

<sup>3</sup>The FCC's rules define "telemarketing" as "the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person." The rules define "advertisement" as "any material advertising the commercial availability or quality of any property, goods or services." All calls (and text messages) subject to the prohibition that meet these definitions will be subject to the new "prior express written consent" requirement. See Telemarketing Sales Rule ("**TSR**"), 16 C.F.R. 310.

<sup>4</sup>47 C.F.R. § 64.1200(14)(f) The term telephone solicitation means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message:

- (i) To any person with that person's prior express invitation or permission;
- (ii) To any person with whom the caller has an established business relationship; or
- (iii) By or on behalf of a tax-exempt nonprofit organization.

Also see, 47 U.S.C. § 227(a)(4).

<sup>5</sup>**The written agreement** shall include a clear and conspicuous disclosure informing the person signing that: **(i)** By executing the agreement, such person authorizes the seller to deliver or cause to be delivered to the signatory telemarketing calls using an automatic telephone dialing system or an artificial or prerecorded voice; and **(ii)** The person is not required to sign the agreement (directly or indirectly), or agree to enter into such an agreement as a condition of purchasing any property, goods or services. Finally, the definition notes that "the term 'signature' shall include an electronic or digital form of signature, to the extent that such form of signature is recognized as a valid signature under applicable federal law or state contract law. See, *In the Matter of Rules and Regulations* (continued...)

1 As a consequence of Defendants' contractual agreement(s),<sup>6</sup> effectuating Defendants'  
2 approving, authorizing, instituting, controlling, directing, engaging in, and supervising the targeting  
3 of [at a minimum] thirty (30) *unsolicited, deceptive, and illegal* telemarketing and solicitation  
4 telephone calls to Plaintiff's landline (residential/wired), and wireless (cellular) telephone numbers—  
5 without first obtaining Plaintiff's written permission to initiate such calls— on July 25, 2019,  
6 Plaintiff commenced this action.

7 As Plaintiff unequivocally put-forth in his [compliant and specific] Complaint, Defendants  
8 and Defendants' telemarketers<sup>7</sup> (either individually or in consort with others, and either directly or  
9 indirectly) were directed [repeatedly] (in clear and unambiguous words) not to call Plaintiff.

10 Nevertheless, having a clear understanding Plaintiff's demands, Defendants and Defendants'  
11 telemarketers (either individually or in consort with others, and either directly or indirectly) ignored  
12 Plaintiff's [repetitive] demands, and continued their relentless invasion of Plaintiff's privacy through  
13 numerous *illegal telemarketing and solicitation telephone calls*. Telephone calls at all hours of the  
14 day and night.

15 ...

16 ...

17 ...

---

18  
19 <sup>5</sup>(...continued)  
20 *Implementing the Telephone Consumer Protection Act of 1991*, FCC Report and Order, CG Docket  
21 No. 02-278, ¶ 68 (Feb. 15, 2012) ("2012 Report and Order") ("Once our written consent rules become  
22 effective, however, an entity will no longer be able to rely on non-written forms of express consent  
to make autodialed or prerecorded voice telemarketing calls, and thus could be liable for making such  
calls absent prior written consent.").

23 <sup>6</sup>See Exhibit 6 (Bates Nos. 021-028) attached to Plaintiff's Complaint.

24 <sup>7</sup>Calls by a person(s) who solicit consumers, often on behalf of third party sellers. It also includes  
25 sellers who provide, offer to provide, or arrange to provide goods or services to consumers in return  
26 for some type of payment as part of a telemarketing transaction. A Seller also may be a Telemarketer,  
27 if it is calling on its own behalf, or if it retains one or more Telemarketers to place calls for it. See  
28 Telemarketing Sales Rule, 16 C.F.R. 310. Also see NRS 228.520— "Telephone solicitor" means a  
person who makes or causes another person or a machine to make an unsolicited telephone call for  
the sale of goods or services. Telemarketers are salespeople who are employed by a company to  
telephone people in order to persuade them to buy the company's products or services. Collins  
English Dictionary, 13th Ed.



1     **2.     Legal Argument:**

2             **(1)     Defendant CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM (“C4A”)**  
3             **Motion for a More Definite Statement (“Motion”) [Itself] is Oblique and**  
4             **Obscured, Thereby [Highly] Questionable:**

5             Defendant C4A’s Motion is in [total] opposition to “Defendants Eduardo Romay  
6     Hernandez’ and Gladys Rionda Suito’s Motion to Dismiss for Lack of Personal Jurisdiction, Motion  
7     to Dismiss for Failure to State a Claim upon Which Relief Can Be Granted, and Motion for a More  
8     Definite Statement” (“**HERNANDEZ’ and SUITO’s Motion**”),<sup>8</sup> wherein Defendants  
9     HERNANDEZ and SUITO evidence a clear understanding of Plaintiff’s fully comprehensible  
10    Complaint.

11            In reviewing Defendants HERNANDEZ’ AND SUITO’s Motion it becomes evident, based  
12    upon Defendants HERNANDEZ and SUITO’ arguments, that Defendant C4A— [under the  
13    (absolute) operation and control of Defendants HERNANDEZ and SUITO]— is [fully] cognizant  
14    of all the legal allegations, and specific facts, put-forth in Plaintiff’s Complaint. It would be  
15    problematic for Defendants HERNANDEZ and SUITO to comprehend the claims stated in  
16    Plaintiff’s Complaint, yet have their LLC, Defendant C4A, to claim ignorance to Plaintiff’s  
17    [unambiguous] Complaint.

18            The *irrefutable fact* is that Defendant C4A *understands precisely* what is being alleged  
19    against it, both factually and legally. Plaintiff holds that Defendant C4A’s Motion is presented for  
20    improper purposes. That Defendant C4A’s Motion [brought pursuant to N.R.C.P., Rule 12(e)] is  
21    nothing more than a *meritless Motion*, not supported by any facts. Defendants Motion is clearly  
22    meant to vex Plaintiff; drive-up Defendant’ attorneys billable hours; and delay the forward  
23    movement of this case, resulting in the wasting of judicial resources.

---

24            <sup>8</sup>In Hernandez’ and Suito’s Motion, Defendants EDUARDO ROMAY HERNANDEZ, a/k/a  
25    EDUARDOL ROMAYHERNANDEZ, a/k/a EDUARDO ROMARY, a/k/a EDUARDO L. ROMAY  
26    HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO L  
27    ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY (“**HERNANDEZ**”), and  
28    GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA SUITO (“**SUITO**”), do not deny that each are  
a member, manager, officer, and agent of, by, and for Defendant C4A.

1           Reviewing the statements of Defendants HERNANDEZ and SUITO, in Defendants  
2 HERNANDEZ' and SUITO's Motion, *infra*, it is obvious that Defendants HERNANDEZ, SUITO,  
3 and C4A comprehend the allegations, claims, and sum and substance of Plaintiff's unambiguous  
4 Complaint. In Defendants HERNANDEZ' and SUITO's Motion, Defendants HERNANDEZ and  
5 SUITO exert the following statements evidencing Defendants HERNANDEZ and SUITO's  
6 comprehension of Plaintiff's Complaint—

- 7
- 8           (i)     “Mr. Hernandez and Mrs. Suito cannot be held individually liable for the  
9               debts, obligations, or liabilities of Defendant Cash4Asking, LLC (“C4A”)...”.  
10               Hernandez' and Suito's Motion, Pge. 3 of 7, ¶¶ 6-8;
- 11           (ii)    “Mr. Edwards does not allege any factual allegations to suggest that Mr.  
12               Hernandez and Mrs. Suito personally committed any of the purported  
13               wrongdoing alleged in the Complaint.” Hernandez' and Suito's Motion, Pge.  
14               5 of 7, ¶¶ 8-10;
- 15           (iii)   “...all of the allegations made against Mr. Hernandez and Mrs. Suito relate to  
16               their association with C4A, or their roles as members, managers, officers, and  
17               agents of C4A.” Hernandez' and Suito's Motion, Pge. 5 of 7, ¶¶ 11-12;
- 18           (iv)    “**As a chief example, Mr. Edwards does not allege that either Mr.  
19               Hernandez or Mrs. Suito personally made telephone calls.**” (Emphasis  
20               added). Hernandez' and Suito's Motion, Pge. 5 of 7, ¶¶ 12-14;
- 21           (v)     “...such calls would clearly be undertaken in their capacities as members,  
22               managers, employees, officers, or agents of C4A.” Hernandez' and Suito's  
23               Motion, Pge. 5 of 7, ¶¶ 15-16;

24           It is *irrefutable* that the statements, *supra* [(i)-(v)], establishes [beyond any doubt] that  
25 Defendants HERNANDEZ, SUITO, and C4A completely understands Plaintiff's Complaint.

26           Accordingly, Defendants can effectuate Answering Plaintiff's Complaint.

27           Ironically, Defendants HERNANDEZ, SUITO, and C4A have, acting in accord, filed two  
28 (2) motions, creating a never-ending [continuous] loop. Defendant C4A claim's that Plaintiff's  
Complaint “...is so vague and ambiguous that...[it]... cannot reasonably prepare a response.” Motion,  
Pge. 3 of 5, ¶¶ 3-4. Yet, the statements in Defendants HERNANDEZ' and SUITO's Motion (wherein  
they admit they are the members, managers, officers, and agents of, by, and for Defendant C4A)  
make it indisputably evident that Defendant C4A is [unarguably] cognizant of each and every  
allegation in Plaintiff's Complaint.

1           Therefore, Plaintiff not only files this Opposition to Defendant Cash4asking, LLC's Motion  
2 for a More Definite Statement ("**Opposition**"), but also request's that this Court award sanctions  
3 against Defendant for filing a *frivolous, non-sensible Motion*, and *vexatiously multiplying the*  
4 *proceedings*.

5           (2)     **Supported by Several Arguments Put-Forth in Defendants Hernandez' and**  
6                   **Suito's Motion, Defendant C4A is Completely and Unequivocally Cognizant of**  
7                   **the Entirety of Plaintiff's Complaint and the Allegations and Claims Asserted**  
8                   **Therein:**

9                                   **The basis for requiring a more definite statement**  
10                                  **under Rule 12(e), is that a Complaint is so**  
11                                  **unintelligible, vague, or ambiguous, that the party**  
12                                  **cannot reasonably prepare a response.**

13           NRCP, Rule 12(e) provides a defendant with a remedy for inadequate complaints that **fail**  
14 **to meet the minimum pleading standard** set forth in NRCP, Rule 8(a). Under Rule 12(e)—

15                                  "[a] party may move for a more definite statement of a pleading . . .  
16                                  **which is so vague or ambiguous that the party cannot reasonably**  
17                                  **prepare a response."** (emphasis added).

18           However, as in the instant matter, **a Rule 12(e) motion must be denied** where a review of  
19 the submission establishes that the defendant understands the crux of the complaint. *See Potts v.*  
20 *Howard Univ.*, 269 F.R.D. 40, 44 (D.D.C. 2010); *Juneau Square Corp. v. First Wisconsin Nat'l*  
21 *Bank*, 60 F.R.D. 46, 48 (E.D.Wis. 1973). "Normally, **the basis for requiring a more definite**  
22 **statement is unintelligibility, not mere lack of detail**." *Rahman v. Johanns*, 501 F. Supp. 2d 8, 19  
(2007) (citation omitted)(**emphasis added**). Also see, *United States ex rel. Brown v. Aramark Corp.*,  
23 591 F. Supp. 2d 68, 76 n.5 (2008); *Towers Tenant Ass'n v. Towers Ltd. Partnership*, 563 F. Supp.  
24 566, 569 (1983) (citations omitted).

25           When, as here, Plaintiff's Complaint [at a minimum] conforms to NRCP, Rule 8(a), and is  
26 neither so vague, nor so ambiguous that Defendant C4A cannot reasonably be required to answer,  
27 this Court must deny Defendant C4A's Motion, and require Defendant C4A to bring this case to  
28 issue by filing its Answer within the time provided by the rules. *Potts v. Howard University*, 269  
F.R.D. 40 (D.D.C. 2010).

1  
2 **“[A]s long as the defendant is able to respond, even**  
3 **if only with simple denial, in good faith, without**  
4 **prejudice, the complaint is deemed sufficient.”** *SEC*  
*v. Digital Lightwave*, 196 F.R.D. 698, 700 (M.D.Fla.  
2000) (citation omitted). **(emphasis added).**

5 A motion for a more definite statement is disfavored under modern notice pleading standards,  
6 and **should only be granted where a complaint is so hopelessly vague and ambiguous** that the  
7 defendant cannot fairly be expected to frame a response or denial.

8 Here, Plaintiff’s Complaint is crystal-clear, specific, and [at a minimum] in full compliance  
9 with the notice pleading requirements of NRCP, Rule 8. It lays out plain, comprehensible, and  
10 detailed statements of the facts; a coherent legal theory; pertinent, applicable, and specific references  
11 and citations; and an unambiguous prayer for relief.

12 **There is no mystery pertaining to Plaintiff’s claims.**

13 Similarly, **a review of Defendants HERNANDEZ’ and SUITO’s Motion** (the owners,  
14 officers, representatives, agents, controllers, and operators of Defendant C4A) **establishes** that  
15 **Defendant C4A understands the crux of each claim put-forth in Plaintiff’s Complaint.**

16 Taking into account that Defendants HERNANDEZ and SUITO are the owners, operators,  
17 officers, managers, and agents of, by, and for Defendant C4A— **the irrefutable fact is that**  
18 **Defendant C4A clearly understands each of Plaintiff’s allegations, because Defendants**  
19 **HERNANDEZ’ and SUITO’s Motion presented several arguments, *supra*, summarizing the**  
20 **allegations in Plaintiff’s Complaint, that Defendant C4A asserts it requires a more definite**  
21 **statement to clarify.**

22 Nonetheless, if Defendant C4A holds that certain allegations in Plaintiff’s Complaint are not  
23 sufficiently focused to permit a definite Answer, or, if Defendant C4A is without knowledge or  
24 information sufficient to form a belief as to the truth of an averment, then Defendant C4A can so  
25 state in its Answer.

26 ...

27 ...

1           Moreover, unless Defendant C4A intends, in good faith, to controvert all the claims in  
2 Plaintiff's Complaint, Defendant C4A may make denials as specific denials, or may generally deny  
3 all the allegations except such designated averments, or paragraphs, as Defendant C4A expressly  
4 admits.

5           Likewise, Defendant C4A may obtain further clarification of the basis for Plaintiff's claims  
6 during the discovery procedures detailed in NRCP, Rule 16.1. See *Mays v. District Court*, 105 Nev.  
7 60, 768 P.2d 877 (Nev. 2/22/1989). Also see *Northern Nev. Ass'n Injured Workers v. SHS*, 107 Nev.  
8 108, 807 P.2d 728 (Nev. 03/07/1991)(citing *Mays v. District Court*, 105 Nev. 60, 768 P.2d 877  
9 (1989)).

10           **(3) Defendant C4A's Concocted Motion is Filed in ad Faith, And is a Waste of**  
11           **Judicial Resources:**

12           As evidenced within Defendants HERNANDEZ' and SUITO's Motion, Plaintiff's  
13 Complaint clearly does not leave Defendant C4A, or Defendants HERNANDEZ and SUITO  
14 guessing as to Defendant C4A's alleged illegal actions and wrongdoings.

15           Moreover, Defendant C4A *completely fails* to set forth legal citations to support how, or why,  
16 a Rule 12(e) motion is particularly appropriate here, as Defendant C4A alleges. Rather than pointing-  
17 out the alleged defects in Plaintiff's Complaint, and the details desired, Defendant C4A's Motion  
18 states unspecific, generalized, and ambiguous statements.

19           Defendant C4A's Motion must be denied because there can be no doubt that Defendant C4A,  
20 like its owners, managers, officers, and agents, Defendants HERNANDEZ and SUITO, understands  
21 full-and-well the allegations against Defendant C4A.

22           Plaintiff's allegations are neither groundbreaking, nor difficult to comprehend. As a result,  
23 Defendant C4A's highly disfavored and rarely granted Motion should be denied, and Defendant C4A  
24 must be sanctioned for presenting a *erroneous Motion*, and unreasonably multiplying these  
25 proceedings.

26           ...

27           ...

28

1 While Plaintiff's Complaint provides greater context then that required under NRCP, Rule  
2 8, it would be unimaginable for a sophisticated party, knowledgeable of Defendant C4A's business  
3 practices, to read the allegations in Plaintiff's Complaint, and not be apprised of Plaintiff's claims.

4 It is presumed that Defendant C4A, and its counsel(s), are sophisticated parties who fully  
5 understand Plaintiff's claims and allegations.

6 **III. CONCLUSION:**

7 Because Plaintiff's Complaint meets the [minimum] standards of N.R.C.P., Rule 8, and  
8 inasmuch as Defendant C4A is adequately notified of the nature of the claim (as evidenced in  
9 Defendants HERNANDEZ' and SUITO's Motion), Defendant C4A's Motion for More Definite  
10 Statement shall be denied.

11 DATED this 18th day of September 2019.

12

13

PAUL D.S. EDWARDS,

14

15

/s/ Paul D.S. Edwards

Paul D.S. Edwards

Plaintiff, *pro se*

713 Wheat Ridge Lane, Unit 203

Las Vegas, Nevada 89145

Landline Telephone: 702.341.1776

Cellular Telephone: 702.893.1776

Email: pauldse@pauldsedwards.com

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**CERTIFICATE OF E-SERVICE**

I HEREBY CERTIFY that, on the 18th day of September 2019, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-filed & e-served a true and correct copy of the following document:

1. Opposition to Defendant C4A's Motion for a More Definite Statement  
to the following email address[es]:

Chad F. Clement, MARQUIS AURBACH COFFING  
cclement@maclaw.com  
  
Brian P. Clark, CLARK MCCOURT  
bpc@clarkmccomi.com

  
\_\_\_\_\_  
Designee for Plaintiff



1 **OPPM (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
7 Cellular Telephone: 702.893.1776  
8 Email: pauldse@pauldsedwards.com

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**DISTRICT COURT,**  
**CLARK COUNTY, NEVADA**

PAUL D.S. EDWARDS,

**Plaintiff,**

**vs.**

TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS,  
a/d/b/a VIP INTERNATIONAL,  
and CASH4ASKING, LLC,  
a/d/b/a CASH4ASKING.COM,  
and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
a/k/a STAN MULLIS,  
and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.:** A-19-799140-C

**DEPT. NO.:** XXIII

**OPPOSITION TO DEFENDANTS  
EDUARDO ROMAY  
HERNANDEZ' AND GLADYS  
RIONDA SUITO'S MOTION TO  
DISMISS FOR LACK OF  
PERSONAL JURISDICTION,  
MOTION TO DISMISS FOR  
FAILURE TO STATE A CLAIM  
UPON WHICH RELIEF CAN BE  
GRANTED, AND MOTION FOR  
A MORE DEFINITE  
STATEMENT**

**Date of Hearing:** October 29, 2019

**Time of Hearing:** 9:30 a.m.



I.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**1. Introduction:**

This lawsuit stems from Defendants' *illegal actions* of causing and directing (either individually or in consort with others, and either directly or indirectly) [a minimum of] thirty (30)<sup>1</sup> *unsolicited,<sup>2</sup> deceptive, and illegal* telemarketing<sup>3</sup> and solicitation<sup>4</sup> telephone calls to Plaintiff's landline (residential/wired), and wireless (cellular) telephone numbers (702.341.1776/702.893.1776, respectively)—without first obtaining Plaintiff's written permission<sup>5</sup> to call Plaintiff.

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<sup>1</sup>See Complaint, Pge. 52, ¶¶ 17-24; Pge. 77, ¶¶ 14-19; and Pge. 78, ¶¶ 1-9.

<sup>2</sup>47 C.F.R. § 64.1200(15) The term unsolicited advertisement means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission, in writing or otherwise. Also see NRS 228.530— "Unsolicited telephone call for the sale of goods or services" means an unsolicited telephone call, other than a telephone call on behalf of a charitable organization, religious organization or political organization, to: (a) Rent, lease, sell, exchange, promote or gift any good or service; (b) Solicit any act described in paragraph (a). Also see 47 U.S.C. § 227(a)(5).

<sup>3</sup>The FCC's rules define "telemarketing" as "the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person." The rules define "advertisement" as "any material advertising the commercial availability or quality of any property, goods or services." All calls (and text messages) subject to the prohibition that meet these definitions will be subject to the new "prior express written consent" requirement. See Telemarketing Sales Rule ("**TSR**"), 16 C.F.R. 310.

<sup>4</sup>47 C.F.R. § 64.1200(14)(f) The term telephone solicitation means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message:

- (i) To any person with that person's prior express invitation or permission;
- (ii) To any person with whom the caller has an established business relationship; or
- (iii) By or on behalf of a tax-exempt nonprofit organization.

Also see, 47 U.S.C. § 227(a)(4).

<sup>5</sup>**The written agreement** shall include a clear and conspicuous disclosure informing the person signing that: (i) By executing the agreement, such person authorizes the seller to deliver or cause to be delivered to the signatory telemarketing calls using an automatic telephone dialing system or an artificial or prerecorded voice; and (ii) The person is not required to sign the agreement (directly or indirectly), or agree to enter into such an agreement as a condition of purchasing any property, goods or services. Finally, the definition notes that "the term 'signature' shall include an electronic or digital form of signature, to the extent that such form of signature is recognized as a valid signature (continued...)"

1 As a consequence of Defendants' contractual agreement(s),<sup>6</sup> effectuating Defendants'  
2 approving, authorizing, instituting, controlling, directing, engaging in, and supervising the targeting  
3 of [at a minimum] thirty (30) *unsolicited, deceptive, and illegal* telemarketing and solicitation  
4 telephone calls to Plaintiff's landline (residential/wired), and wireless (cellular) telephone numbers—  
5 without first obtaining Plaintiff's written permission to initiate such calls— on July 25, 2019,  
6 Plaintiff commenced this action.

7 As Plaintiff unequivocally put-forth in his [compliant and specific] Complaint, Defendants  
8 and Defendants' telemarketers<sup>7</sup> (either individually or in consort with others, and either directly or  
9 indirectly) were directed [repeatedly] (in clear and unambiguous words) not to call Plaintiff.

10 Nevertheless, having a clear understanding Plaintiff's demands, Defendants and Defendants'  
11 telemarketers (either individually or in consort with others, and either directly or indirectly) ignored  
12 Plaintiff's [repetitive] demands, and continued their relentless invasion of Plaintiff's privacy through  
13 numerous *illegal telemarketing and solicitation telephone calls*. Telephone calls at all hours of the  
14 day and night.

15 ...

16 ...

17  
18 <sup>5</sup>(...continued)

19 under applicable federal law or state contract law. See, *In the Matter of Rules and Regulations*  
20 *Implementing the Telephone Consumer Protection Act of 1991*, FCC Report and Order, CG Docket  
21 No. 02-278, ¶ 68 (Feb. 15, 2012) ("2012 Report and Order") ("Once our written consent rules become  
22 effective, however, an entity will no longer be able to rely on non-written forms of express consent  
to make autodialed or prerecorded voice telemarketing calls, and thus could be liable for making such  
calls absent prior written consent.").

<sup>6</sup>See Exhibit 6 (Bates Nos. 021-028) attached to Plaintiff's Complaint.

23 <sup>7</sup>Calls by a person(s) who solicit consumers, often on behalf of third party sellers. It also includes  
24 sellers who provide, offer to provide, or arrange to provide goods or services to consumers in return  
25 for some type of payment as part of a telemarketing transaction. A Seller also may be a Telemarketer,  
26 if it is calling on its own behalf, or if it retains one or more Telemarketers to place calls for it. See  
27 Telemarketing Sales Rule, 16 C.F.R. 310. Also see NRS 228.520— "Telephone solicitor" means a  
28 person who makes or causes another person or a machine to make an unsolicited telephone call for  
the sale of goods or services. Telemarketers are salespeople who are employed by a company to  
telephone people in order to persuade them to buy the company's products or services. Collins  
English Dictionary, 13th Ed.

1     **2.     Legal Argument:**

2             **(1)     By the Terms of Defendants Agreement, ALL DEFENDANTS Have Agreed**  
3             **That the Governing Law and Venue is Limited to the Exclusive Jurisdiction of**  
4             **Clark County, Nevada:**

5             Plaintiff PAUL D.S. EDWARDS (“**Plaintiff**”), at all times relevant to Plaintiff’s  
6     Complaint, was, and continues to be a Nevada resident.

7             At all times relevant to Plaintiff’s Complaint, Defendant EDUARDO ROMAY  
8     HERNANDEZ, a/k/a EDUARDO L ROMAYHERNANDEZ, a/k/a EDUARDO ROMAY, a/k/a  
9     EDUARDO L. ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO ROMAY, a/k/a  
10    HERNANDEZ EDUARDO L ROMAY, a/k/a EDUARDO ROMAY, a/k/a MR EDUARDO L.  
11    ROMAY (“**HERNANDEZ**”), and Defendant GLADYS C. RIONDA, a/k/a SUITO GLADYS  
12    RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS RIONDA  
13    SUITO (“**SUITO**”), assert they were, and continue to be Arizona residents. In “Defendants Eduardo  
14    Romay Hernandez’ and Gladys Rionda Suito’s Motion to Dismiss for Lack of Personal Jurisdiction,  
15    Motion to Dismiss for Failure to State a Claim upon Which Relief Can Be Granted, and Motion for  
16    a More Definite Statement (“**HERNANDEZ and SUITO Motion**”) Defendants HERNANDEZ and  
17    SUITO argues that this Court lacks personal jurisdiction over them because Defendants do not have  
18    sufficient relevant contacts in Nevada.

19             “Mr. Hernandez and Mrs. Suito object to, and challenge, the Court’s  
20             exercise of personal jurisdiction over them. Both of them are  
21             nonresident defendants (residents of Arizona)...And neither Mr.  
22             Hernandez nor Mrs. Suito has had contacts with Nevada that would  
23             enable this Court to exercise general or specific jurisdiction over  
24             them.” HERNANDEZ and SUITO Motion, Pge. 4 of 7, ¶¶ 15-19.

25             As stated in Plaintiff’s Complaint, and the above Introduction, Defendants HERNANDEZ,  
26     SUITO, and CASH4ASKING, LLC, a/d/b/a CASH4ASKING.COM (“**C4A**”) entered into a  
27     “MARKETING SERVICE AGREEMENT”<sup>8</sup> (“**Agreement**”) with Defendants TIMESHARE  
28     LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
29     VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,

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30             <sup>8</sup>See Exhibit 6 (Bates Nos. 021-028) attached to Plaintiff’s Complaint.

1 a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP  
2 VACATIONS, a/d/b/a VIP INTERNATIONAL (“TLC”), and STANLEY C. MULLIS, a/k/a  
3 STANLEY MULLIS, a/k/a STAN MULLIS (“SMULLIS”), and ANGEL C. MULLIS, a/k/a  
4 ANGEL MULLIS, a/k/a ANGEL SANTILLI (AMULLIS”).

5 The Agreement required Defendants HERNANDEZ, SUITO, and C4A to—

6 “...conduct tour generation programs...intended to provide TLC with  
7 persons meeting certain qualifications...for sales presentations  
8 involving TLC Resorts Vacation Club...TLC hereby engages and  
retains Marketer to procure Qualified Prospects for TLC...”<sup>9</sup>

9 The Agreement [further] evidences that Defendants HERNANDEZ, SUITO, and C4A  
10 earned, and continues to earn tens-of-thousands of dollars from their initiating of thousands of illegal  
11 telemarketing and solicitation telephone calls, contacting thousands of persons living in Nevada. See  
12 Agreement, Exhibit 6, (Bates No. 23) - “In consideration of the services provided pursuant to this  
13 Agreement, **TLC agrees to pay Marketer a base fee of \$350.00 per** tour attended by a Qualified  
14 Prospect..”. As evidenced on the Agreement between the Defendants, the Agreement is titled  
15 “MARKETING SERVICES AGREEMENT.”<sup>10</sup>

16 As with any sales goal, “numbers” is the name-of-the-game. In “marketing,” the more  
17 contacts that are made - the better odds of increasing sales. In other words— **if you dial enough**  
18 **people** you will find someone that is willing to buy or agree to set an appointment. The  
19 generally-accepted conversion ratio is 1%, which means that it takes about 1,000 calls to acquire 10  
20 solid prospects, or that 99% of all people will say no.

21 Based upon the generally-accepted conversion ratio, *supra*, because Plaintiff was called [at  
22 a minimum] thirty (30) times, it can be deduced that Defendants were the causation of  
23 [approximately] thirty-thousand (30,000) telemarketing telephone and solicitation telephone calls  
24 into Nevada - presumably in Clark County.

25 Consequently, permitting this Court to exercise General Jurisdiction over Defendants  
26 HERNANDEZ, SUITO, and C4A.

27

28

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<sup>9</sup>See Exhibit 6 (Bates No. 022) attached to Plaintiff’s Complaint.

<sup>10</sup>See Exhibit 6 (Bates No. 022) attached to Plaintiff’s Complaint.

1           However, and **more importantly**, the Agreement incorporates the following [unequivocal]  
2 choice-of-words:

3                   **“This Agreement shall be governed and construed in accordance**  
4 **with the laws of the State of Nevada. The exclusive jurisdiction**  
5 **for any litigation arising under this Agreement shall be the state**  
6 **or federal courts within Clark County, Nevada, and each party**  
7 **waives of any claims of *forum non conveniens*.”<sup>11</sup> (Emphasis**  
8 **added).**

9           Accordingly, because the Agreement is, in pertinent part, the ignition and causation of  
10 Plaintiff’s claims, the above terminology places Defendants HERNANDEZ, SUITO, and C4A within  
11 Nevada’s, and this Court’s jurisdiction.

12           Nevertheless, expecting Defendants HERNANDEZ and SUITO will concoct another  
13 *erroneous, fruitless* argument, in the *futile attempt* to avoid this Court’s jurisdiction, Plaintiff will  
14 state additional, unarguable facts that support this Court’s jurisdiction over Defendants  
15 HERNANDEZ and SUITO.<sup>12</sup>

16           Nevada’s long-arm statute permits personal jurisdiction over a nonresident defendant unless  
17 the exercise of jurisdiction would violate due process. NRS 14.065(1). “Due process requires  
18 ‘minimum contacts’ between the defendant and the forum state ‘such that the maintenance of the suit  
19 does not offend traditional notions of fair play and substantial justice.’” *Trump*, 109 Nev. at 698, 857  
20 P.2d at 747 (quoting *Mizner v. Mizner*, 84 Nev. 268, 270, 439 P.2d 679, 680 (1968)).

21                   (i)    **General Jurisdiction:**

22                   “A court may exercise general jurisdiction over a  
23 [nonresident defendant] when its contacts with the  
24 forum state are so “continuous and systematic” as to  
25 render [the defendant] essentially at home in the  
26 forum State.” *Viega*, 130 Nev. at —, 328 P.3d at  
27 1156–57 (quoting *Goodyear Dunlop Tires*  
28 *Operations, S.A. v. Brown*, 564 U.S. —, —, 131  
S.Ct. 2846, 2851, 180 L.Ed.2d 796 (2011) ); see also  
*Arbella Mut. Ins. Co.*, 122 Nev. at 513, 134 P.3d at

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26 <sup>11</sup>See Exhibit 6 (Bates No. 025) attached to Plaintiff’s Complaint.

27 <sup>12</sup>Neither in Defendant C4A’s Motion for More Definite Statement, nor in Defendants  
28 HERNANDEZ and SUITO Motion, do those Defendants contest this Court’s jurisdiction over  
Defendant C4A.

1 712 (“[G]eneral personal jurisdiction exists when the  
2 defendant's forum state activities are so substantial or  
3 continuous and systematic that it is considered present  
4 in that forum and thus subject to suit there, even  
5 though the suit's claims are unrelated to that forum.”  
(internal quotations omitted)). *Fulbright & Jaworski,  
LLP v. Eighth Judicial Dist. Court*, 131 Nev. 30,  
35-36, 342 P.3d 997, 1001 (2015).

6 As evidenced in the Agreement between Defendants HERNANDEZ, SUIITO, C4A, and  
7 Defendants TLC, SMULLIS, and AMULLIS, Defendants HERNANDEZ, SUIITO, and C4A, were  
8 to contact persons within Nevada, and particularly within Clark County, Nevada, for the sole purpose  
9 of enticing those persons to attend a Timeshare sales presentation conducted by Defendants  
10 SMULLIS, AMULLIS, and TLC RESORTS VACATION CLUB (a/k/a TLC). The singular location  
11 for the Timeshare sales presentation is within the PLAZA HOTEL & CASINO, LLC, a/d/b/a  
12 PLAZA HOTEL & CASINO, 1 Main Street, Las Vegas, NV 89101.

13 Defendants HERNANDEZ, SUIITO, and C4A initiated, or was the proximate causation of  
14 thousands, possibly tens-of-thousands of telemarketing and solicitation telephone calls to an

15 During-the-course-of those indefinite number of persons’ residential and cellular telephone  
16 calls within Clark County, Nevada, Defendants HERNANDEZ, SUIITO, and C4A [also] targeted  
17 Plaintiff’s residential and wireless telephone numbers located in Las Vegas, Nevada.

18 Those thousands, possibly tens-of-thousands of telemarketing and solicitation telephone calls  
19 to an indefinite number of persons’ residential and cellular telephones, within Clark County, Nevada,  
20 is more than substantial contacts within Clark County, Nevada, to establish a *prima facie showing*  
21 that Defendants HERNANDEZ, SUIITO are subject to general personal jurisdiction.

22 (ii) **Specific Jurisdiction:**

23 “Unlike general jurisdiction, specific jurisdiction is  
24 proper only where ‘the cause of action arises from the  
25 defendant's contacts with the forum.’ ” *Dogra v. Liles*,  
129 Nev. —, —, 314 P.3d 952, 955 (2013)  
26 (quoting *Trump*, 109 Nev. at 699, 857 P.2d at 748). In  
27 other words, in order to exercise specific personal  
28 jurisdiction over a nonresident defendant, “[t]he  
defendant must purposefully avail himself of the  
privilege of acting in the forum state or of causing  
important consequences in that state. The cause of

1 action must arise from the consequences in the forum  
2 state of the defendant's activities, and those activities,  
3 or the consequences thereof, must have a substantial  
4 enough connection with the forum state to make the  
5 exercise of jurisdiction over the defendant  
reasonable.” *Consipio Holding, BV v. Carlberg*, 128  
Nev., 282 P. 3d 751, 755 (2012) (quoting *Jarstad v.*  
*Nat'l Farmers Union Prop. & Cas. Co.*, 92 Nev. 380,  
387, 552 P.2d 49, 53 (1976)).

6 Here, as Plaintiff puts-forth in his Complaint, Defendants HERNANDEZ and SUITO’s  
7 contacts in Nevada, are substantial, continuous, and systematic, hence, Defendants HERNANDEZ  
8 and SUITO are [each] subject to this Court’s jurisdiction. See *Glencore Grain Rotterdam B.V. v.*  
9 *Shivnath Rai Harnarain Co.*, 284 F.3d 1114, 1124 (9th Cir. 2002)(citing *Helicopteros Nacionales*  
10 *de Colom. v. Hall*, 466 U.S. 408, 414-15 (1984)). Also see *Alexander v. Circus Circus Enter., Inc.*,  
11 939 F.2d 847, 853 (9th Cir. 1991) (describing “but for” test as requiring only that relationship  
12 between cause of action and defendant’s forum contacts be such that “but for” defendant’s contacts  
13 with forum state, cause of action would not have occurred); *Shute v. Carnival Cruise Lines*, 897 F.2d  
14 377, 382-86 (9th Cir. 1990) (finding that plaintiff’s cause of action arose from defendant’s forum  
15 state activities because “but for” those contacts, plaintiff’s accident aboard defendant’s cruise ship  
16 would not have occurred), rev’d on other grounds, 111 S. Ct. 1522 (1991).

17 “But for” the *voluminous unsolicited and illegal* telemarketing and solicitation telephone  
18 calls to Nevada, this litigation would not have occurred. (**Emphasis added**).

19 Here, not only did Defendants HERNANDEZ, SUITO, and C4A purposefully avail  
20 themselves of the privilege of conducting Defendants’ activities in the forum state of Nevada,  
21 Defendants HERNANDEZ, SUITO, and C4A purposefully directed their activities toward the forum  
22 state of Nevada.

23 Moreover, as a requirement of the Agreement between Defendants HERNANDEZ, SUITO,  
24 and C4A, and Defendants SMULLIS, AMULLIS, and TLC RESORTS VACATION CLUB (a/k/a  
25 TLC), Defendants HERNANDEZ, SUITO, and C4A willfully and knowingly directed their  
26 *voluminous unsolicited and illegal* telemarketing and solicitation telephone calls to the forum state  
27 of Nevada— seeking the benefits of Nevada laws, and harvesting a large income.

28 Consequently, Defendants HERNANDEZ, SUITO, and C4A must submit to the burdens of  
litigation in the forum state of Nevada.

1           (2)     **Personal Jurisdiction Attaches Pursuant to the Telephone Consumer Protection**  
2                   **Act, 47 U.S.C. § 227 et seq. (“TCPA”):**

3                   Defendants HERNANDEZ and SUITO argue that— under Arizona law that they  
4 cannot be held [individually] liable for the debts, obligations, or liabilities of Defendant C4A.<sup>13</sup>

5                   However, because Defendants HERNANDEZ, SUITO, and C4A have agreed that—

6                           “...exclusive jurisdiction for any litigation arising under this  
7                           Agreement shall be the state or federal courts within Clark County,  
8                           Nevada, and each party waives of any claims of *forum non*  
                             *conveniens*”<sup>14</sup>—

9 Defendants’ arguments are *moot*.

10                  Defendants HERNANDEZ and SUITO do not challenge Plaintiff’s factual allegations  
11 concerning their ownership and managerial control in [and over] Defendant C4A. Rather, Defendants  
12 contend that pursuant to Arizona law, A.R.S. § 29–651 (1998), each are “not liable, solely by reason  
13 of being a member, manager, employee, officer or agent, for the debts, obligations and liabilities of  
14 the limited liability company whether arising in contract or tort, under a judgment, decree or order  
15 of a court or otherwise.”

16                  Nonetheless, since Defendants HERNANDEZ, SUITO, and C4A “...waives...any claims of  
17 *forum non conveniens*” *supra*, this Court retains personal jurisdiction of Defendants HERNANDEZ,  
18 SUITO, C4A— consequently, Arizona law is inapplicable to this litigation.

19                  What is more, a number of courts have held that the express language of the TCPA allows  
20 actions against corporate officers who authorize TCPA violations. See *Maryland v. Universal*  
21 *Elections*, 787 F. Supp. 2d 408 (D. Md. 2011), where the district court recognized the corporate  
22 shield doctrine, but held that the “any person” language in the TCPA authorizes suits against  
23 corporate officers. 787 F. Supp. 2d at 415-17. The TCPA provides:

24                           It shall be unlawful for **any person** within the United States, or **any**  
25                           **person** outside the United States if the recipient is within the United  
26                           States—47 U.S.C. § 227(b)(1). (**emphasis added**).

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27 <sup>13</sup>Defendants HERNANDEZ and SUITO Motion, Pge. 5 of 7, ¶¶ 1-2.

28 <sup>14</sup>See Exhibit 6 (Bates No. 025) attached to Plaintiff’s Complaint.



1 The “any person” language of § 227, however, plainly applies to individuals; **the section**  
2 **does not impose liability only on entities.**

3 Moreover, courts that have addressed the issue have concluded that individuals acting on  
4 behalf of a corporation may be held personally liable for violations of § 227 if they “had direct,  
5 personal participation in, or personally authorized the conduct found to have violated the statute.”  
6 *Texas v. Am. Blastfax*, 164 F.Supp.2d 892, 898 (W.D. Tex. 2001). Also see *Covington & Burling*  
7 *v. Int’l Mktg. & Research, Inc.*, 2003 WL 21384825, \*6 (D.C. Super. Ct. 2003)(holding that  
8 corporate executives were personally liable because they “set company policies and over[saw] day-  
9 to-day operations” and were “clearly involved in the business practices” that violated the TCPA).

10 Here, Plaintiff has specifically alleged just that—that Defendants HERNANDEZ, SUITO,  
11 and C4A have (either individually or in consort with others, and either directly or indirectly),  
12 directed and authorized the alleged TCPA violations, which Plaintiff has complained of in his  
13 Complaint, and that [only] occurred in this forum.

14 Accordingly, because this Court must accept Plaintiff’s allegations and claims as true, this  
15 Court must find that it can exercise personal jurisdiction over Defendants HERNANDEZ, SUITO,  
16 and C4A without violating traditional notions of fair play and substantial justice.

17 **(3) Defendants HERNANDEZ and SUITO Can be Held Liable:**

18 Defendants HERNANDEZ and SUITO claim [*albeit erroneously and unintelligently*]  
19 that they can not be held liable for the *illegal, unsolicited, and deceptive* telemarketing and  
20 solicitation telephone calls to Plaintiff, as complained of in Plaintiff’s Complaint— because, even  
21 if they had [personally] placed those calls, such calls were undertaken in their capacities as members,  
22 managers, employees, officers, and agents of, by and for Defendant C4A.<sup>15</sup> HERNANDEZ and  
23 SUITO Motion, Pge. 5 of 7, ¶¶ 11-16.

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24  
25 <sup>15</sup>Obviously, Defendants’ HERNANDEZ and SUITO’s claim that they “Are Entitled to a More  
26 Definite Statement” (HERNANDEZ and SUITO Motion, Pge. 5 of 7, ¶ 20), is *dishonest and*  
27 *shameless*. As evidenced by Defendants’ statements in the section of their motion titled “MR.  
28 HERNANDEZ AND MRS SUITO SHOULD BE DISMISSED BECAUSE THE COMPLAINT  
FAILS TO STATE A CLAIM AGAINST THEM FOR WHICH RELIEF CAN BE GRANTED (Pge  
5 of 7, ¶¶ 1-19) Defendants have complete knowledge and understanding of every point put-forth  
in Plaintiff’s Complaint.

1 Many courts have held that corporate actors may be individually liable for a TCPA violation  
2 where they “had direct, personal participation in or personally authorized the conduct found to have  
3 violated the statute.” *Jackson Five Star Catering, Inc. v. Beason*, 2013 WL 5966340, at \*4 (E.D.  
4 Mich. Nov. 8, 2013). See also *Sandusky Wellness Center, LLC v. Wagner Wellness, Inc.*, 2014  
5 1333472 at \*3 (N.D. Ohio Mar. 28, 2014)).

6 Here, Defendants HERNANDEZ and SUITO put-forth the [asinine] argument that— as  
7 members, managers, employees, officers, or agents of Defendant C4A, each can not be held liable  
8 for the *illegal* acts performed under the name of their LLC, Defendant C4A. Defendants  
9 HERNANDEZ and SUITO arguing (albeit false)— as Defendant C4A’s members, managers,  
10 employees, and officers, neither Defendant HERNANDEZ, or Defendant SUITO, could be held  
11 liable for the violations alleged in Plaintiff’s Complaint, because [neither] Defendant HERNANDEZ  
12 or Defendant SUITO personally engaged in the *illegal acts and conduct* that clearly violated the  
13 TCPA, and as asserted within various places throughout Plaintiff’s Complaint.

14 However, Plaintiff holds that, even as members, managers, employees, and officers of  
15 Defendant C4A, Defendants HERNANDEZ and SUITO can be held personally liable for the TCPA  
16 violations of Defendant C4A, for, in part, the following reasons:

- 17 (i) Defendants HERNANDEZ and SUITO are the [only] two (2) members,  
18 managers, and officers of Defendant C4A;
- 19 (ii) As Defendant C4A’s highest ranking officials, Defendants HERNANDEZ and  
20 SUITO are each (either individually or in consort with others, and either  
21 directly or indirectly) responsible for establishing Defendant C4A’s TCPA  
22 policies and practices;
- 23 (iii) Defendants HERNANDEZ and SUITO (either individually or in consort with  
24 others, and either directly or indirectly) trained each telemarketer;
- 25 (iv) Defendants HERNANDEZ and SUITO (either individually or in consort with  
26 others, and either directly or indirectly) authorized the placing of each  
27 *unsolicited, deceptive, and illegal* telemarketing and solicitation telephone  
28 calls to Plaintiff’s landline (residential/wired), and wireless (cellular)  
telephone numbers— without first obtaining Plaintiff’s written permission to  
initiate such calls;
- (v) Defendants HERNANDEZ and SUITO [each] had complete knowledge of  
the TCPA; Title 47-Telecommunication Chapter I-Federal Communications  
Commission Part 64-Miscellaneous Rules Relating to Common Carriers-  
Subpart L-Restrictions on Telephone Solicitation Sec. 64.1200, Delivery  
Restrictions; and the Telephone Sales Rule, 16 C.F.R. Part 310— yet, choose  
to ignore those laws, and personally authorize the illegal conduct violative of  
those laws.

1           The general tort rule is that corporate officers, or agents, are personally liable for those torts  
2 which they personally commit, or which they inspire or participate in, even though performed in  
3 the name of an artificial body. “[A]n officer may be personally liable under the TCPA if he had  
4 direct, personal participation in, or personally authorized the conduct, found to have violated the  
5 statute, and was not merely tangentially involved.” *Texas v. Am. Blastfax, Inc.*, 164 F.Supp.2d 892,  
6 898 (W.D. Tex. 2001).

7           The American Blastfax standard has been adopted across the country. See *Chapman v.*  
8 *Wagener Equities, Inc.*, No. 09 C 07299, 2014 WL 540250, at \*17 (N.D. Ill. Feb. 11, 2014) (finding  
9 “ample precedent” for holding individual officers liable for TCPA violations).<sup>16</sup>

10           As a general rule of agency law, the personal liability of a corporate director, or officer, must  
11 be “founded upon specific acts by the individual director, or officer.” *United States v. Reis*, 366 Fed.  
12 Appx. 781, 782 (9th Cir. 2010). Numerous courts have held that corporate actors **may be held**  
13 **individually liable for violating the TCPA** where they “had direct, personal participation in, or  
14 personally authorized the conduct found to have violated the statute.” *Sandusky Wellness Center,*  
15 *LLC v. Wagner Wellness, Inc.*, No. 3:12-cv-2257, 2014 WL 1333472, at \*3 (N.D. Ohio Mar. 28,  
16 2014) (quoting *Texas v. Am. Blastfax, Inc.*, 164 F. Supp. 2d 892, 898 (W.D. Tex. 2001); see also  
17 *Jackson Five Star Catering, Inc. v. Beason*, No. 10-10010, 2013 WL 5966340, at \*4 (E.D. Mich.  
18 Nov. 8, 2013) (personal participation in the payment for and authorization of fax ads is sufficient to  
19 render a corporate officer liable under the TCPA); *Van Sweden Jewelers, Inc. v. 101 VT, Inc.*, No.  
20 1:10-cv-00253, 2012 WL 4074620 (W.D. Mich. June 21, 2012); *Maryland v. Universal Elections*,  
21 787 F. Supp. 2d 408, 415-16 (D. Md. 2011) (“[I]f an individual acting on behalf of a corporation  
22 could avoid individual liability, the TCPA would lose much of its force.”); *Versteeg v. Bennett*,  
23 *Deloney & Noyes, P.C.*, 775 F. Supp. 2d 1316, 1321 (D. Wyo. 2011); *Baltimore-Wash. Tel. Co. v.*  
24 *Hot Leads Co.*, 584 F.Supp.2d 736, 745 (D. Md. 2008) (observing that if the defendants, who were  
25 the same defendants as in American Blastfax, “actually committed the conduct that violated the

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26  
27 <sup>16</sup>Neither the TCPA nor the common law requires knowing or willful violations of the TCPA to as  
28 a prerequisite to officer liability. Direct participation or authorization is sufficient. *Chapman*, 2014  
WL 540250, at \*17. (**Emphasis added**).

1 TCPA, and/or . . . actively oversaw and directed the conduct,” they could be held individually liable  
2 for the statutory violations); *Covington & Burling v. Int’l Mktg. & Research, Inc.*, 2003 WL  
3 21384825, at \*6 (D.C. Super. Apr. 17, 2003) (holding that corporate executives were personally  
4 liable because they “set company policies and [oversaw] day-to-day operations” and were “clearly  
5 involved in the business practices” that violated the TCPA).

6 As a general matter, if a corporation is found to have violated a federal statute its officers  
7 will not be personally liable solely because of their status as officers. However, if the officer(s)  
8 directly participated in, or authorized the statutory violation, even though acting on behalf of  
9 the corporation, he/she/they may be held personally liable. See *United States v. Pollution Sen. of*  
10 *Oswego, Inc.*, 763 F.2d 133,134-35 (2nd Cr. 1985) (finding officers liable under Rivers and Harbors  
11 Act for direct, personal involvement in illegal dumping; distinguishing Sexton Cove as involving  
12 liability “premised solely on [defendants’] corporate officers or ownership”), cert. denied, 1068. Ct.  
13 605 (1985); see also *Citronelle-Mobile Gathering, Inc. v. Herrington*, 826 F.2d 16, 25  
14 (Temp.Emer.Ct. App. 1987)(“[P]ersonal responsibility for corporate liability may attach when the  
15 individual’s wrongful conduct causes the violation of a statute and accompanying regulations...”),  
16 cert. denied, 108 S.Ct. 327 (1987); *BEC Corporation v. Dept. of Environmental Protection*, 256  
17 Conn. 602, 775 A.2d 928 (Conn. 2001)(discussing “an emerging body of federal case law holding  
18 individual corporate officers liable for violations of federal...laws when those officers either  
19 participated in these violations, [or] controlled or supervised the corporate activities that resulted in  
20 the violations.”).

21 This Court should also look at the “Responsible Corporate Officer Doctrine” as articulated  
22 by the Minnesota Supreme Court in *Matter of Dougherty*, 482 N.W.2d 485 (Minn.Ct.App. 1992),  
23 in finding the corporate officers liable. In *Matter of Dougherty*, the court concluded that liability may  
24 be imposed upon a corporate officer for strict liability public welfare offenses if the following three  
25 elements are established:

- 26 (1) the individual must be in a position of responsibility which allows the person  
27 to influence corporate policies or activities;  
28 (2) there must be a nexus between the individual's position and the violation in  
question such that the individual could have influenced the corporate actions  
which constituted the violations; and,

1           (3)     the individuals actions, or inactions, facilitated the violations.” Id., 490.

2           The Court pointed-out that a corporate officer’s liability was not tantamount to vicarious  
3 liability where the corporate officer may be held liable simply because the officer occupies the  
4 position of officer or director. Rather, the Court held that a corporate officer’s conduct must have  
5 a responsible relationship to a violation of the act. Cf *United States v. Park*, 421 U.S. 658, 95 S. Ct.  
6 1903, 44 L. Ed. 2d 489 (1975) (responsible corporate officer will not be held liable solely because  
7 of individual’s position within corporation); *United States v. Northeastern Pharmaceutical &*  
8 *Chemical Co.*, 810 F.2d 726,744 (8th Cir. 1986), cert. denied, 484 U.S. 848,108 S. Ct. 146, 98 L.  
9 Ed. 2d 102 (1987) (corporate officer’s liability premised upon personal involvement, not on official  
10 position); *Scribner v. O'Brien, Inc.*, 169 Conn. 389,404,363 A.2d 160 (1975). “An officer of a  
11 corporation does not incur personal liability for its torts merely because of his official position;  
12 *Scribner v. O'Brien, Inc.*, supra, 404. However, if an “officer [of a corporation] commits, or  
13 participates in the commission of a tort, whether or not he acts on behalf of his or the corporation,  
14 he is liable to third persons injured thereby.” Id.

15           The Court also pointed-out that a corporate officer’s direct liability under the act is distinct  
16 from derivative liability when the corporate veil is pierced. The officer's liability does not depend  
17 on a finding that the corporation is inadequately capitalized, that the corporate form is being used  
18 to perpetrate a fraud, or that corporate formalities have not been honored. See *Kilduffv. Adams, Inc.*,  
19 219 Conn. 314,331,593 A.2d 478 (1991)(“we conclude that it was unnecessary to pierce the  
20 corporate veil in order to find that the [corporate officers] were personally liable for their  
21 misrepresentations”); 3A *W. Fletcher, Cyclopedia of the Law of Private Corporations* (Cum. Sup.  
22 2000) § 1135; 18B Am. Jur. 2d 723, Corporations § 1877 (1985). Also see, *New York v. Shore*  
23 *Realty Corp.*, 759 F.2d 1032, 1052 (2d Cir. 1985) (“a corporate officer who controls corporate  
24 conduct and thus is an active individual participant in that conduct is liable for the torts of the  
25 corporation”); *United States v. Pollution Abatement Services of Oswego, Inc.*, 763 F.2d 133, 135 (2d  
26 Cir. 1985), cert. denied sub nom. *Miller v. United States*, 474 U.S. 1037, 106 S. Ct. 605, 88 L. Ed.  
27 2d 583 (1985) (“in light of the clear congressional intent to hold ‘persons’ liable for violations, we  
28 see no reason to shield from civil liability those corporate officers who are personally involved or  
[\*35] directly responsible for statutorily proscribed activity”).

1           In *Wilson v. McLeod Oil Co.*, 327 N.C. 491, 518, 398 S.E.2d 586 (1990), the defendant  
2 allegedly violated an environmental statute that provided that “any person having control over oil...  
3 which enters the waters of the State...shall be strictly liable...”. As in this litigation, the defendant  
4 argued that he could not be held personally liable as a corporate officer. The court rejected this  
5 argument, noting that “[a] corporate officer can be held personally liable for torts in which he  
6 actively participates”; *id.*, 518; and held that the defendant had “personally participated in the  
7 activities surrounding the delivery and sale of gasoline at the...property.” *Id.*

8           Specifically, the defendant had signed the contract which allowed [the installation of] the  
9 tanks on the property; he generally oversaw the conducting of business...[of] servicing the tanks and  
10 equipment; and performing any repairs. Also he [had] signed the papers arranging for the deliveries  
11 of the gasoline to the property, supervised the account, and was the person contacted about the loss  
12 of gasoline from the tanks...”. *Id.* Also see, *Dept. of Ecology v. Lundgren*, 94 Wn. App. 236, 243,  
13 245, 971 P.2d 948 (1999) (“If a corporate officer participates in the wrongful conduct, or knowingly  
14 approves of the conduct, then the officer...is liable for the penalties... . As an officer who controlled  
15 the corporate conduct, [the defendant] can be deemed an active participant in that conduct.”); *United*  
16 *States v. Park*, 421 U.S. 670-71 (“An omission or failure to act [may be] deemed a sufficient basis  
17 for a responsible corporate agent's liability.”).

18           In *People ex rel. Burns v. CJR. Processing, Inc.*, 269 Ill. App. 3d 1013, 1015, 647 N.E.2d  
19 1035, 207 Ill. Dec. 542 (1995), the Appellate Court for the Third District considered “whether a  
20 corporate officer may be held individually liable for a corporation's violations of the Act when he  
21 or she is personally involved or actively participates in those violations.” The Court found that the  
22 officer could be held liable under those limited circumstances, *i.e.*, “active participation or personal  
23 involvement.” *CJR.*, 269 Ill. App. 3d at 1020. Moreover, in *CJR.*, **the Court found that the**  
24 **complaint sufficiently alleged “active participation or personal involvement” to withstand a**  
25 **motion to dismiss. (emphasis added).**

26           Specifically, the complaint alleged that the defendant was “responsible for *CJR* and  
27 controll[ed] its activities.” *CJR.*, 269 Ill. App. 3d at 1014. The Appellate Court found that “the  
28 complaint alleged [that the corporate officer] was personally involved and actively participated in  
the decisions and corporate activities which caused the violations of the Act.” *CJR.*, 269 Ill. App. 3d at 1018.

1           The Court also considered significant in its holding that “the operative, allegations charged  
2 that [the corporate officer] ‘caused or allowed’ all of the violations to occur in conjunction with the  
3 other defendants.” *CJR.*, 269 Ill. App. 3d at 1018. The court found that corporate officer status does  
4 not insulate [a corporate officer] from individual liability for the torts of the corporation in which  
5 he actively participates.

6           **(4) Defendants HERNANDEZ and SUITO Have Evidenced They Have Complete**  
7           **Cognizance of the Claims and Allegations Within All the Pages of Plaintiffs**  
8           **Complaint, Accordingly, Defendants HERNANDEZ and SUITO ARE NOT**  
9           **ENTITLED to a More Definite Statement:**

10           Defendants HERNANDEZ and SUITO’s arguments— that they are “...Entitled to a  
11 More Definite Statement”— consist of the following thirty-one (31) *meaningless, ambiguous,*  
12 *irrelevant, and empty* words:

13                       For the sake of judicial economy, Mr. Hernandez and Mrs. Suito  
14                       hereby incorporate by this reference the legal authorities and  
15                       arguments set forth in C4A’s motion for a more definite statement.<sup>17</sup>

16           NRCP, Rule 7(b)(1)(B) requires a motion to “state with particularity the grounds for seeking  
17 the order.” In all of their thirty-one (31) words [*supra*] Defendants HERNANDEZ and SUITO *totally*  
18 *fail* to “state with particularity...” the what, where, and why they are seeking a more definite  
19 statement. After researching Rules and case law pertaining to NRCP, Rule 12(e), Plaintiff can not  
20 find any requirement that a party is required to guess what the opposing party is seeking clarification  
21 of. Moreover, it is not for Plaintiff to scrutinize another party’s motion, as Defendants  
22 HERNANDEZ and SUITO suggest, to guess the what, where, and whys of Defendants  
23 HERNANDEZ and SUITO’s reasoning for their seeking a more definite statement.

24           To the contrary of Defendants HERNANDEZ and SUITO’s *fallacious argument*— that they  
25 are “...Entitled to a More Definite Statement”— the *irrefutable fact* is that Defendants  
26 HERNANDEZ and SUITO *understands precisely* what is being alleged against each - both factually  
27 and legally.

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28 <sup>17</sup>Defendants HERNANDEZ and SUITO’s Motion, Pge.5 of 7, ¶¶ 21-23.

1           Reviewing Defendants HERNANDEZ' and SUITO's Motion, *it is irrefutable* that  
2 Defendants HERNANDEZ and SUITO comprehend each allegation; every claims; and the sum and  
3 substance of Plaintiff's [unequivocal] Complaint. Defendants HERNANDEZ and SUITO evidence  
4 their understanding of Plaintiff's Complaint with the statements Defendants HERNANDEZ and  
5 SUITO put-forth in their Motion, under the heading:

6                           "MR. HERNANDEZ AND MRS SUITO SHOULD BE DISMISSED  
7                           BECAUSE THE COMPLAINT FAILS TO STATE A CLAIM  
8                           AGAINST THEM FOR WHICH RELIEF CAN BE GRANTED."<sup>18</sup>

8           Obviously, based upon the following claims/defenses, stated by Defendants HERNANDEZ  
9 and SUITO, Defendants HERNANDEZ and SUITO each have a [*self-evident*] comprehension and  
10 understanding of the entirety of Plaintiff's Complaint. That is evidenced by the following statements  
11 by Defendants:

- 12                   (i)     "Mr. Hernandez and Mrs. Suito cannot be held individually liable for the  
13                   debts, obligations, or liabilities of Defendant Cash4Asking, LLC ("C4A")...".  
                              Hernandez' and Suito's Motion, Pge. 3 of 7, ¶¶ 6-8;
- 14                   (ii)    "Mr. Edwards does not allege any factual allegations to suggest that Mr.  
15                   Hernandez and Mrs. Suito personally committed any of the purported  
16                   wrongdoing alleged in the Complaint." Hernandez' and Suito's Motion, Pge.  
                              5 of 7, ¶¶ 8-10;
- 17                   (iii)   "...all of the allegations made against Mr. Hernandez and Mrs. Suito relate to  
18                   their association with C4A, or their roles as members, managers, officers, and  
                              agents of C4A." Hernandez' and Suito's Motion, Pge. 5 of 7, ¶¶ 11-12;
- 19                   (iv)    "As a chief example, Mr. Edwards does not allege that either Mr.  
20                   Hernandez or Mrs. Suito personally made telephone calls." (Emphasis  
                              added). Hernandez' and Suito's Motion, Pge. 5 of 7, ¶¶ 12-14;
- 21                   (v)     "...such calls would clearly be undertaken in their capacities as members,  
22                   managers, employees, officers, or agents of C4A." Hernandez' and Suito's  
                              Motion, Pge. 5 of 7, ¶¶ 15-16;

23           Based upon Defendants HERNANDEZ and SUITO's statements [(i)-(v)], *supra*— it is  
24 *undisputable, definitive and evidential*, that Defendants HERNANDEZ and SUITO have a clear and  
25 absolute understanding of Plaintiff's Complaint, for each of those statements [(i)-(v)], *supra*— can  
26 only have been formed by a total understanding of Plaintiff's [complete] Complaint.

27     ...

28     ...

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<sup>18</sup>Defendants HERNANDEZ and SUITO's Motion, Pge.5 of 7, ¶¶ 1-19.



1 A review of Defendants HERNANDEZ' and SUITO's Motion establishes that the  
2 Defendants understands the gravamen of Plaintiff's Complaint [evidenced by Defendants own  
3 statements/defenses, see [(i)-(v)], *supra*], therefore Defendants Motion **must be denied**. See *Potts*  
4 *v. Howard Univ.*, 269 F.R.D. 40, 44 (D.D.C. 2010); *Juneau Square Corp. v. First Wisconsin Nat'l*  
5 *Bank*, 60 F.R.D. 46, 48 (E.D.Wis. 1973). "Normally, **the basis for requiring a more definite**  
6 **statement is unintelligibility....**"*Rahman v. Johanns*, 501 F. Supp. 2d 8, 19 (2007) (citation  
7 omitted)(**emphasis added**). Also see, *United States ex rel. Brown v. Aramark Corp.*, 591 F. Supp.  
8 2d 68, 76 n.5 (2008); *Towers Tenant Ass'n v. Towers Ltd. Partnership*, 563 F. Supp. 566, 569 (1983)  
9 (citations omitted).

10 When, as here, Plaintiff's Complaint [at a minimum] conforms to NRCP, Rule 8(a), and is  
11 neither so vague, nor so ambiguous, that Defendants HERNANDEZ and SUITO cannot reasonably  
12 be required to answer, this Court must deny their Motion, and require Defendants HERNANDEZ  
13 and SUITO to bring this case to issue by filing its Answer within the time provided by the rules.  
14 *Potts v. Howard University*, 269 F.R.D. 40 (D.D.C. 2010).

15  
16 **"[A]s long as the defendant is able to respond, even**  
17 **if only with simple denial, in good faith, without**  
18 **prejudice, the complaint is deemed sufficient."** *SEC*  
*v. Digital Lightwave*, 196 F.R.D. 698, 700 (M.D.Fla.  
2000) (citation omitted). (**emphasis added**).  
19

20 A motion for a more definite statement is disfavored under modern notice pleading standards,  
21 and **should only be granted where a complaint is so hopelessly vague and ambiguous** that the  
22 defendant cannot fairly be expected to frame a response or denial.

23 Here, Defendants HERNANDEZ and SUITO [**unarguably**] have established (by Defendants  
24 HERNANDEZ and SUITO's statements/defenses [(i)-(v)], *supra*) that Plaintiff's Complaint is  
25 crystal-clear, specific, and [at a minimum] in full compliance with the notice pleading requirements  
26 of NRCP, Rule 8. It lays out plain, comprehensible, and detailed statements of the facts; a coherent  
27 legal theory; pertinent, applicable, and specific references and citations; and an unambiguous prayer  
28 for relief. **There is no mystery, unintelligibility, or vagueness to Plaintiff' claims.**

1           Nonetheless, if Defendants HERNANDEZ and SUITO holds that certain allegations in  
2 Plaintiff's Complaint are not sufficiently focused to permit a definite Answer, or, if Defendants  
3 HERNANDEZ and SUITO are without knowledge or information sufficient to form a belief as to  
4 the truth of an averment, then Defendants HERNANDEZ and SUITO can so state in their Answer.

5           Moreover, unless Defendants HERNANDEZ and SUITO intend, **in good faith**, to controvert  
6 all the claims in Plaintiff's Complaint, [then] Defendants HERNANDEZ and SUITO may make  
7 denials as specific denials, or may generally deny all the allegations, except such designated  
8 averments, or paragraphs, as Defendants HERNANDEZ and SUITO expressly admit.

9           Likewise, Defendants HERNANDEZ and SUITO may obtain further clarification of the basis  
10 for Plaintiff's claims during the discovery procedures detailed in NRCP, Rule 16.1. See *Mays v.*  
11 *District Court*, 105 Nev. 60, 768 P.2d 877 (Nev. 2/22/1989). Also see *Northern Nev. Ass'n Injured*  
12 *Workers v. SIIS*, 107 Nev. 108, 807 P.2d 728 (Nev. 03/07/1991)(citing *Mays v. District Court*, 105  
13 *Nev. 60, 768 P.2d 877 (1989)*).

14           **(5) Defendants HERNANDEZ and SUITO's [Concocted] Motion is Filed in Bad**  
15 **Faith; Not Compliant With NRCP, Rule 11; and is a Waste of Judicial**  
16 **Resources:**

17           Shameless; remorseless; unprofessional and dissolute— those words, and their  
18 meanings, is the summarization for Defendants HERNANDEZ and SUITO's bringing their *fruitless*  
19 Motion. Defendants HERNANDEZ and SUITO's Motion falls-upon every reason for imposing Rule  
20 11 sanctions— that this Court, *sua sponte*, should administer.

21           When reviewing Defendants HERNANDEZ and SUITO's Motion it is evident that their  
22 Motion was brought as a *futile attempt* to forestall the forward movement of this case— for there are  
23 no logical or legal reasons for Defendants HERNANDEZ and SUITO to bring their Motion. A  
24 Motion that *completely fails* to set forth [any] legal basis or citations to support how, or why, a Rule  
25 12(e) motion is particularly appropriate here. While Plaintiff's Complaint provides greater context  
26 then that required under NRCP, Rule 8, it would be unimaginable for sophisticated parties,  
27 knowledgeable of business practices, to read the allegations in Plaintiff's Complaint, and not be  
28 apprised of Plaintiff's claims. It is surmised that educated, in-the-know persons, such as Defendants  
HERNANDEZ and SUITO, and their counsel Chad F. Clement, MARQUIS AURBACH COFFING,  
can fully understand Plaintiff's claims and allegations.

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1 **CERTIFICATE OF E-SERVICE**

2 I HEREBY CERTIFY that, on the 18th day of September 2019, pursuant to the Nevada  
3 Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and  
4 correct copy of the following document:

- 5 1. Opposition to Defendants Eduardo Romay Hernandez' and Gladys Rionda Suito's  
6 Motion to Dismiss for Lack of Personal Jurisdiction, Motion to Dismiss for Failure  
7 to State a Claim upon Which Relief Can Be Granted, and Motion for a More Definite  
8 Statement

9 to the following email address[es]:

10 Chad F. Clement, MARQUIS AURBACH COFFING  
11 cclement@maclaw.com

12 Brian P. Clark, CLARK MCCOURT  
13 bpc@clarkmccomi.com

14  
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16 \_\_\_\_\_  
17 Designee for Plaintiff  
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1 **RCCM (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
7 Cellular Telephone: 702.893.1776  
8 Email: pauldse@pauldsedwards.com

9  
10 **DISTRICT COURT,**  
11 **CLARK COUNTY, NEVADA**

12 PAUL D.S. EDWARDS,

13 **Plaintiff,**

14 **vs.**

15 TIMESHARE LIQUIDATORS, LLC,  
16 a/d/b/a TLC RESORT LIQUIDATORS,  
17 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
18 a/d/b/a TLC RESORTS VACATION CLUB,  
19 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
20 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
21 a/d/b/a VIP VACATIONS,  
22 a/d/b/a VIP INTERNATIONAL,  
23 and CASH4ASKING, LLC,  
24 a/d/b/a CASH4ASKING.COM,  
25 and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
26 a/k/a STAN MULLIS,  
27 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
28 a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.:** A-19-799140-C

**DEPT. NO.:** XXIII

**REPLY TO DEFENDANTS**

**TIMESHARE LIQUIDATORS,**  
**LLC, a/d/b/a TLC RESORT**  
**LIQUIDATORS, a/d/b/a TLC**  
**RESORTS VACATION**  
**CLUB, LLC,**  
**a/d/b/a TLC RESORTS**  
**VACATION CLUB,**  
**a/d/b/a TLC RESORTS,**  
**a/k/a TLCRESORTS.COM,**  
**a/d/b/a TLC TRAVEL,**  
**a/k/a TLC, a/d/b/a VIP TRAVEL,**  
**a/d/b/a VIP VACATIONS,**  
**a/d/b/a VIP INTERNATIONAL**

**COUNTERCLAIMS**

1 TIMESHARE LIQUIDATORS, LLC,  
2 a/d/b/a TLC RESORT LIQUIDATORS,  
3 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
4 a/d/b/a TLC RESORTS VACATION CLUB,  
5 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
6 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
7 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL.

8 **Counter-Claimants,**

9 **vs.**

10 PAUL D.S. EDWARDS,

11 **Counter-Defendant.**

12 Counter-Defendant PAUL D.S. EDWARDS, *pro se* (“**Counter-Defendant**”), and now  
13 Replies to the *false, erroneous, and intentionally misleading* allegations of Counter-Claimant  
14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC  
15 RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC  
16 RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
17 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL (collectively “**Counter-Claimants**”).

18 **General Objections:** The Counter-Claimants, and this replying Counter-Defendant, have  
19 previously been parties to another action in the Eighth Judicial District Court, Clark County, Nevada  
20 (Case No. A-18-776375-C (“**1st Case**”)). In the 1st Case, Plaintiff (now designated as Counter-  
21 Defendant) brought that action as a consequence of Defendants (now designated as Counter-  
22 Claimants) numerous violations of Nevada state’s statutes.

23 Nevertheless, in the 1st Case, as a consequence of Defendants failure to Answer, or seek  
24 Summary Judgment to Plaintiff’s First Amended Complaint, Plaintiff reimbursed Defendants their  
25 filing fees; submitted his “Voluntary Dismissal” to Judge Allf; and following Judge Allf’s “Blue-  
26 Stamping” Plaintiff’s Voluntary Dismissal, on July 16, 2019, filed and served Plaintiff’s “Voluntary  
27 Dismissal.” Plaintiff’s “Voluntary Dismissal” was based upon NRCP, Rule 41(a)(1) *et seq.*

1 Accordingly, pertaining to the 1st Case, based upon and supported by the *stare decisis* of the  
2 Nevada Supreme Court expressed—

3 The district court was not at liberty to ignore Lerer's voluntary  
4 dismissal and to retain jurisdiction over the case on its own initiative.  
5 *Harvey L. Lerer, Inc. v. District*, 111 Nev. 1165, 901 P.2d 643 (Nev.  
6 8/24/1995);

7 In order to accomplish a voluntary dismissal pursuant to NRCP  
8 41(a)(1), a plaintiff “need do no more than file a notice of dismissal  
9 with the Clerk, “and that such a filing “is a matter of right running to  
10 the plaintiff and may not be extinguished or circumscribed by  
11 adversary or court. *Venetian MacAu Ltd. v. Dist. Ct. (Jacobs)*, 69090  
12 (Nev. 2016)(citing *Fed. Sav. & Loan Ins. Corp. v. Moss*, 88 Nev. 256,  
13 259, 495 P.2d 616, 618 (1972);

14 Interpreting the federal counterpart to NRCP 41(a)(1) and stating that  
15 the filing of a notice of voluntary dismissal “automatically terminates  
16 the action as to the defendants who are the subject of the notice.”  
17 *Concha v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995)(“[F]ederal  
18 decisions involving the Federal Rules of Civil Procedure provide  
19 persuasive authority when this court examines its rules.”*Nelson v.*  
20 *Heer*, 121 Nev. 832, 834, 122 P.3d 1252, 1253 (2005));

21 A notice filed under NRCP 41(a)(1)(i) terminates the district court's  
22 jurisdiction over the merits of the action. *Emerson*, 127 Nev. at 677,  
23 263 P.3d at 227 (citing *Jeep Corp. v. Second Judicial Dist Ct.*, 98  
24 Nev. 440, 443-44, 652 P.2d 1183, 1186 (1982)).

25 On August 30, 2019, Plaintiff (Counter-Defendant) timely filed an appeal to Nevada’s  
26 Supreme Court based [primarily] upon (i) the District Court’s (Judge Allf) vacating and striking  
27 from the record Plaintiff’s “Voluntary Dismissal”; (ii) the District Court’s (Judge Allf) continuation  
28 of the 1st Case, after Plaintiff’s “Voluntary Dismissal” was filed, and after Plaintiff’s Appeal was  
Docketed (Supreme Court Case No. 79545); and (iii) Defendants ignoring Plaintiff’s “Voluntary  
Dismissal and Appeal, continuing to file motions and setting hearings.

Thus, based upon *irrefutable facts*, Defendants assertion that Case No. A-18-776375-C is  
currently pending, is *fraudulent, disingenuous, and intentionally misleading*.

1 Another *false and intentionally misleading* contention, in Defendants General Objection, is  
2 that Plaintiff brought this case claiming the identical allegations as in the previously “Voluntary  
3 Dismissed” 1st Case. First— Each claim in the 1st Case was predicated [singularly] on Defendants  
4 violations of Nevada state’s laws. As evidenced in the 1st Case, *totally absent* is any claim for  
5 violations of [any] federal laws, specifically—

- 6 (i) Telephone Consumer Protection Act (47 U.S.C. § 227 *et seq.*);
- 7 (ii) Title 47-Telecommunication Chapter I-Federal Communications Commission  
8 Part 64-Miscellaneous Rules Relating to Common Carriers-Subpart L-  
Restrictions on Telephone Solicitation Sec. 64.1200, Delivery Restrictions;
- 9 (iii) Telephone Sales Rule, 16 C.F.R. Part 310.

10 Secondly— As evidenced in the current case (A-19-799140-C), this case is brought  
11 regarding, pertaining to, and associated with Defendants’ *numerous violations* of Federal laws,  
12 exclusively, which include (i), (ii), & (iii), *supra*. Moreover, the current case (A-19-799140-C) is  
13 *totally absent* of claims for violations of [any] Nevada state laws.

14 In other words, the two (2) cases were brought for *distinctly different claims*.

15 **REPLY TO COUNTER-CLAIMS[sic]**

16 COME NOW Counter-Defendant PAUL D.S. EDWARDS, *pro se* (“Counter-Defendant”)  
17 and Replies to Counter-Claimants’ Counterclaims as follows:

18 1. Replying to Counterclaim No. 1. Counter-Defendant admits that, pursuant to the  
19 information provided by the Secretary of State Office, Public Information Officer, Timeshare  
20 Liquidators, LLC is a Nevada limited liability company operating its business in Las Vegas, Clark  
21 County, Nevada.

22 2. Replying to Counterclaim No. 2. Counter-Defendant admits that he is Paul D.S.  
23 Edwards, and a resident of Las Vegas, Clark County, Nevada.

24 3. Replying to Counterclaim No. 3. Counter-Defendant holds that Counterclaim No. 3  
25 is incomprehensible, opaque, ill-defined, and intentionally misleading, therefor Counter-Defendant  
26 lacks knowledge or information sufficient to form a belief as to the truth of Counterclaim No. 3, and  
27 therefore denies Counterclaim No. 3.

28



1           4.     Replying to Counterclaim No. 4. Counter-Defendant admits that he filed this case  
2 (Case No. A-19-799140-C) on July 25, 2019.

3           5.     Replying to Counterclaim No. 5. Counter-Defendant admits that Case No. A-19-  
4 799140-C, filed on July 25, 2019, is based on Plaintiff's claims that he received at least thirty (30)  
5 unsolicited, illegal, and deceptive telemarketing and solicitation telephone calls to his residential  
6 (hardwired) and cellular (wireless) telephone numbers over the [approximate] period beginning  
7 March 5, 2018, through and including April 4, 2019.

8           6.     Replying to Counterclaim No. 6. Counter-Defendant denies that he filed any  
9 Complaint on June 16, 2018. However, on June 19, 2018 Plaintiff did file a Complaint given the  
10 Case No. A-18-776375-C, wherein Plaintiff alleged that the Defendants (either individually or in  
11 concert with others, and either directly or indirectly) were the causation of[at a minimum] thirty (30)  
12 *illegal, unauthorized, deceptive, and unsolicited telemarketing and solicitation telephone calls to*  
13 *Plaintiff's residential (landline/hardwired) and wireless (cellular) telephone numbers (702.341.1776*  
14 */ 702.893.1776, respectively).*

15           7.     Replying to Counterclaim No. 7. Counter-Defendant finds Counterclaim No. 7  
16 opaque, ill-defined, and intentionally misleading. Therefor Counter-Defendant lacks information  
17 sufficient to form a belief as to the truth of Counterclaim No. 7, and therefore denies Counterclaim  
18 No. 7.

19           8.     Replying to Counterclaim No. 8. Counter-Defendant denies that Case No. A-18-  
20 776375-C, in Department XXVII, in the District Court, Clark County, Nevada, is still pending.

21           Counter-Defendant admits the following:

22                   (i)     after Plaintiff reimbursed, and Defendants' counsel Brian P. Clark accepted  
23 Defendants' filing fees, pursuant to NRCP, Rule 41(a)(1)(A)(i);

24                   (ii)    on July 12, 2019, Plaintiff submitted his "Notice of Voluntary Dismissal,  
25 Pursuant to Nevada Rules of Civil Procedures, Rule 41(a)" to Department  
26 XXVII for approval;

27                   (iii)   on July 16, 2019, Department XXVII returned the Original document  
28 titled "Notice of Voluntary Dismissal, Pursuant to Nevada Rules of Civil  
Procedures, Rule 41(a)" evidencing the "Blue Stamp" approval required for  
the filing of [any] "Voluntary Dismissal" pursuant to NRCP, Rule 41(a)(1)  
*et seq.,*

1 (iv) on July 16, 2019, Plaintiff e-served and filed the Court Approved “Notice of  
2 Voluntary Dismissal, Pursuant to Nevada Rules of Civil Procedures, Rule  
3 41(a).”

4 (v) a notice filed under NRCP 41(a)(1)(i) terminates the district court's  
5 jurisdiction over the merits of the action. *Emerson*, 127 Nev. at 677, 263 P.3d  
6 at 227 (citing *Jeep Corp. v. Second Judicial Dist Ct.*, 98 Nev. 440, 443-44,  
7 652 P.2d 1183, 1186 (1982)).

8 9. Replying to Counterclaim No. 9(a). Counter-Defendant admits that, after [then]  
9 Plaintiff advised Defendants’ counsel Brian P. Clark that removal was futile, based on a previous  
10 removal action wherein this Plaintiff was also a Plaintiff; and providing Defendants’ counsel Brian  
11 P. Clark with irrefutable documentation evidencing that removal is fruitless, Defendants’ counsel  
12 Brian P. Clark removed Case No. A-18-776375-C to Federal Court. That subsequent to [then]  
13 Plaintiff filing a Motion to Remand, Defendants’ counsel Brian P. Clark contacted Plaintiff  
14 requesting Plaintiff stipulate to remanding the matter back to state court. Plaintiff, as a courtesy,  
15 acquiesced, and Case No. A-18-776375-C was remanded.

16 9. Replying to Counterclaim No. 9(b). Counter-Defendant admits that, in the initial  
17 Complaint of Case No. A-18-776375-C, Plaintiff was not pursuing any claims based on federal laws  
18 or regulations. That after [then] Plaintiff advised Defendants’ counsel Brian P. Clark that removal  
19 was futile, based on a previous removal action wherein this Plaintiff was also a Plaintiff; and  
20 providing Defendants’ counsel Brian P. Clark with irrefutable documentation evidencing that  
21 removal is fruitless, Defendants’ counsel Brian P. Clark removed Case No. A-18-776375-C to  
22 Federal Court. That subsequent to [then] Plaintiff filing a Motion to Remand, Defendants’ counsel  
23 Brian P. Clark contacted Plaintiff requesting Plaintiff stipulate to remanding the matter back to state  
24 court. Plaintiff, as a courtesy, acquiesced, and Case No. A-18-776375-C was remanded.

25 9. Replying to Counterclaim No. 9(c). Counter-Defendant finds Counterclaim No. 9(c)  
26 opaque, ill-defined, and intentionally misleading. Counter-Defendant finds Counterclaim No. 9(c)  
27 states legal conclusions and does not require a response from the Counter-Defendant. Counter-  
28 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(c), and  
therefore denies Counterclaim No. 9(c).

1           **9.**       Replying to Counterclaim No. 9(d). Counter-Defendant finds Counterclaim No. 9(d)  
2 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(d) states legal  
3 conclusions and does not require a response from the Counter-Defendant. Consequently, Counter-  
4 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(d), and  
5 therefore denies Counterclaim No. 9(d).

6           **9.**       Replying to Counterclaim No. 9(e). Counter-Defendant finds Counterclaim No. 9(e)  
7 opaque, ambiguous, ill-defined, and intentionally misleading. Therefor, Counter-Defendant lacks  
8 information sufficient to form a belief as to the truth of Counterclaim No. 9(e), and therefore denies  
9 Counterclaim No. 9(e). However, Counter-Defendant denies that he ever refused to amend any  
10 pleading.

11           **9.**       Replying to Counterclaim No. 9(f). Counter-Defendant finds Counterclaim No. 9(f)  
12 opaque, ambiguous, ill-defined, and intentionally misleading. Therefor Counter-Defendant lacks  
13 information sufficient to form a belief as to the truth of Counterclaim No. 9(f), and therefore denies  
14 Counterclaim No. 9(f). However, Counter-Defendant denies voicing any threatening language, or  
15 placing any threatening language in any communications.

16           **9.**       Replying to Counterclaim No. 9(g). Counter-Defendant finds Counterclaim No. 9(g)  
17 opaque, ambiguous, and ill-defined. Therefor Counter-Defendant lacks information sufficient to  
18 form a belief as to the truth of Counterclaim No. 9(g), and therefore denies Counterclaim No. 9(g).

19           **9.**       Replying to Counterclaim No. 9(h). Counter-Defendant finds Counterclaim No. 9(h)  
20 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(h) states legal  
21 conclusions and does not require a response from the Counter-Defendant. Accordingly, Counter-  
22 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(h), and  
23 therefore denies Counterclaim No. 9(h).

24           **9.**       Replying to Counterclaim No. 9(i). Counter-Defendant admits that he filed a First  
25 Amended Complaint pertaining to Case No. A-18-776375-C on April 17, 2019.

26           **9.**       Replying to Counterclaim No. 9(j). Counter-Defendant finds Counterclaim No. 9(j)  
27 opaque, ambiguous, and ill-defined. Therefor Counter-Defendant lacks information sufficient to  
28 form a belief as to the truth of Counterclaim No. 9(j), and therefore denies Counterclaim No. 9(j).

1           **9.**       Replying to Counterclaim No. 9(k). Counter-Defendant finds Counterclaim No. 9(k)  
2 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(k) states legal  
3 conclusions and does not require a response from the Counter-Defendant. Consequently, Counter-  
4 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(k), and  
5 therefore denies Counterclaim No. 9(k).

6           **9.**       Replying to Counterclaim No. 9(l). Counter-Defendant finds Counterclaim No. 9(l)  
7 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(l) states legal  
8 conclusions and does not require a response from the Counter-Defendant. Consequently, Counter-  
9 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(l), and  
10 therefore denies Counterclaim No. 9(l).

11          **9.**       Replying to Counterclaim No. 9(m). Counter-Defendant finds Counterclaim No. 9(m)  
12 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(m) states legal  
13 conclusions and does not require a response from the Counter-Defendant. Consequently, Counter-  
14 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(m), and  
15 therefore denies Counterclaim No. 9(m).

16          **9.**       Replying to Counterclaim No. 9(n). Counter-Defendant finds Counterclaim No. 9(n)  
17 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(n) states legal  
18 conclusions and does not require a response from the Counter-Defendant. Consequently, Counter-  
19 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(n), and  
20 therefore denies Counterclaim No. 9(n).

21          **9.**       Replying to Counterclaim No. 9(o). Counter-Defendant finds Counterclaim No. 9(o)  
22 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(o) states legal  
23 conclusions and does not require a response from the Counter-Defendant. Accordingly, Counter-  
24 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(o), and  
25 therefore denies Counterclaim No. 9(o).

26          **9.**       Replying to Counterclaim No. 9(p). Counter-Defendant finds Counterclaim No. 9(p)  
27 opaque, ambiguous, and ill-defined. Consequently, Counter-Defendant lacks information sufficient  
28 to form a belief as to the truth of Counterclaim No. 9(p), and therefore denies Counterclaim No. 9(p).

1           **9.**       Replying to Counterclaim No. 9(q). Counter-Defendant finds Counterclaim No. 9(q)  
2 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(q) states legal  
3 conclusions and does not require a response from the Counter-Defendant. Consequently, Counter-  
4 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(q), and  
5 therefore denies Counterclaim No. 9(q).

6           **9.**       Replying to Counterclaim No. 9(r). Counter-Defendant finds Counterclaim No. 9(r)  
7 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(r) states legal  
8 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
9 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(r), and  
10 therefore denies Counterclaim No. 9(r).

11          **9.**       Replying to Counterclaim No. 9(s). Counter-Defendant finds Counterclaim No. 9(s)  
12 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(s) states legal  
13 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
14 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(s), and  
15 therefore denies Counterclaim No. 9(s). However, Counter-Defendant admits he has an appeal  
16 pending in the Nevada Supreme Court (Supreme Court No. 79545) regarding, pertaining to, and  
17 associated with a Voluntary Dismissal associated with Case No. A-18-776375-C.

18          **9.**       Replying to Counterclaim No. 9(t). Counter-Defendant finds Counterclaim No. 9(t)  
19 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(t) states legal  
20 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
21 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(t), and  
22 therefore denies Counterclaim No. 9(t).

23          **9.**       Replying to Counterclaim No. 9(u). Counter-Defendant finds Counterclaim No. 9(u)  
24 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(u) states legal  
25 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
26 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(u), and  
27 therefore denies Counterclaim No. 9(u).

28

1           **9.**       Replying to Counterclaim No. 9(v). Counter-Defendant finds Counterclaim No. 9(v)  
2 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(v) states legal  
3 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
4 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(v), and  
5 therefore denies Counterclaim No. 9(v).

6           **9.**       Replying to Counterclaim No. 9(w). Counter-Defendant finds Counterclaim No. 9(w)  
7 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(w) states legal  
8 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
9 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(w), and  
10 therefore denies Counterclaim No. 9(w).

11          **9.**       Replying to Counterclaim No. 9(x). Counter-Defendant finds Counterclaim No. 9(x)  
12 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 9(x) states legal  
13 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
14 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 9(x), and  
15 therefore denies Counterclaim No. 9(x). However, Plaintiff admits he never filed any Notice of  
16 Appeal [knowingly] containing [any] false representations.

17          **10.**      Replying to Counterclaim No. 10. Because Counter-Defendant has two (2) current  
18 actions in the Eighth Judicial District Court, Clark County, Nevada, Counter-Defendant finds  
19 Counterclaim No. 10 opaque, ambiguous, and ill-defined. Therefore, Counter-Defendant lacks  
20 information sufficient to form a belief as to the truth of Counterclaim No. 10, and therefore denies  
21 Counterclaim No. 10. However, when filing a legal action, other than resolving a legal dispute,  
22 Counter-Defendant has no other ulterior motive or purpose.

23          **11.**      Replying to Counterclaim No. 11. Counter-Defendant finds Counterclaim No. 11  
24 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 11 states legal  
25 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
26 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 11, and  
27 therefore denies Counterclaim No. 11.  
28

1           **12.**     Replying to Counterclaim No. 12. Counter-Defendant finds Counterclaim No. 12  
2 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 12 states legal  
3 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
4 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 12, and  
5 therefore denies Counterclaim No. 12.

6           **13.**     Replying to Counterclaim No. 13. Counter-Defendant finds Counterclaim No. 13  
7 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 13 states legal  
8 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
9 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 13, and  
10 therefore denies Counterclaim No. 13.

11          **14.**     Replying to Counterclaim No. 14. Counter-Defendant finds Counterclaim No. 14  
12 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 14 states legal  
13 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
14 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 14, and  
15 therefore denies Counterclaim No. 14. However, Plaintiff admits he never filed any Notice of Appeal  
16 intentionally misrepresenting any facts, information, or otherwise.

17          **15.**     Replying to Counterclaim No. 15. Counter-Defendant finds Counterclaim No. 15  
18 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 15 states legal  
19 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
20 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 15, and  
21 therefore denies Counterclaim No. 15.

22          **16.**     Replying to Counterclaim No. 16. Counter-Defendant denies that the conduct of  
23 Counter-Defendant was intentional and performed with malice, with the conscious disregard of, and  
24 a willful and deliberate failure to avoid, the probable and actual harmful consequences that would  
25 result to Timeshare Liquidators, LLC in defending a second law suit based on the same factual  
26 presentation.  
27  
28

1           17.     Replying to Counterclaim No. 17. Counter-Defendant denies that the conduct of  
2 Counter-Defendant' was or is intentional; Counter-defendant denies that Counter-Defendant'  
3 intention was or is to harass Timeshare Liquidators, LLC and to needlessly increase the costs of the  
4 litigation with the intent to extort a settlement on Plaintiff's claims. However, Counter-Defendant  
5 admits that Counter-Claimants' attorney, Brian P. Clark, CLARK MCCOURT, is needlessly  
6 increasing the costs of the this litigation with the intent of increasing billing hours unneededly.  
7 Counter-Defendant supports his contention based upon a previous case tantamount to the current  
8 litigation.

9           18.     Replying to Counterclaim No. 18. Counter-Defendant finds Counterclaim No. 18  
10 opaque, ambiguous, and ill-defined. Counter-Defendant finds Counterclaim No. 18 states legal  
11 conclusions and does not require a response from the Counter-Defendant. Therefore, Counter-  
12 Defendant lacks information sufficient to form a belief as to the truth of Counterclaim No. 18, and  
13 therefore denies Counterclaim No. 18. However, Counter-Defendant denies that any conduct by him  
14 is [either] intentional or malicious. Moreover, Counter-Defendant holds he will prevail with Case  
15 No. A-19-799140-C, thus Counter-Defendants will be denied any false, spuriously alleged damages.

16                   **COUNTER-DEFENDANT'S AFFIRMATIVE DEFENSES**

- 17           1.     Counter-Claimants fail to state a claim upon which relief can be granted.
- 18           2.     Counter-Claimants cannot create a justiciable dispute by misrepresentation,  
19               falsehoods, and fraud.
- 20           3.     Counter-Claimants claims are barred by Counter-Claimants' unclean hands.
- 21           4.     Counter-Claimants claims arise in fraud and amount to allegations of fraudulent  
22               conduct, accordingly, must be pled with particularity as required by NRCP, Rule 9.
- 23           5.     Any award of punitive damages based upon vague and undefined standards of liability  
24               would violate the Due Process Clause of the Fourteenth Amendment, U.S. Const.  
25               Amend. X, Section 1, and the laws of the State of Nevada.
- 26           6.     Any award of punitive damages based upon any standard of proof less than "clear and  
27               convincing" evidence would violate the Due Process Clause of the Fourteenth  
28               Amendment of the United States Constitution, and the laws of the State of Nevada.
7.     Any award of punitive damages would violate this Replying Counter-Defendant's  
             rights to equal protection of the laws as guaranteed by the Fourteenth Amendment  
             to the United States Constitution and the laws of the State of Nevada, as the absence  
             of adequate and objective standards for the assessment of punitive damages fails to  
             ensure the equality of treatment between similarly situated civil defendants.



- 1       **8.**     Any award of punitive damages would violate the Commerce Clause of Article I of
- 2           the United States Constitution, constituting an undue and unreasonable burden on
- 3           interstate commerce, and to the extent it punishes acts or omissions which have
- occurred outside of state boundaries.
- 4       **9.**     Any award of punitive damages would violate Counter-Defendant's rights under the
- 5           contract clause of the United States Constitution and the laws of the State of Nevada,
- 6           as it would impair the contractual obligations of the parties to this action, if any.
- 7       **10.**    An award of punitive damages in this action would contravene the constitutional
- 8           prohibitions against ex post facto laws.
- 9       **11.**    Counter-Claimants claims for punitive damages violate the Eighth Amendment's
- 10          guarantee that excessive fines shall not be imposed.
- 11       **12.**    Replying Counter-Defendant did not act with malice or reckless disregard for
- 12          Counter-Claimants rights.
- 13       **13.**    Counter-Claimants alleged damages arising from the conduct alleged in the
- 14          Counterclaim were caused in whole or in part, or were contributed to by reason of the
- 15          actions of the Counter-Claimants.
- 16       **14.**    Estoppel.
- 17       **15.**    Waiver.
- 18       **16.**    Counter-Defendant asserts that any alleged conduct or omission by Counter-
- 19          Defendant was not the cause in fact or proximate cause of any injury alleged by
- 20          Counter-Claimants.
- 21       **17.**    Counter-Defendant did not breach any duty or obligation owed to Counter-Claimant.
- 22       **18.**    Counter-Defendant has not violated any state or federal statute, law, or Code.
- 23       **19.**    Counter-Claimants have improper motives for bringing its Counterclaims, other than
- 24          to resolve a dispute.
- 25       **20.**    Counter-Claimants' conduct bars recovery.
- 26       **21.**    Counter-Claimants have violated the provisions of NRCP, Rule 11 in bringing their
- 27          false, erroneous, and meritless claims.
- 28       **22.**    Counter-Claimants claims are intentionally false and misleading, and are brought by
- Counter-Claimants for the sole purpose to harass Counter-Defendant and extort a
- settlement.
- 23.**    Counter-Claimants' damages, if any, are offset against any and all damages that the
- Counter-Claimants has caused to Counter-Defendant, including Counter-Defendant's
- fees, costs, and any special damages.
- 24.**    Counter-Claimants have ratified, consented to and/or acquiesced in the alleged acts
- and conduct of Counter-Defendant.
- 25.**    Counter-Claimants have failure to name an indispensable party.



1 **CERTIFICATE OF E-SERVICE**

2 I HEREBY CERTIFY that, on the 21st day of September 2019, pursuant to the Nevada  
3 Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and  
4 correct copy of the following document:

- 5 1. Reply to Defendants Timeshare Liquidators, LLC, a/d/b/a TLC Resort Liquidators,  
6 a/d/b/a TLC Resorts Vacation Club, LLC, a/d/b/a TLC Resorts Vacation Club, a/d/b/a  
7 TLC Resorts, a/k/a TLCResorts.com, a/d/b/a TLC Travel, a/k/a TLC, a/d/b/a VIP  
Travel, a/d/b/a VIP Vacations, a/d/b/a VIP International

8 to the following:

9 Brian P. Clark, CLARK MCCOURT  
10 bpc@clarkmccomi.com

11 Chad F. Clement, MARQUIS AURBACH COFFING  
12 cclement@maclaw.com

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18 Designee for Plaintiff  
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1 **Marquis Aurbach Coffing**  
2 Chad F. Clement, Esq.  
3 Nevada Bar No. 12192  
4 10001 Park Run Drive  
5 Las Vegas, Nevada 89145  
6 Telephone: (702) 382-0711  
7 Facsimile: (702) 382-5816  
8 cclement@maclaw.com  
9 *Attorneys for Defendants*  
10 *Cash4Asking, LLC; Eduardo Romay Hernandez;*  
11 *and Gladys Rionda Suito*

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

9 PAUL D.S. EDWARDS,

10 Plaintiff,

11 vs.

Case No.: A-19-799140-C

Dept. No.: 23

12 TIMESHARE LIQUIDATORS, LLC,  
13 a/d/b/a TLC RESORT LIQUIDATORS,  
14 a/d/b/a TLC RESORTS VACATION CLUB,  
15 LLC, a/d/b/a TLC RESORTS VACATION  
16 CLUB, a/d/b/a TLC RESORTS, a/k/a  
17 TLCRESORTS.COM, a/d/b/a TLC TRAVEL,  
18 a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP  
19 VACATIONS, a/d/b/a VIP INTERNATIONAL,  
20 and CASH4ASKING, LLC, a/d/b/a  
21 CASH4ASKING.COM,  
22 and STANLEY C. MULLIS, a/k/a STANLEY  
23 MULLIS, a/k/a STAN MULLIS, and ANGEL C.  
24 MULLIS, a/k/a ANGEL MULLIS, a/k/a  
25 ANGEL SANTILLI,  
26 and EDUARDO ROMAY HERNANDEZ,  
27 a/k/a EDUARDO L ROMAYHERNANDEZ,  
28 a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA, a/k/a SUITO  
GLADYS RIONDA a/k/a GLADYS C.  
RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a  
GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-  
XX, et al.,

Defendants.

**NRCP 7.1 DISCLOSURE STATEMENT**

**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

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Pursuant to NRCP 7.1, Defendant Cash4Asking, LLC, certifies that it does not have a parent corporation and that there is no publicly held corporation that owns 10% or more of its stock.

These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Dated this 15th day of October, 2019.

MARQUIS AURBACH COFFING

By: /s/Chad F. Clement

Chad F. Clement, Esq.  
Nevada Bar No. 12192  
10001 Park Run Drive  
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cclement@maclaw.com  
*Attorneys for Defendants*  
*Cash4Asking, LLC; Eduardo Romay*  
*Hernandez; and Gladys Rionda Suito*

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N/A

Paul D.S. Edwards (pauldse@pauldsedwards.com)  
*Plaintiff pro se*

/s/ Barb Frauenfeld  
an employee of Marquis Aurbach Coffing

Page 3 of 3



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*

Paul Edwards, Plaintiff(s)	Case No.: <u>A-19-799140-C (Sub Case)</u>
vs.	<u>A-18-776375-C (Lead Case)</u>
Timeshare Liquidators, LLC, Defendant(s)	Department 27

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been randomly reassigned to Judge Nancy Allf.

☒ This reassignment is due to: Minute Order Re: Consolidation Dated 10-16-19 [A-18-776375-C/A-19-799140-C].

ANY TRIAL DATE AND ASSOCIATED TRIAL HEARINGS STAND BUT MAY BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

07/13/2020	Jury Trial (Judicial Officer: Allf, Nancy)
10:30 AM	
07/09/2020	Calendar Call (Judicial Officer: Allf, Nancy)
10:30 AM	
11/07/2019	Motion to Dismiss (Judicial Officer: Allf, Nancy)
10:30 AM	
	<i>Defendants Eduardo Rorrey Hernandez' and Gladys Rionda Suito's Motion to Dismiss for Lack of Personal Jurisdiction, Motion</i>
11/07/2019	Motion for More Definite Statement (Judicial Officer: Allf, Nancy)
9:30 AM	
	<i>Defendant Cash4asking, LLC's Motion for a More Definite Statement [Scheduled From Sub Case A-19-799140-C]</i>
11/07/2019	Motion to Strike (Judicial Officer: Allf, Nancy)
9:30 AM	
	<i>Defendant's Motion to Strike for Plaintiff's Failure to Timely Amend Following the Granting of Defendant's Motion for More</i>
11/07/2019	Status Check: Compliance (Judicial Officer: Truman, Erin)
3:00 AM	
	<i>Status Check: Compliance / 10-2-19 DCRR</i>

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Salevao Asifon  
S.L. Asifon, Deputy Clerk of the Court

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**CERTIFICATE OF SERVICE**

I hereby certify that this 18th day of October, 2019

☒ The foregoing Notice of Department Reassignment was electronically served to all registered parties for case number A-19-799140-C.

☒ I mailed, via first-class, postage fully prepaid, the foregoing Clerk of the Court, Notice of Department Reassignment to:

Paul D S Edwards  
713 Wheat Ridge Lane, Unit 203  
Las Vegas, Nevada 89145

☒ I placed a copy of the foregoing Notice of Department Reassignment in the appropriate attorney folder located in the Clerk of the Court's Office:

Paul D. S. Edwards  
Brian P Clark  
Lukas B. McCourt  
Chad F Clement

/s/ Salevao Asifoa  
S.L. Asifoa, Deputy Clerk of the Court





1 **MFJN (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
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**DISTRICT COURT,  
CLARK COUNTY, NEVADA**

10 PAUL D.S. EDWARDS,

11 **Plaintiff,**

12 **vs.**

13 TIMESHARE LIQUIDATORS, LLC,  
14 a/d/b/a TLC RESORT LIQUIDATORS,  
15 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
16 a/d/b/a TLC RESORTS VACATION CLUB,  
17 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
18 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
19 a/d/b/a VIP VACATIONS,  
20 a/d/b/a VIP INTERNATIONAL,  
21 and CASH4ASKING, LLC,  
22 a/d/b/a CASH4ASKING.COM,  
23 and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
24 a/k/a STAN MULLIS,  
25 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
26 a/k/a ANGEL SANTILLI,  
27 and EDUARDO ROMAY HERNANDEZ,  
28 a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT. NO.: XXIII**

**MOTION FOR THIS COURT TO  
TAKE JUDICIAL NOTICE  
THAT DISTRICT COURT JUDGE  
NANCY L. ALLF  
IS WITHOUT JURISDICTION  
TO CONSOLIDATE  
THE CLOSED CASE  
CASE NO. A-18-776375-C  
WITH THE CASE  
BEFORE THIS COURT  
CASE NO. A-19-799140-C**

1 TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
2 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
3 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
4 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL.

5 **Counter-Claimants,**

6 **vs.**

7 PAUL D.S. EDWARDS,

8 **Counter-Defendant.**  
9

10 Based upon two (2) documents that were filed by Plaintiff—  
11 the first (1st) document is “Plaintiff’s Notice of Voluntary Dismissal...” filed on July  
12 16, 2019<sup>1</sup> (“**Voluntary Dismissal**”), and the second (2nd) document, filed on August  
13 30, 2019, is Plaintiff’s “Notice of Appeal to the Supreme Court for Nevada from a  
14 Judgment or Order of a District Court”<sup>2,3</sup> (“**Notice of Appeal**”)—

15 any jurisdiction the Honorable Nancy L. Allf, Eighth Judicial District Court Judge, Department XVII  
16 (“**Judge Allf**”) had with Case No. A-18-776375-C was terminated upon the filing of Plaintiff’s  
17 [Court Approved] “Voluntary Dismissal. Consequently prohibiting Judge Allf to hold hearings on  
18 pending motions affecting the merits of Case No. A-18-776375-C, or to issue orders affecting the  
19 merits of Case No. A-18-776375-C— with the exception of collateral matters that do not affect the  
20 merits of Case No. A-18-776375-C.

21 Accordingly, subsequent to July 16, 2019, any hearing conducted by Judge Allf, and any  
22 Order issued by Judge Allf (associated with Case No. A-18-776375-C), has no legal authority. *Infra*.

23  
24 <sup>1</sup>A copy of Plaintiff’s [Court Approved] “Voluntary Dismissal” is attached hereto and incorporated  
25 herein as **Exhibit 1 (Bates Nos. 001-004)**.

26 <sup>2</sup>A copy of Plaintiff’s Notice of Appeal to the Supreme Court for Nevada from a Judgment or Order  
of a District Court is attached hereto and incorporated herein as **Exhibit 2 (Bates Nos. 005-040)**.

27 <sup>3</sup>Filed simultaneously with Plaintiff’s Notice of Appeal, was Plaintiff’s “Case Appeal Statement”  
28 (“**CAS**”). A copy of Plaintiff’s Case Appeal Statement is attached hereto and incorporated herein  
as **Exhibit 3 (Bates Nos. 041-046)**.

1           Nevertheless, should Judge Allf continue disregarding Plaintiff's [Court Approved]  
2 "Voluntary Dismissal," Judge Allf can not ignore Plaintiff's Appeal— although, it appears she is.

3           Therefore, until such time as the Nevada Supreme Court issues a Remittitur, the District  
4 Courts are absent jurisdiction over Case No. A-18-776375-C, including, but not limited to the  
5 Consolidation of the Closed Case, Case No. A-18-776375-C, with the case before this Court, Case  
6 No. A-19-799140-C. The only jurisdiction retained by Judge Allf, is limited to dealing with  
7 collateral matters that do not affect the merits of Case No. A-18-776375-C.

8 **I.     INTRODUCTION:**

9           On April 17, 2019, by the Order [supposedly] signed by Judge Allf,<sup>4</sup> Plaintiff filed his "First  
10 Amended Complaint for Damages, Injunctive Relief, and, Demand for Trial by Jury — Arbitration  
11 Exemption Claimed" ("**First Amended Complaint**"). Moreover, Plaintiff's First Amended  
12 Complaint was amended in a notably [substantial] way, and was distinctively different then  
13 Plaintiff's initial Complaint.<sup>5</sup> However, Defendants<sup>6</sup> failed to Answer Plaintiff's First Amended  
14 Complaint. Defendants only response to Plaintiff's First Amended Complaint was the filing  
15 of "Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike."<sup>7</sup>

16           Accordingly, **because Defendants TLC never Answered to Plaintiff's First Amended**  
17 **Complaint**, Plaintiff [timely] filed his [Court Approved] "Voluntary Dismissal." *Infra*.

---

19 <sup>4</sup>A copy of the Order is attached hereto and incorporated herein as **Exhibit 4 (Bates Nos. 047-050)**.  
20 It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk  
21 Joseph E. Dagher.

22 <sup>5</sup>*Pacific Bell Telephone Co. v. Linkline Communications, Inc.*, 129 S.Ct. 1109, 172 L.Ed.2d 836, \*4  
(U.S. 02/25/2009)(...an amended complaint supersedes the original complaint."). Also citing 6 C.  
23 Wright & A. Miller, Federal Practice & Procedure §1476, pp. 556-557 (2d ed. 1990).

24 <sup>6</sup>The only Defendants named in Plaintiff's First Amended Complaint were [limited to] TIMESHARE  
25 LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
26 VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
27 a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP  
28 VACATIONS, a/d/b/a VIP INTERNATIONAL ("**TLC**"). No other Defendants were named in  
Plaintiff's First Amended Complaint

<sup>7</sup>**Time to Respond.** Unless the court orders otherwise, any required response to an amended pleading  
must be made within the time remaining to respond to the original pleading or within 14 days after  
service of the amended pleading, whichever is later. N.R.C.P., Rule 15(a)(3).

1 Ignoring Plaintiff's [Court Sanctioned] "Voluntary Dismissal," Defendants TLC continued  
2 to file motions; Judge Allf continued to set hearings and hear Defendants motions; and Jude Allf  
3 continued to issue and enter orders— each associated with the closed Case No. A-18-776375-C.

4 Because of Judge Allf's, and Defendants TLC's counsel, Brian P. Clark's willingness to  
5 disregard Plaintiff's [Court Approved] "Voluntary Dismissal," it was inevitable for Plaintiff to  
6 appeal to the Nevada Supreme Court. Yet, as with Plaintiff's [Court Approved] "Voluntary  
7 Dismissal," [both] Judge Allf, and Defendants TLC's counsel, Brian P. Clark, [also] chose to ignore  
8 the filing of Plaintiff's Appeal, and continued to file motions; set and hold hearings; and issue  
9 orders— without jurisdiction and authority to do so.

10 **II. LEGAL STANDARD FOR THIS COURT TO TAKE JUDICIAL NOTICE:**

11 Pursuant to Nevada Revised Statutes ("NRS") Chapter 47 et seq., Plaintiff/Counter-  
12 Defendant respectfully moves this Court to judicially notice the adjudicative facts as set forth herein,  
13 supported by publically available documents that arose at the time Plaintiff was litigating (the now  
14 **closed case**) Case No. A-18-776375-C. The **closed case** Defendants/Counter-Claimants has asked  
15 District Court Judge, Nancy L. Allf to consolidate with the above-entitled matter. A **closed case** that  
16 District Court Judge, Nancy L. Allf is without jurisdiction to act on.<sup>8</sup>

17 Plaintiff/Counter-Defendant's "Motion for this Court to Take Judicial Notice Supporting  
18 Plaintiff's Claim That District Court Judge Nancy L. Allf Is Without Jurisdiction to Consolidate the  
19 Closed Case, Case No. A-18-776375-C, with the Case Before this Court Case No. A-19-799140-C"  
20 ("**Judicial Notice**") may be taken as to certain matters of fact and matters of law. NRS 47.130,  
21 47.140.

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23 <sup>8</sup>See *In the Matter of the Parental Rights as to L.J.A., a Minor*. 72324, 72330, Supreme Court of  
24 Nevada September 19, 2017 citing *Occhiuto v. Occhiuto*, 97 Nev. 143, 145, 625 P.2d 568, 569  
25 (1981) (explaining that judicial notice may be appropriate when there is a close relationship between  
26 the underlying case and the proceeding that is the subject of the judicial notice); *Giudici V.*  
27 *Giudici*, No. 72360, \*3 (Nev. February 26, 2018) (citing *Mack v. Estate of Mack*, 125 Nev. 80,  
28 91-92, 206 P.3d 98, 106 (2009) (setting forth an exception to the general rule against taking judicial  
notice of records in another case, where the closeness of the cases and the particular circumstances  
warrant judicial notice).

1 A factual matter must be generally known in the community, or be capable of accurate and  
2 ready determination through sources that are known to be accurate, or facts from which facts in issue  
3 may be inferred. NRS 47.130(2).

4 Under NRS 47.150(2), a court must mandatorily take judicial notice if requested to do so,  
5 and if provided the necessary information. The court must also take judicial notice of the law of the  
6 case as propounded in a prior appeal. *Andolino v. State*, 99 Nev. 346, 351, 662 P.2d 631, 633 (1983).

7 In addition, the Nevada Supreme Court has stated that the laws of sister states, as reported  
8 in court opinions, are also subjects for judicial notice. *Kraemer v. Kraemer*, 79 Nev. 287, 382 P.2d  
9 394 (1963); *Choate v. Ransom*, 74 Nev. 100, 323 P.2d 700 (1978).

10 Logically, the law of Nevada, as found in reported court opinions, is similarly subject to  
11 judicial notice. The documents attached hereto and submitted for this Court to take Judicial Notice  
12 of, are documents that are publically available from the Eighth Judicial District Courts (“EJDC”)  
13 clerks office; EJDC [official] web-site(s); Nevada Supreme Courts [official] web-site; the Nevada  
14 Supreme Court’s Appellate Case Management System (“ACMS”); and from the open source of the  
15 world wide web (“Internet”).

16 Therefore, these documents contain information the accuracy of which cannot reasonably be  
17 questioned, and are appropriate subjects for judicial notice.

18 **III. BECAUSE PLAINTIFF’S FIRST AMENDED COMPLAINT WAS AMENDED IN A**  
19 **NOTABLY [SUBSTANTIAL] WAY, AND WAS DISTINCTIVELY DIFFERENT**  
20 **THEN PLAINTIFF’S INITIAL COMPLAINT; AND BECAUSE PLAINTIFF’S FIRST**  
21 **AMENDED COMPLAINT [COMPLETELY] SUPERSEDED PLAINTIFF’S INITIAL**  
**COMPLAINT, DEFENDANTS ANSWER TO PLAINTIFF’S INITIAL COMPLAINT**  
**BECAME MOOT, REQUIRING A DE NOVO ANSWER TO PLAINTIFF’S FIRST**  
**AMENDED COMPLAINT:**

22 It is “hornbook law” that an amended complaint  
23 supersedes and replaces the original complaint, as if  
the initial complaint ceased to ever exist.

24 Any arguments, reference, or submission of/to Plaintiff’s initial Complaint are irrelevant and  
25 improper, inasmuch as Plaintiff’s [Court Ordered] First Amended Complaint superseded and  
26 replaced Plaintiff’s original Complaint, as if the initial Complaint ceased to ever exist.

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1 Even more so, because Plaintiff's [Court Ordered] First Amended Complaint was **amended**  
2 **in a notably [substantial] way, and was distinctively different then Plaintiff's initial Complaint;**  
3 and because **Plaintiff's First Amended Complaint [completely] superseded Plaintiff's initial**  
4 **Complaint,** Defendants answer to Plaintiff's initial Complaint became *moot*, requiring a new  
5 answer to Plaintiff's **notably [substantial], and distinctively different** First Amended Complaint.

6 However, **Defendants TLC never Answered to Plaintiff's First Amended Complaint.**  
7 **(emphasis added).**

8 By Operation of Law, the filing of Plaintiff's [Court Ordered] First Amended Complaint  
9 rendered Plaintiff's initial Complaint irrelevant and nullified. Once Plaintiff filed his [Court  
10 Ordered] First Amended Complaint, his initial (original) Complaint no longer served any function  
11 in Case No. A-18-776375-C— hence, any reference to Plaintiff's initial Complaint, by Defendants,  
12 is moot, thus meaningless.

13 See *Randono v. Ballow*, 100 Nev. 142, 143, 676 P.2d 807, 808 (1984) (explaining that an  
14 amended complaint is a distinct pleading that supersedes the original complaint. Citing *Campbell*  
15 *v. Deddens*, 518 P.2d 1012 (Ariz.Ct.App. 1974) (In a similar case, the court reasoned that the  
16 defendant's answer to the amended complaint constituted his first responsive pleading to the merits  
17 of the plaintiff's claim, even though the defendant had responded to the original complaint.).

18 Also see, *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) ("It is  
19 well-established in our circuit that an amended complaint supersedes the original, the latter being  
20 treated thereafter as non-existent.") (citation and internal quotation marks omitted)); *Lacey v.*  
21 *Maricopa County*, 693 F.3d 896, 925 (9th Cir. 2012) (en banc) (quoting *Forsyth v. Humana, Inc.*,  
22 114 F.3d 1467, 1474 (9th Cir. 1997)) ("amended complaint supersedes the original, the latter being  
23 treated thereafter as non-existent"); *Gilman v. Cosgrove*, 22 Cal. 356; *Jones v. Frost*, 28 Cal. 245;  
24 also see, *Barber v. Reynolds*, 33 Cal. 498 (the amended complaint is in itself a full, distinct, and  
25 complete pleading, and entirely supersedes the original.); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th  
26 Cir. 2007)(citations omitted)(noting that filing of amended complaint supersedes original complaint  
27 and renders it without legal effect).

1 Also see, 6 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1476  
2 (3d ed. 2016) (“Once an amended pleading is interposed, the original pleading no longer performs  
3 any function in the case and any subsequent motion made by an opposing party should be directed  
4 at the amended pleading.”). Also see, *McFadden v. Ellsworth Mill and Mining Company*, 8 Nev. 57  
5 (1872). As case law makes clear, “an amended complaint supersedes the original, the latter being  
6 treated thereafter as non-existent.” *Valadez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011).

7 Accordingly, because Plaintiff’s First Amended Complaint superseded Plaintiff’s initial  
8 Complaint, causing Plaintiff’s initial Complaint to cease to exist— it required Defendants TLC to  
9 Answer to Plaintiff’s First Amended Complaint pursuant to NRCP, Rule 15(a)(3).<sup>9</sup>

10 Moreover, because Plaintiff’s initial Complaint is invalid, therefore irrelevant to any  
11 arguments before this, and Judge Allf’s Court— any arguments presented by Defendants TLC in its  
12 *fugitive* Defendants’ Motion to Consolidate Cases (“MTCC”), has no affect.

13 **IV. FACTS SUPPORTING THIS COURT TO TAKE JUDICIAL NOTICE:**

14 The attached records from the Eighth Judicial District Court, Clark County, Nevada, Case  
15 No. A-18-776375-C, Department 27, are judicially noticeable pursuant to Chapter 47 of the NRS.

16 **(1) Plaintiff’s “Voluntary Dismissal”<sup>10</sup>:**

17 N.R.C.P. Rule 41(a)(1)(A) states, in pertinent part—

18 **Without a Court Order.** Subject to Rules 23(f), 23.1, 23.2, 66, and  
19 any applicable statute, the plaintiff may dismiss an action without a  
court order by filing:

20 a notice of dismissal before the opposing party  
21 serves either an answer or a motion for  
summary judgment.

22 N.R.C.P. Rule 41(a)(1)(A)(i).

\*\*\*\*\*

23  
24 <sup>9</sup>**Time to Respond.** Unless the court orders otherwise, any required response to an amended pleading  
25 must be made within the time remaining to respond to the original pleading or within 14 days after  
service of the amended pleading, whichever is later. N.R.C.P., Rule 15(a)(3).

26 <sup>10</sup>See *Las Vegas Development Group, LLC v. James R. Blaha*, No. 71875, 134 Nev. Adv. Op. 33 (May  
27 3, 2018)(citing *DeStefano v. Berkus*, 121 Nev. 627, 629, 119 P.3d 1238, 1239-40 (2005) (“It is well  
28 established that when a statute’s language is plain and unambiguous, and the statute’s meaning clear  
and unmistakable, the courts are not permitted to look beyond the statute for a different or expansive  
meaning or construction.”)

**Filing Fees.** Unless otherwise stipulated, the plaintiff must repay the defendant's filing fees.  
N.R.C.P. Rule 41(a)(1)(C).

Reiterating, Defendants TLC **never filed an Answer** to Plaintiff's First Amended Complaint, nor did Defendants TLC file a motion for summary judgment. Moreover, on July 15, 2019, a day before Plaintiff filed his [Court Approved] "Voluntary Dismissal," Defendants TLC's attorney, Brian P. Clark, met with Plaintiff, at attorney Clark's law office, and personally [signed for and] accepted a U.S. Postal Service "Postal Money Order" (Serial Number 25284418874) for the amount of THREE HUNDRED-SEVENTY THREE DOLLARS AND NO CENTS (\$373.00), as full and complete payment for Defendants Filing Fees. A copy of the "Receipt for Filing Fees is attached hereto and incorporated herein as **Exhibit 5 (Bates No. 051-053)**.

Rule 41's language is plain and unambiguous, and its meaning is clear and unmistakable—

Without a Court Order—before the opposing party serves either an answer, or a motion for summary judgment, the plaintiff may dismiss an action without a court order by filing a notice of dismissal.

See N.R.C.P. Rule 41(a)(1)(A)(i).

In addition, the plaintiff must repay the defendant's filing fees. N.R.C.P. Rule 41(a)(1)(C).

Plaintiff met and complied with [both] N.R.C.P. Rule 41(a)(1)(A)(i), and N.R.C.P. Rule 41(a)(1)(C).

Accordingly, by reason of Plaintiff complying with [both] N.R.C.P. Rule 41(a)(1)(A)(i), and N.R.C.P. Rule 41(a)(1)(C), and by the filing of Plaintiff's [Court Approved] "Voluntary Dismissal, **Case No. A-18-776375-C was closed**, and Judge Allf no longer retained jurisdiction, nor was permitted to perform any actions associated with Case No. A-18-776375-C.

See *Kenneth Berberich v. Southern Highlands Community Association*, 72689 (Nev. April 2018)(because Berberich’s notice of voluntary dismissal...amounted to a final judgment, we conclude the district court erred by holding hearings on pending motions affecting the merits, and thereafter dismissing the case with prejudice. (emphasis added)).

...

• • •



1 The cornerstone and linchpin document supporting this Court to reject any Order(s) that are  
2 filed, entered, or made part of the record by Judge Allf (subsequent to July 16, 2019)— is Plaintiff's  
3 [Court Approved] "Voluntary Dismissal" which was approved by, for, or on behalf of Judge Allf."<sup>11</sup>

4 Plaintiff's [Court Approved] "Voluntary Dismissal" is relevant to this action, understanding  
5 that, at the instant Plaintiff's [Court Approved] "Voluntary Dismissal" is filed with the Clerk of the  
6 Court, Case No. A-18-776375-C closed, and Judge Allf's jurisdiction was terminated. (**emphasis**  
7 **added**). Consequently, Judge Allf was, and continues to be without authority, and prohibited from  
8 holding hearings on any pending motions, or issue any orders associated with Case No. A-18-  
9 776375-C. Accordingly, as a consequence of Plaintiff's "Voluntary Dismissal," all orders, motions,  
10 and hearing dates are [each] ineffective, hence, without enforceability.

11 See *Harvey L. Lerer, Inc. v. District*, 111 Nev. 1165, 901 P.2d 643 (Nev. 8/24/1995)—

12 "The district court was not at liberty to ignore Lerer's voluntary dismissal and to  
13 retain jurisdiction over the case on its own initiative." A Nev. R. Civ. P. 41(a)(1)(i)  
14 voluntary dismissal "is a matter of right running to the plaintiff and may not be  
15 extinguished or circumscribed by adversary or court." A district court is forbidden  
16 from fanning the action into life, and "has no role to play," once a Plaintiff files a  
notice of dismissal under Nev. R. Civ. P. 41(a)(1)(i). We conclude that the district  
court was without authority to vacate Lerer's voluntary dismissal and, therefore,  
acted in excess of its jurisdiction.

17 Also see, *Stubbs v. Strickland*, 297 P.3d 326, 329 (2013). The Nevada appellate courts have  
18 ruled a Nev. R. Civ. P. 41(a)(1)(i) voluntary dismissal is **"effective upon filing... [i]t closes the**  
19 **file... and the court has no role to play.** The court can not intervene or otherwise affect the  
20 dismissal. **[T]he action is terminated and the court is without further jurisdiction in the matter.**

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21  
22 <sup>11</sup>The blue ink statistical case closure stamp is evidenced on the caption page of Plaintiff's  
23 "Voluntary Dismissal." See The Rules of Practice for the Eighth Judicial District Court of the State  
of Nevada ("**EDCR**"), Rule 2.91, that states the following—

24 "Voluntary dismissal processing. In order to assist the court with its caseload  
25 management requirements, any voluntary dismissal that is prepared pursuant  
26 to NRCP 41(a)(1) which resolves all pending claims and renders the case ripe  
27 for closure shall be delivered to the chambers of the assigned department  
28 prior to filing. An individual in the assigned department will then affix the  
blue ink statistical case closure stamp to it, check the appropriate voluntary  
dismissal box on it, and place their initials next to the stamp's lower right-  
hand corner. Thereafter, the document can be filed."

1 The language of N.R.C.P., Rule 41(a)(1)(i) is clear and unambiguous. See *Jeep Corporation*  
2 *v. Dist. Court*, 652 P.2d 1183, 1186 (1982) “This ‘absolute right’ for a plaintiff to voluntarily dismiss  
3 an action leaves no role for the court to play. *Venetian Macau Ltd. v. Eighth Judicial District Court*  
4 *of State*, 69090 (Nev. 03/17/2016) (“**In order to accomplish a voluntary dismissal pursuant to Nev.**  
5 **R. Civ. P. 41(a)(1), a plaintiff need do no more than file a notice of dismissal with the Clerk.**”).  
6 “[I]n the normal course, **the district court is divested of jurisdiction over the case by the filing**  
7 **of the notice of dismissal itself.**” (emphasis added).

8 (2) **Orders and Motions:**

9 Nevertheless, **subsequent** to Plaintiff’s filing of his [Court Approved] “Voluntary  
10 Dismissal,” and lacking jurisdiction and authority, and forbidden from fanning Plaintiff’s Voluntarily  
11 Dismissed action [back] into life, on August 8, 2019 (twenty-one (21) days **after** Plaintiff filed and  
12 served his [Court Approved] “Voluntary Dismissal”), Judge Allf [*sua sponte*<sup>12</sup>], without notice and  
13 an opportunity for Plaintiff to be heard, issued her 08.06.19 Order, causing the striking of (Judge  
14 Allf’s Department’s approval of) Plaintiff’s [Court Approved] “Voluntary Dismissal.”

15 Subsequently, on August 27, 2019 (**forty-two (42) days after Plaintiff filed his [Court**  
16 **Approved] “Voluntary Dismissal”**), [again] absent jurisdiction and without authority, Judge Allf  
17 [*sua sponte*] had the following Orders (that were prepared by Defendants TLC attorney, Brian P.  
18 Clark) entered:

- 19 1. The Entry of Order Granting Defendant’s Motion to Set Aside  
20 Plaintiff’s Notice of Voluntary Dismissal, or in the Alternative, for  
21 Relief Pursuant to NRC P 41(a)(2).<sup>13</sup>

22  
23 <sup>12</sup>Without notice and an opportunity to be heard, sua sponte orders affecting substantive rights are  
24 invalid. See also *Johanson v. Eighth Judicial Dist. Court*, 124 Nev. 245, 253, 182 P.3d 94, 99 (2008)  
25 (holding that party is entitled to notice and hearing before gag order can be imposed); *Awada v.*  
26 *Shuffle Master, Inc.*, 123 Nev. 613, 621 n.26, 173 P.3d 707, 712 n.26 (2007) (“A party’s rights to  
27 notice and an opportunity to be heard are paramount and do not vary based on the merits of the  
28 case”); *Soebbing v. Carpet Barn, Inc.*, 109 Nev. 78, 84, 847 P.2d 731, 735 (1993) (reversal of sua  
sponte summary judgment); *Horvath v. Gladstone*, 97 Nev. 594, 596 n.1, 637 P.2d 531, 533 n.1  
(1981) (sua sponte amended judgment is void)

<sup>13</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit**  
**6 (Bates Nos. 054-058)**. It appears this Order was not signed by Judge Allf, but was signed for Judge  
Allf by her Law Clerk Joseph E. Dagher.

2. The Entry of Order Granting Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike.<sup>14</sup>
3. The Entry of Order Granting Defendant's Counter-Motion to Continue Decision on Plaintiff's Motion until after the Court Issues its Order on Defendant's (May 1, 2019) Motion to Dismiss.<sup>15</sup>
4. The Entry of Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint.<sup>16</sup>

As a consequence of Judge Allf's refusal to observe, recognize, honor, and abide by Plaintiff's [Court Approved] "Voluntary Dismissal," and desist from any further actions associated with closed case (Case No. A-18-776375-C), on August 30, 2019, Plaintiff filed a Notice of Appeal, with Plaintiff's Case Appeal Statement.

**(3) Nevada Supreme Court Appeal No. 79545:**

(i) Should this Court [also] refuse to accept that the filing of Plaintiff's [Court Approved] "Voluntary Dismissal" closed Case No. A-18-776375-C, certainly this Court can not ignore Plaintiff's Appeal pertaining to Judge Allf's refusal to recognize and abide by Plaintiff's [Court Approved] "Voluntary Dismissal," and Judge Allf's continuation of holding hearings and entering orders absent any jurisdiction to [legally] do so.

This is not Rocket Science.

On August 30, 2019, at the time Plaintiff e-filed his Notice of Appeal, the District Courts were divested of jurisdiction associated with Case No. A-18-776375-C— with the exception of matters collateral to, and independent from the appealed matters.

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<sup>14</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit 7 (Bates Nos. 059-072)**. This Order [literally] dismissed all claims and allegations, leaving the justification for Plaintiff's First Amended Complaint *meaninglessness*. It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk Joseph E. Dagher.

<sup>15</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit 8 (Bates Nos. 073-077)**. It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk Joseph E. Dagher.

<sup>16</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit 9 (Bates Nos. 078-082)**. It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk Joseph E. Dagher.

1           In *Phillip Emerson v. the Eighth Judicial District Court of the State of Nevada*, 263 P.3d 224  
2 (Nev. 10/06/2011) the Nevada Supreme Court held that the district court only retains jurisdiction to  
3 collateral matters that do not affect the merits of [the appellant's] appeal, after an appeal is filed.

4           Also see *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529 (2006) (A timely  
5 notice of appeal divests the district court of jurisdiction to revisit matters pending on appeal; but, the  
6 district court retains jurisdiction over “matters collateral to and independent from the appealed  
7 order.”)(Once a notice of appeal is timely and properly filed, the district court is divested of  
8 jurisdiction to enter further orders granting relief on the same subject matter. *Mack-Manley v.*  
9 *Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006)); *Kantor v. Kantor*, 116 Nev. 886, 894-95,  
10 8 P.3d 825, 830 (2000) (holding that, although a timely notice of appeal divests the district court of  
11 jurisdiction and vests jurisdiction in this court, the district court had jurisdiction to award attorney  
12 fees while an appeal of the underlying divorce decree was pending because the “collateral matter did  
13 not affect the merits of [the appellant's] appeal”).

14           (ii)     Until such time the Nevada Supreme Court issues a Remittitur pertaining to  
15 Plaintiff's Appeal, the District Courts remain divested of jurisdiction (with the exception of collateral  
16 matters that do not affect the merits of Plaintiff's [current] appeal No. 79545.

17           The purposes of the Remittitur is to: (1) divest the Appellate Court of jurisdiction and return  
18 jurisdiction to the court or agency whose decision was under review; (2) formally inform the court  
19 or agency whose decision was under review of the appellate court's final resolution of the appeal;  
20 and (3) in the case of an untimely appeal, remove or transfer the matter from the appellate court's  
21 docket and inform the court or agency whose decision was under review that the appellate court  
22 never obtained jurisdiction over the matter and that the court or agency was never divested of  
23 jurisdiction. *Dickerson v. State*, 114 Nev. 1084, 967 P.2d 1132 (1998). Also see *Branch Banking &*  
24 *Trust Company v. Douglas D. Gerrard, Esq.*, 134 Nev. Adv. Op. 106, No. 73848, Supreme Court of  
25 Nevada (December 27, 2018) citing *Dickerson*.

26           Remittitur is the process by which the Nevada Supreme Court terminates its jurisdiction over  
27 an Appeal. See generally NRAP 41(a). Unless the time is shortened or lengthened by order, or if a  
28 timely petition for rehearing (NRAP 40), or for En Banc reconsideration is filed (NRAP 40A),  
Remittitur will issue 25 days after the entry of judgment (NRAP 36). NRAP 41(a)(1).

1 Through issuance of the Remittitur, the Appellate Court terminates its own jurisdiction and  
2 re-vests jurisdiction in the District Court. See *Buffington v. State*, 110 Nev. 124, 126, 868 P.2d 643,  
3 644 (1994) (“[T]he supreme court has control and supervision of an appealed matter from the filing  
4 of the notice of appeal until the issuance of the certificate of judgment.”). **The district court does**  
5 **not regain jurisdiction to act until remittitur is issued, transmitted and received.** Id. (emphasis  
6 added).

7 Because no Remittitur has been issued regarding Plaintiff’s [current] appeal No. 79545, with  
8 the exceptions cited *supra*, the District Courts remain divested of jurisdiction pertaining to Case No.  
9 A-18-776375-C. Accordingly, any motions filed; any hearings held; and any orders issued or entered,  
10 affecting the merits of Case No. A-18-776375-C, are bootless and invalid—therefore unenforceable.

11 **V. CONCLUSION:**

12 It is evident by the **blue ink statistical case closure stamp**, evidenced on the caption page  
13 of Plaintiff’s “Notice of Voluntary Dismissal, Pursuant to Nevada Rules of Civil Procedures, Rule  
14 41(a),” that Judge Allf was satisfied that Plaintiff complied with the requirements of Nevada Rules  
15 of Civil Procedure, Rule 41(a)(1)(A). Surely, if there were an issue with the submission and contents  
16 of Plaintiff’s “Voluntary Dismissal,” Judge Allf would have rejected Plaintiff’s submission.

17 Obviously, Plaintiff’s “Voluntary Dismissal” is unambiguous in its disclosures, and as such,  
18 is a bases for approving Plaintiff “Voluntary Dismissal.” Absent from any **subsequent orders**, or  
19 Defendants TLC’s filings, is there any assertions that Plaintiff’s “Voluntary Dismissal” constituted  
20 fraud, or that Plaintiff’s “Voluntary Dismissal” was misleading, or ambiguous.

21 Therefore, the question raised is why Judge Allf, knowing that her approval and subsequent  
22 filing of Plaintiff’s (Rule 41(a)(1)(A)) “Voluntary Dismissal,” ended Case No. A-18-776375-C,  
23 divesting the Courts of any jurisdiction (with the exception of collateral matters)— continued to set  
24 and hold hearings, and [purportedly] issue orders [*sua sponte*] on a closed case, and on issues  
25 affecting the merits of (closed case) Case No. A-18-776375-C.

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1 In addition to Judge Allf disregarding Plaintiff's [Court Approved] "Voluntary Dismissal,"  
2 there is the question of the Discovery Commissioner, Erin Lee Truman, conducting a discovery  
3 hearing on October 2, 2019, on a motion to compel submitted by Defendants TLC on August 29,  
4 2019. The hearing was held close to ninety (90) days after Plaintiff filed his [Court Approved]  
5 "Voluntary Dismissal," and more than thirty (30) days after Plaintiff filed his Appeal.

6 Plaintiff further questions the approval of Consolidating the closed case, Case No. A-18-  
7 776375-C, with the case before this Court Case No. A-19-799140-C. As argued *supra*, Plaintiff's  
8 [Court Approved] "Voluntary Dismissal," an approval authorized by Judge Allf, closed Case No.  
9 A-18-776375-C, divesting any [legitimate] jurisdiction and authority for [either] Defendants TLC  
10 to move for such action, and for the Courts to approve such an action.

11 Accordingly, for all of the aforementioned, Plaintiff requests this Court to Take Notice that  
12 the Consolidation of closed case, Case No. A-18-776375-C, with the case before this Court Case No.  
13 A-19-799140-C is prohibited, injudicious, and (by the Rules of this Court, and opinions set-fourth  
14 by the Nevada Supreme Court) illegal— raising the issue of *bias*.

15 DATED this 19th day of October, 2019.

16

17 Respectfully submitted,

18 PAUL D.S. EDWARDS

19

20 /s/ Paul D.S. Edwards

21 Paul D.S. Edwards  
22 713 Wheat Ridge Lane, Unit 203  
23 Las Vegas, Nevada 89145  
24 Landline Telephone: 702.341.1776  
25 Cellular Telephone: 702.893.1776  
26 Email: pauldse@pauldsedwards.com  
27 Plaintiff, *pro se*

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**CERTIFICATE OF E-SERVICE**

I HEREBY CERTIFY that, on the 19th day of October 2019, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and correct copy of the following document:

1. Motion For This Court to Take Judicial Notice That District Court Judge Nancy L. Alf Is Without Jurisdiction to Consolidate The Closed Case Case No. A-18-776375-C with the Case Before this Court Case No. A-19-799140-C

to the following:

Brian P. Clark, CLARK MCCOURT  
bpc@clarkmccomi.com

Chad F. Clement, MARQUIS AURBACH COFFING  
cclement@maclaw.com



Designee for Plaintiff



1 **NWM (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
7 Cellular Telephone: 702.893.1776  
8 Email: pauldse@pauldsedwards.com

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**DISTRICT COURT,  
CLARK COUNTY, NEVADA**

10 PAUL D.S. EDWARDS,

11 **Plaintiff,**

12 **vs.**

13 TIMESHARE LIQUIDATORS, LLC,  
14 a/d/b/a TLC RESORT LIQUIDATORS,  
15 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
16 a/d/b/a TLC RESORTS VACATION CLUB,  
17 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
18 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
19 a/d/b/a VIP VACATIONS,  
20 a/d/b/a VIP INTERNATIONAL,  
21 and CASH4ASKING, LLC,  
22 a/d/b/a CASH4ASKING.COM,  
23 and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
24 a/k/a STAN MULLIS,  
25 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
26 a/k/a ANGEL SANTILLI,  
27 and EDUARDO ROMAY HERNANDEZ,  
28 a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT. NO.: XXIII**

**NOTICE OF WITHDRAW OF  
MOTION FOR THIS COURT TO  
TAKE JUDICIAL NOTICE  
THAT DISTRICT COURT JUDGE  
NANCY L. ALLF  
IS WITHOUT JURISDICTION  
TO CONSOLIDATE  
THE CLOSED CASE  
CASE NO. A-18-776375-C  
WITH THE CASE  
BEFORE THIS COURT  
CASE NO. A-19-799140-C**



1 TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
2 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
3 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
4 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
5  
6 **Counter-Claimants,**  
7  
8 **vs.**  
9 PAUL D.S. EDWARDS,  
10  
11 **Counter-Defendant.**

12 PLEASE TAKE NOTICE that Plaintiff PAUL D.S. EDWARDS, *pro se* (“Plaintiff”),  
13 withdraws his Motion For This Court to Take Judicial Notice That District Court Judge Nancy L.  
14 Allf Is Without Jurisdiction to Consolidate The Closed Case Case No. A-18-776375-C with the  
15 Case Before this Court Case No. A-19-799140-C (“**Motion for Judicial Notice**”).

16 Plaintiff inadvertently filed his Motion for Judicial Notice without the referenced and  
17 attached Exhibits. A corrected Motion of Judicial Notice will be filed.

18 DATED this 19th day of October 2019.

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PAUL D.S. EDWARDS

/s/ Paul D.S. Edwards  
Paul D.S. Edwards  
713 Wheat Ridge Lane, Unit 203  
Las Vegas, Nevada 89145  
Landline Telephone: 702.341.1776  
Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com  
Plaintiff, *pro se*

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**CERTIFICATE OF E-SERVICE**

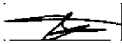
I HEREBY CERTIFY that, on the 19th day of October 2019, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and correct copy of the following document:

1. Notice of Withdraw of Motion For This Court to Take Judicial Notice That District Court Judge Nancy L. Alf Is Without Jurisdiction to Consolidate The Closed Case Case No. A-18-776375-C with the Case Before this Court Case No. A-19-799140-C

to the following:

Brian P. Clark, CLARK MCCOURT  
bpc@clarkmccomi.com

Chad F. Clement, MARQUIS AURBACH COFFING  
cclement@maclaw.com



---

Designee for Plaintiff



1 **MFJN (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
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**DISTRICT COURT,  
CLARK COUNTY, NEVADA**

10 PAUL D.S. EDWARDS,

11 **Plaintiff,**

12 **vs.**

13 TIMESHARE LIQUIDATORS, LLC,  
14 a/d/b/a TLC RESORT LIQUIDATORS,  
15 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
16 a/d/b/a TLC RESORTS VACATION CLUB,  
17 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
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19 a/d/b/a VIP VACATIONS,  
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21 and CASH4ASKING, LLC,  
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24 a/k/a STAN MULLIS,  
25 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
26 a/k/a ANGEL SANTILLI,  
27 and EDUARDO ROMAY HERNANDEZ,  
28 a/k/a EDUARDO L ROMAYHERNANDEZ,  
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a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.: A-19-799140-C**

**DEPT. NO.: XXIII**

**MOTION FOR THIS COURT TO  
TAKE JUDICIAL NOTICE  
THAT DISTRICT COURT JUDGE  
NANCY L. ALLF  
IS WITHOUT JURISDICTION  
TO CONSOLIDATE  
THE CLOSED CASE  
CASE NO. A-18-776375-C  
WITH THE CASE  
BEFORE THIS COURT  
CASE NO. A-19-799140-C**

1 TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
2 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
3 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
4 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,

5 **Counter-Claimants,**

6 **vs.**

7 PAUL D.S. EDWARDS,

8 **Counter-Defendant.**  
9

10 Based upon two (2) documents that were filed by Plaintiff—  
11 the first (1st) document is “Plaintiff’s Notice of Voluntary Dismissal...” filed on July  
12 16, 2019<sup>1</sup> (“**Voluntary Dismissal**”), and the second (2nd) document, filed on August  
13 30, 2019, is Plaintiff’s “Notice of Appeal to the Supreme Court for Nevada from a  
14 Judgment or Order of a District Court”<sup>2,3</sup> (“**Notice of Appeal**”)—  
15 any jurisdiction the Honorable Nancy L. Allf, Eighth Judicial District Court Judge, Department XVII  
16 (“**Judge Allf**”) had with Case No. A-18-776375-C was terminated upon the filing of Plaintiff’s  
17 [Court Approved] “Voluntary Dismissal. Consequently prohibiting Judge Allf to hold hearings on  
18 pending motions affecting the merits of Case No. A-18-776375-C, or to issue orders affecting the  
19 merits of Case No. A-18-776375-C— with the exception of collateral matters that do not affect the  
20 merits of Case No. A-18-776375-C.

21 Accordingly, subsequent to July 16, 2019, any hearing conducted by Judge Allf, and any  
22 Order issued by Judge Allf (associated with Case No. A-18-776375-C), has no legal authority. *Infra*.

23  
24 <sup>1</sup>A copy of Plaintiff’s [Court Approved] “Voluntary Dismissal” is attached hereto and incorporated  
25 herein as **Exhibit 1 (Bates Nos. 001-004)**.

26 <sup>2</sup>A copy of Plaintiff’s Notice of Appeal to the Supreme Court for Nevada from a Judgment or Order  
of a District Court is attached hereto and incorporated herein as **Exhibit 2 (Bates Nos. 005-040)**.

27 <sup>3</sup>Filed simultaneously with Plaintiff’s Notice of Appeal, was Plaintiff’s “Case Appeal Statement”  
28 (“**CAS**”). A copy of Plaintiff’s Case Appeal Statement is attached hereto and incorporated herein  
as **Exhibit 3 (Bates Nos. 041-046)**.

1           Nevertheless, should Judge Allf continue disregarding Plaintiff's [Court Approved]  
2 "Voluntary Dismissal," Judge Allf can not ignore Plaintiff's Appeal— although, it appears she is.

3           Therefore, until such time as the Nevada Supreme Court issues a Remittitur, the District  
4 Courts are absent jurisdiction over Case No. A-18-776375-C, including, but not limited to the  
5 Consolidation of the Closed Case, Case No. A-18-776375-C, with the case before this Court, Case  
6 No. A-19-799140-C. The only jurisdiction retained by Judge Allf, is limited to dealing with  
7 collateral matters that do not affect the merits of Case No. A-18-776375-C.

8 **I.     INTRODUCTION:**

9           On April 17, 2019, by the Order [supposedly] signed by Judge Allf,<sup>4</sup> Plaintiff filed his "First  
10 Amended Complaint for Damages, Injunctive Relief, and, Demand for Trial by Jury — Arbitration  
11 Exemption Claimed" ("**First Amended Complaint**"). Moreover, Plaintiff's First Amended  
12 Complaint was amended in a notably [substantial] way, and was distinctively different then  
13 Plaintiff's initial Complaint.<sup>5</sup> However, Defendants<sup>6</sup> failed to Answer Plaintiff's First Amended  
14 Complaint. Defendants only response to Plaintiff's First Amended Complaint was the filing  
15 of "Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike."<sup>7</sup>

16           Accordingly, **because Defendants TLC never Answered to Plaintiff's First Amended**  
17 **Complaint**, Plaintiff [timely] filed his [Court Approved] "Voluntary Dismissal." *Infra*.

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19 <sup>4</sup>A copy of the Order is attached hereto and incorporated herein as **Exhibit 4 (Bates Nos. 047-050)**.  
20 It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk  
21 Joseph E. Dagher.

22 <sup>5</sup>*Pacific Bell Telephone Co. v. Linkline Communications, Inc.*, 129 S.Ct. 1109, 172 L.Ed.2d 836, \*4  
(U.S. 02/25/2009)(...an amended complaint supersedes the original complaint."). Also citing 6 C.  
23 Wright & A. Miller, Federal Practice & Procedure §1476, pp. 556-557 (2d ed. 1990).

24 <sup>6</sup>The only Defendants named in Plaintiff's First Amended Complaint were [limited to] TIMESHARE  
25 LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
26 VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC RESORTS,  
27 a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP  
28 VACATIONS, a/d/b/a VIP INTERNATIONAL ("**TLC**"). No other Defendants were named in  
Plaintiff's First Amended Complaint

<sup>7</sup>**Time to Respond.** Unless the court orders otherwise, any required response to an amended pleading  
must be made within the time remaining to respond to the original pleading or within 14 days after  
service of the amended pleading, whichever is later. N.R.C.P., Rule 15(a)(3).

1 Ignoring Plaintiff's [Court Sanctioned] "Voluntary Dismissal," Defendants TLC continued  
2 to file motions; Judge Allf continued to set hearings and hear Defendants motions; and Jude Allf  
3 continued to issue and enter orders— each associated with the closed Case No. A-18-776375-C.

4 Because of Judge Allf's, and Defendants TLC's counsel, Brian P. Clark's willingness to  
5 disregard Plaintiff's [Court Approved] "Voluntary Dismissal," it was inevitable for Plaintiff to  
6 appeal to the Nevada Supreme Court. Yet, as with Plaintiff's [Court Approved] "Voluntary  
7 Dismissal," [both] Judge Allf, and Defendants TLC's counsel, Brian P. Clark, [also] chose to ignore  
8 the filing of Plaintiff's Appeal, and continued to file motions; set and hold hearings; and issue  
9 orders— without jurisdiction and authority to do so.

10 **II. LEGAL STANDARD FOR THIS COURT TO TAKE JUDICIAL NOTICE:**

11 Pursuant to Nevada Revised Statutes ("NRS") Chapter 47 et seq., Plaintiff/Counter-  
12 Defendant respectfully moves this Court to judicially notice the adjudicative facts as set forth herein,  
13 supported by publically available documents that arose at the time Plaintiff was litigating (the now  
14 **closed case**) Case No. A-18-776375-C. The **closed case** Defendants/Counter-Claimants has asked  
15 District Court Judge, Nancy L. Allf to consolidate with the above-entitled matter. A **closed case** that  
16 District Court Judge, Nancy L. Allf is without jurisdiction to act on.<sup>8</sup>

17 Plaintiff/Counter-Defendant's "Motion for this Court to Take Judicial Notice Supporting  
18 Plaintiff's Claim That District Court Judge Nancy L. Allf Is Without Jurisdiction to Consolidate the  
19 Closed Case, Case No. A-18-776375-C, with the Case Before this Court Case No. A-19-799140-C"  
20 ("**Judicial Notice**") may be taken as to certain matters of fact and matters of law. NRS 47.130,  
21 47.140.

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23 <sup>8</sup>See *In the Matter of the Parental Rights as to L.J.A., a Minor*. 72324, 72330, Supreme Court of  
24 Nevada September 19, 2017 citing *Occhiuto v. Occhiuto*, 97 Nev. 143, 145, 625 P.2d 568, 569  
25 (1981) (explaining that judicial notice may be appropriate when there is a close relationship between  
26 the underlying case and the proceeding that is the subject of the judicial notice); *Giudici V.*  
27 *Giudici*, No. 72360, \*3 (Nev. February 26, 2018) (citing *Mack v. Estate of Mack*, 125 Nev. 80,  
28 91-92, 206 P.3d 98, 106 (2009) (setting forth an exception to the general rule against taking judicial  
notice of records in another case, where the closeness of the cases and the particular circumstances  
warrant judicial notice).

1 A factual matter must be generally known in the community, or be capable of accurate and  
2 ready determination through sources that are known to be accurate, or facts from which facts in issue  
3 may be inferred. NRS 47.130(2).

4 Under NRS 47.150(2), a court must mandatorily take judicial notice if requested to do so,  
5 and if provided the necessary information. The court must also take judicial notice of the law of the  
6 case as propounded in a prior appeal. *Andolino v. State*, 99 Nev. 346, 351, 662 P.2d 631, 633 (1983).

7 In addition, the Nevada Supreme Court has stated that the laws of sister states, as reported  
8 in court opinions, are also subjects for judicial notice. *Kraemer v. Kraemer*, 79 Nev. 287, 382 P.2d  
9 394 (1963); *Choate v. Ransom*, 74 Nev. 100, 323 P.2d 700 (1978).

10 Logically, the law of Nevada, as found in reported court opinions, is similarly subject to  
11 judicial notice. The documents attached hereto and submitted for this Court to take Judicial Notice  
12 of, are documents that are publically available from the Eighth Judicial District Courts (“EJDC”)  
13 clerks office; EJDC [official] web-site(s); Nevada Supreme Courts [official] web-site; the Nevada  
14 Supreme Court’s Appellate Case Management System (“ACMS”); and from the open source of the  
15 world wide web (“Internet”).

16 Therefore, these documents contain information the accuracy of which cannot reasonably be  
17 questioned, and are appropriate subjects for judicial notice.

18 **III. BECAUSE PLAINTIFF’S FIRST AMENDED COMPLAINT WAS AMENDED IN A**  
19 **NOTABLY [SUBSTANTIAL] WAY, AND WAS DISTINCTIVELY DIFFERENT**  
20 **THEN PLAINTIFF’S INITIAL COMPLAINT; AND BECAUSE PLAINTIFF’S FIRST**  
21 **AMENDED COMPLAINT [COMPLETELY] SUPERSEDED PLAINTIFF’S INITIAL**  
**COMPLAINT, DEFENDANTS ANSWER TO PLAINTIFF’S INITIAL COMPLAINT**  
**BECAME MOOT, REQUIRING A DE NOVO ANSWER TO PLAINTIFF’S FIRST**  
**AMENDED COMPLAINT:**

22 It is “hornbook law” that an amended complaint  
23 supersedes and replaces the original complaint, as if  
the initial complaint ceased to ever exist.

24 Any arguments, reference, or submission of/to Plaintiff’s initial Complaint are irrelevant and  
25 improper, inasmuch as Plaintiff’s [Court Ordered] First Amended Complaint superseded and  
26 replaced Plaintiff’s original Complaint, as if the initial Complaint ceased to ever exist.

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1 Even more so, because Plaintiff's [Court Ordered] First Amended Complaint was **amended**  
2 **in a notably [substantial] way, and was distinctively different then Plaintiff's initial Complaint;**  
3 and because **Plaintiff's First Amended Complaint [completely] superseded Plaintiff's initial**  
4 **Complaint,** Defendants answer to Plaintiff's initial Complaint became *moot*, requiring a new  
5 answer to Plaintiff's **notably [substantial], and distinctively different** First Amended Complaint.

6 However, **Defendants TLC never Answered to Plaintiff's First Amended Complaint.**  
7 **(emphasis added).**

8 By Operation of Law, the filing of Plaintiff's [Court Ordered] First Amended Complaint  
9 rendered Plaintiff's initial Complaint irrelevant and nullified. Once Plaintiff filed his [Court  
10 Ordered] First Amended Complaint, his initial (original) Complaint no longer served any function  
11 in Case No. A-18-776375-C— hence, any reference to Plaintiff's initial Complaint, by Defendants,  
12 is moot, thus meaningless.

13 See *Randono v. Ballow*, 100 Nev. 142, 143, 676 P.2d 807, 808 (1984) (explaining that an  
14 amended complaint is a distinct pleading that supersedes the original complaint. Citing *Campbell*  
15 *v. Deddens*, 518 P.2d 1012 (Ariz.Ct.App. 1974) (In a similar case, the court reasoned that the  
16 defendant's answer to the amended complaint constituted his first responsive pleading to the merits  
17 of the plaintiff's claim, even though the defendant had responded to the original complaint.).

18 Also see, *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) ("It is  
19 well-established in our circuit that an amended complaint supersedes the original, the latter being  
20 treated thereafter as non-existent.") (citation and internal quotation marks omitted)); *Lacey v.*  
21 *Maricopa County*, 693 F.3d 896, 925 (9th Cir. 2012) (en banc) (quoting *Forsyth v. Humana, Inc.*,  
22 114 F.3d 1467, 1474 (9th Cir. 1997)) ("amended complaint supersedes the original, the latter being  
23 treated thereafter as non-existent"); *Gilman v. Cosgrove*, 22 Cal. 356; *Jones v. Frost*, 28 Cal. 245;  
24 also see, *Barber v. Reynolds*, 33 Cal. 498 (the amended complaint is in itself a full, distinct, and  
25 complete pleading, and entirely supersedes the original.); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th  
26 Cir. 2007)(citations omitted)(noting that filing of amended complaint supersedes original complaint  
27 and renders it without legal effect).



1 Also see, 6 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 1476  
2 (3d ed. 2016) (“Once an amended pleading is interposed, the original pleading no longer performs  
3 any function in the case and any subsequent motion made by an opposing party should be directed  
4 at the amended pleading.”). Also see, *McFadden v. Ellsworth Mill and Mining Company*, 8 Nev. 57  
5 (1872). As case law makes clear, “an amended complaint supersedes the original, the latter being  
6 treated thereafter as non-existent.” *Valadez-Lopez v. Chertoff*, 656 F.3d 851, 857 (9th Cir. 2011).

7 Accordingly, because Plaintiff’s First Amended Complaint superseded Plaintiff’s initial  
8 Complaint, causing Plaintiff’s initial Complaint to cease to exist— it required Defendants TLC to  
9 Answer to Plaintiff’s First Amended Complaint pursuant to NRCP, Rule 15(a)(3).<sup>9</sup>

10 Moreover, because Plaintiff’s initial Complaint is invalid, therefore irrelevant to any  
11 arguments before this, and Judge Allf’s Court— any arguments presented by Defendants TLC in its  
12 *fugitive* Defendants’ Motion to Consolidate Cases (“MTCC”), has no affect.

13 **IV. FACTS SUPPORTING THIS COURT TO TAKE JUDICIAL NOTICE:**

14 The attached records from the Eighth Judicial District Court, Clark County, Nevada, Case  
15 No. A-18-776375-C, Department 27, are judicially noticeable pursuant to Chapter 47 of the NRS.

16 **(1) Plaintiff’s “Voluntary Dismissal”<sup>10</sup>:**

17 N.R.C.P. Rule 41(a)(1)(A) states, in pertinent part—

18 **Without a Court Order.** Subject to Rules 23(f), 23.1, 23.2, 66, and  
19 any applicable statute, the plaintiff may dismiss an action without a  
court order by filing:

20 a notice of dismissal before the opposing party  
21 serves either an answer or a motion for  
summary judgment.

22 N.R.C.P. Rule 41(a)(1)(A)(i).

\*\*\*\*\*

23  
24 <sup>9</sup>**Time to Respond.** Unless the court orders otherwise, any required response to an amended pleading  
25 must be made within the time remaining to respond to the original pleading or within 14 days after  
service of the amended pleading, whichever is later. N.R.C.P., Rule 15(a)(3).

26 <sup>10</sup>See *Las Vegas Development Group, LLC v. James R. Blaha*, No. 71875, 134 Nev. Adv. Op. 33 (May  
27 3, 2018)(citing *DeStefano v. Berkus*, 121 Nev. 627, 629, 119 P.3d 1238, 1239-40 (2005) (“It is well  
28 established that when a statute’s language is plain and unambiguous, and the statute’s meaning clear  
and unmistakable, the courts are not permitted to look beyond the statute for a different or expansive  
meaning or construction.”)

**Filing Fees.** Unless otherwise stipulated, the plaintiff must repay the defendant's filing fees.  
N.R.C.P. Rule 41(a)(1)(C).

Reiterating, Defendants TLC **never filed an Answer** to Plaintiff's First Amended Complaint, nor did Defendants TLC file a motion for summary judgment. Moreover, on July 15, 2019, a day before Plaintiff filed his [Court Approved] "Voluntary Dismissal," Defendants TLC's attorney, Brian P. Clark, met with Plaintiff, at attorney Clark's law office, and personally [signed for and] accepted a U.S. Postal Service "Postal Money Order" (Serial Number 25284418874) for the amount of THREE HUNDRED-SEVENTY THREE DOLLARS AND NO CENTS (\$373.00), as full and complete payment for Defendants Filing Fees. A copy of the "Receipt for Filing Fees is attached hereto and incorporated herein as **Exhibit 5 (Bates No. 051-053)**.

Rule 41's language is plain and unambiguous, and its meaning is clear and unmistakable—

Without a Court Order— before the opposing party serves either an answer, or a motion for summary judgment, the plaintiff may dismiss an action without a court order by filing a notice of dismissal.

See N.R.C.P. Rule 41(a)(1)(A)(i).

In addition, the plaintiff must repay the defendant's filing fees. N.R.C.P. Rule 41(a)(1)(C).

Plaintiff met and complied with [both] N.R.C.P. Rule 41(a)(1)(A)(i), and N.R.C.P. Rule 41(a)(1)(C).

Accordingly, by reason of Plaintiff complying with [both] N.R.C.P. Rule 41(a)(1)(A)(i), and N.R.C.P. Rule 41(a)(1)(C), and by the filing of Plaintiff's [Court Approved] "Voluntary Dismissal, **Case No. A-18-776375-C was closed**, and Judge Allf no longer retained jurisdiction, nor was permitted to perform any actions associated with Case No. A-18-776375-C.

See *Kenneth Berberich v. Southern Highlands Community Association*, 72689 (Nev. April 2018)(because Berberich’s notice of voluntary dismissal...amounted to a final judgment, we conclude the district court erred by holding hearings on pending motions affecting the merits, and thereafter dismissing the case with prejudice. (emphasis added)).

• • •

• • •

1 The cornerstone and linchpin document supporting this Court to reject any Order(s) that are  
2 filed, entered, or made part of the record by Judge Allf (subsequent to July 16, 2019)— is Plaintiff's  
3 [Court Approved] "Voluntary Dismissal" which was approved by, for, or on behalf of Judge Allf."<sup>11</sup>

4 Plaintiff's [Court Approved] "Voluntary Dismissal" is relevant to this action, understanding  
5 that, at the instant Plaintiff's [Court Approved] "Voluntary Dismissal" is filed with the Clerk of the  
6 Court, Case No. A-18-776375-C closed, and Judge Allf's jurisdiction was terminated. (**emphasis**  
7 **added**). Consequently, Judge Allf was, and continues to be without authority, and prohibited from  
8 holding hearings on any pending motions, or issue any orders associated with Case No. A-18-  
9 776375-C. Accordingly, as a consequence of Plaintiff's "Voluntary Dismissal," all orders, motions,  
10 and hearing dates are [each] ineffective, hence, without enforceability.

11 See *Harvey L. Lerer, Inc. v. District*, 111 Nev. 1165, 901 P.2d 643 (Nev. 8/24/1995)—

12 "The district court was not at liberty to ignore Lerer's voluntary dismissal and to  
13 retain jurisdiction over the case on its own initiative." A Nev. R. Civ. P. 41(a)(1)(i)  
14 voluntary dismissal "is a matter of right running to the plaintiff and may not be  
15 extinguished or circumscribed by adversary or court." A district court is forbidden  
16 from fanning the action into life, and "has no role to play," once a Plaintiff files a  
notice of dismissal under Nev. R. Civ. P. 41(a)(1)(i). We conclude that the district  
court was without authority to vacate Lerer's voluntary dismissal and, therefore,  
acted in excess of its jurisdiction.

17 Also see, *Stubbs v. Strickland*, 297 P.3d 326, 329 (2013). The Nevada appellate courts have  
18 ruled a Nev. R. Civ. P. 41(a)(1)(i) voluntary dismissal is **"effective upon filing... [i]t closes the**  
19 **file... and the court has no role to play.** The court can not intervene or otherwise affect the  
20 dismissal. **[T]he action is terminated and the court is without further jurisdiction in the matter.**

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21  
22 <sup>11</sup>The blue ink statistical case closure stamp is evidenced on the caption page of Plaintiff's  
23 "Voluntary Dismissal." See The Rules of Practice for the Eighth Judicial District Court of the State  
of Nevada ("**EDCR**"), Rule 2.91, that states the following—

24 "Voluntary dismissal processing. In order to assist the court with its caseload  
25 management requirements, any voluntary dismissal that is prepared pursuant  
26 to NRCP 41(a)(1) which resolves all pending claims and renders the case ripe  
27 for closure shall be delivered to the chambers of the assigned department  
28 prior to filing. An individual in the assigned department will then affix the  
blue ink statistical case closure stamp to it, check the appropriate voluntary  
dismissal box on it, and place their initials next to the stamp's lower right-  
hand corner. Thereafter, the document can be filed."

1 The language of N.R.C.P., Rule 41(a)(1)(i) is clear and unambiguous. See *Jeep Corporation*  
2 *v. Dist. Court*, 652 P.2d 1183, 1186 (1982) “This ‘absolute right’ for a plaintiff to voluntarily dismiss  
3 an action leaves no role for the court to play. *Venetian Macau Ltd. v. Eighth Judicial District Court*  
4 *of State*, 69090 (Nev. 03/17/2016) (“**In order to accomplish a voluntary dismissal pursuant to Nev.**  
5 **R. Civ. P. 41(a)(1), a plaintiff need do no more than file a notice of dismissal with the Clerk.**”).  
6 “[I]n the normal course, **the district court is divested of jurisdiction over the case by the filing**  
7 **of the notice of dismissal itself.**” (emphasis added).

8 (2) **Orders and Motions:**

9 Nevertheless, **subsequent** to Plaintiff’s filing of his [Court Approved] “Voluntary  
10 Dismissal,” and lacking jurisdiction and authority, and forbidden from fanning Plaintiff’s Voluntarily  
11 Dismissed action [back] into life, on August 8, 2019 (twenty-one (21) days **after** Plaintiff filed and  
12 served his [Court Approved] “Voluntary Dismissal”), Judge Allf [*sua sponte*<sup>12</sup>], without notice and  
13 an opportunity for Plaintiff to be heard, issued her 08.06.19 Order, causing the striking of (Judge  
14 Allf’s Department’s approval of) Plaintiff’s [Court Approved] “Voluntary Dismissal.”

15 Subsequently, on August 27, 2019 (**forty-two (42) days after Plaintiff filed his [Court**  
16 **Approved] “Voluntary Dismissal”**), [again] absent jurisdiction and without authority, Judge Allf  
17 [*sua sponte*] had the following Orders (that were prepared by Defendants TLC attorney, Brian P.  
18 Clark) entered:

- 19 1. The Entry of Order Granting Defendant’s Motion to Set Aside  
20 Plaintiff’s Notice of Voluntary Dismissal, or in the Alternative, for  
21 Relief Pursuant to NRC P 41(a)(2).<sup>13</sup>

22  
23 <sup>12</sup>Without notice and an opportunity to be heard, sua sponte orders affecting substantive rights are  
24 invalid. See also *Johanson v. Eighth Judicial Dist. Court*, 124 Nev. 245, 253, 182 P.3d 94, 99 (2008)  
25 (holding that party is entitled to notice and hearing before gag order can be imposed); *Awada v.*  
26 *Shuffle Master, Inc.*, 123 Nev. 613, 621 n.26, 173 P.3d 707, 712 n.26 (2007) (“A party’s rights to  
27 notice and an opportunity to be heard are paramount and do not vary based on the merits of the  
28 case”); *Soebbing v. Carpet Barn, Inc.*, 109 Nev. 78, 84, 847 P.2d 731, 735 (1993) (reversal of sua  
sponte summary judgment); *Horvath v. Gladstone*, 97 Nev. 594, 596 n.1, 637 P.2d 531, 533 n.1  
(1981) (sua sponte amended judgment is void)

<sup>13</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit**  
**6 (Bates Nos. 054-058)**. It appears this Order was not signed by Judge Allf, but was signed for Judge  
Allf by her Law Clerk Joseph E. Dagher.

2. The Entry of Order Granting Defendant's Motion to Dismiss, Motion for More Definite Statement and Motion to Strike.<sup>14</sup>
3. The Entry of Order Granting Defendant's Counter-Motion to Continue Decision on Plaintiff's Motion until after the Court Issues its Order on Defendant's (May 1, 2019) Motion to Dismiss.<sup>15</sup>
4. The Entry of Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint.<sup>16</sup>

As a consequence of Judge Allf's refusal to observe, recognize, honor, and abide by Plaintiff's [Court Approved] "Voluntary Dismissal," and desist from any further actions associated with closed case (Case No. A-18-776375-C), on August 30, 2019, Plaintiff filed a Notice of Appeal, with Plaintiff's Case Appeal Statement.

**(3) Nevada Supreme Court Appeal No. 79545:**

(i) Should this Court [also] refuse to accept that the filing of Plaintiff's [Court Approved] "Voluntary Dismissal" closed Case No. A-18-776375-C, certainly this Court can not ignore Plaintiff's Appeal pertaining to Judge Allf's refusal to recognize and abide by Plaintiff's [Court Approved] "Voluntary Dismissal," and Judge Allf's continuation of holding hearings and entering orders absent any jurisdiction to [legally] do so.

This is not Rocket Science.

On August 30, 2019, at the time Plaintiff e-filed his Notice of Appeal, the District Courts were divested of jurisdiction associated with Case No. A-18-776375-C— with the exception of matters collateral to, and independent from the appealed matters.

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<sup>14</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit 7 (Bates Nos. 059-072)**. This Order [literally] dismissed all claims and allegations, leaving the justification for Plaintiff's First Amended Complaint *meaninglessness*. It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk Joseph E. Dagher.

<sup>15</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit 8 (Bates Nos. 073-077)**. It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk Joseph E. Dagher.

<sup>16</sup>A copy of the [*sua sponte*] Entry of Order is attached hereto and incorporated herein as **Exhibit 9 (Bates Nos. 078-082)**. It appears this Order was not signed by Judge Allf, but was signed for Judge Allf by her Law Clerk Joseph E. Dagher.

1           In *Phillip Emerson v. the Eighth Judicial District Court of the State of Nevada*, 263 P.3d 224  
2 (Nev. 10/06/2011) the Nevada Supreme Court held that the district court only retains jurisdiction to  
3 collateral matters that do not affect the merits of [the appellant's] appeal, after an appeal is filed.

4           Also see *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529 (2006) (A timely  
5 notice of appeal divests the district court of jurisdiction to revisit matters pending on appeal; but, the  
6 district court retains jurisdiction over “matters collateral to and independent from the appealed  
7 order.”)(Once a notice of appeal is timely and properly filed, the district court is divested of  
8 jurisdiction to enter further orders granting relief on the same subject matter. *Mack-Manley v.*  
9 *Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006)); *Kantor v. Kantor*, 116 Nev. 886, 894-95,  
10 8 P.3d 825, 830 (2000) (holding that, although a timely notice of appeal divests the district court of  
11 jurisdiction and vests jurisdiction in this court, the district court had jurisdiction to award attorney  
12 fees while an appeal of the underlying divorce decree was pending because the “collateral matter did  
13 not affect the merits of [the appellant's] appeal”).

14           (ii)     Until such time the Nevada Supreme Court issues a Remittitur pertaining to  
15 Plaintiff's Appeal, the District Courts remain divested of jurisdiction (with the exception of collateral  
16 matters that do not affect the merits of Plaintiff's [current] appeal No. 79545.

17           The purposes of the Remittitur is to: (1) divest the Appellate Court of jurisdiction and return  
18 jurisdiction to the court or agency whose decision was under review; (2) formally inform the court  
19 or agency whose decision was under review of the appellate court's final resolution of the appeal;  
20 and (3) in the case of an untimely appeal, remove or transfer the matter from the appellate court's  
21 docket and inform the court or agency whose decision was under review that the appellate court  
22 never obtained jurisdiction over the matter and that the court or agency was never divested of  
23 jurisdiction. *Dickerson v. State*, 114 Nev. 1084, 967 P.2d 1132 (1998). Also see *Branch Banking &*  
24 *Trust Company v. Douglas D. Gerrard, Esq.*, 134 Nev. Adv. Op. 106, No. 73848, Supreme Court of  
25 Nevada (December 27, 2018) citing *Dickerson*.

26           Remittitur is the process by which the Nevada Supreme Court terminates its jurisdiction over  
27 an Appeal. See generally NRAP 41(a). Unless the time is shortened or lengthened by order, or if a  
28 timely petition for rehearing (NRAP 40), or for En Banc reconsideration is filed (NRAP 40A),  
Remittitur will issue 25 days after the entry of judgment (NRAP 36). NRAP 41(a)(1).

1 Through issuance of the Remittitur, the Appellate Court terminates its own jurisdiction and  
2 re-vests jurisdiction in the District Court. See *Buffington v. State*, 110 Nev. 124, 126, 868 P.2d 643,  
3 644 (1994) (“[T]he supreme court has control and supervision of an appealed matter from the filing  
4 of the notice of appeal until the issuance of the certificate of judgment.”). **The district court does**  
5 **not regain jurisdiction to act until remittitur is issued, transmitted and received.** Id. (emphasis  
6 added).

7 Because no Remittitur has been issued regarding Plaintiff’s [current] appeal No. 79545, with  
8 the exceptions cited *supra*, the District Courts remain divested of jurisdiction pertaining to Case No.  
9 A-18-776375-C. Accordingly, any motions filed; any hearings held; and any orders issued or entered,  
10 affecting the merits of Case No. A-18-776375-C, are bootless and invalid—therefore unenforceable.

11 **V. CONCLUSION:**

12 It is evident by the **blue ink statistical case closure stamp**, evidenced on the caption page  
13 of Plaintiff’s “Notice of Voluntary Dismissal, Pursuant to Nevada Rules of Civil Procedures, Rule  
14 41(a),” that Judge Allf was satisfied that Plaintiff complied with the requirements of Nevada Rules  
15 of Civil Procedure, Rule 41(a)(1)(A). Surely, if there were an issue with the submission and contents  
16 of Plaintiff’s “Voluntary Dismissal,” Judge Allf would have rejected Plaintiff’s submission.

17 Obviously, Plaintiff’s “Voluntary Dismissal” is unambiguous in its disclosures, and as such,  
18 is a bases for approving Plaintiff “Voluntary Dismissal.” Absent from any **subsequent orders**, or  
19 Defendants TLC’s filings, is there any assertions that Plaintiff’s “Voluntary Dismissal” constituted  
20 fraud, or that Plaintiff’s “Voluntary Dismissal” was misleading, or ambiguous.

21 Therefore, the question raised is why Judge Allf, knowing that her approval and subsequent  
22 filing of Plaintiff’s (Rule 41(a)(1)(A)) “Voluntary Dismissal,” ended Case No. A-18-776375-C,  
23 divesting the Courts of any jurisdiction (with the exception of collateral matters)— continued to set  
24 and hold hearings, and [purportedly] issue orders [*sua sponte*] on a closed case, and on issues  
25 affecting the merits of (closed case) Case No. A-18-776375-C.

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1 In addition to Judge Allf disregarding Plaintiff's [Court Approved] "Voluntary Dismissal,"  
2 there is the question of the Discovery Commissioner, Erin Lee Truman, conducting a discovery  
3 hearing on October 2, 2019, on a motion to compel submitted by Defendants TLC on August 29,  
4 2019. The hearing was held close to ninety (90) days after Plaintiff filed his [Court Approved]  
5 "Voluntary Dismissal," and more than thirty (30) days after Plaintiff filed his Appeal.

6 Plaintiff further questions the approval of Consolidating the closed case, Case No. A-18-  
7 776375-C, with the case before this Court Case No. A-19-799140-C. As argued *supra*, Plaintiff's  
8 [Court Approved] "Voluntary Dismissal," an approval authorized by Judge Allf, closed Case No.  
9 A-18-776375-C, divesting any [legitimate] jurisdiction and authority for [either] Defendants TLC  
10 to move for such action, and for the Courts to approve such an action.

11 Accordingly, for all of the aforementioned, Plaintiff requests this Court to Take Notice that  
12 the Consolidation of closed case, Case No. A-18-776375-C, with the case before this Court Case No.  
13 A-19-799140-C is prohibited, injudicious, and (by the Rules of this Court, and opinions set-fourth  
14 by the Nevada Supreme Court) illegal— raising the issue of *bias*.

15 DATED this 19th day of October, 2019.

16

17 Respectfully submitted,

18 PAUL D.S. EDWARDS

19

20 /s/ Paul D.S. Edwards

21 Paul D.S. Edwards  
22 713 Wheat Ridge Lane, Unit 203  
23 Las Vegas, Nevada 89145  
24 Landline Telephone: 702.341.1776  
25 Cellular Telephone: 702.893.1776  
26 Email: pauldse@pauldsedwards.com  
27 Plaintiff, *pro se*

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**CERTIFICATE OF E-SERVICE**

I HEREBY CERTIFY that, on the 19th day of October 2019, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and correct copy of the following document:

1. Motion For This Court to Take Judicial Notice That District Court Judge Nancy L. Alf Is Without Jurisdiction to Consolidate The Closed Case Case No. A-18-776375-C with the Case Before this Court Case No. A-19-799140-C

to the following:

Brian P. Clark, CLARK MCCOURT  
bpc@clarkmccomi.com

Chad F. Clement, MARQUIS AURBACH COFFING  
cclement@maclaw.com



---

Designee for Plaintiff

# **EXHIBIT 1**

**001**

ORIGINAL

*Steven D. Grierson*

VDSM (CIV)  
PAUL D.S. EDWARDS,  
713 Wheat Ridge Lane, Unit 203,  
Las Vegas, Nevada 89145  
Landline Telephone: 702.341.1776  
Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com  
Plaintiff *pro se*

**DISTRICT COURT,  
CLARK COUNTY, NEVADA**

PAUL D.S. EDWARDS,  
  
**Plaintiff,**

**CASE NO.:** A-18-776375-C  
**DEPT. NO.:** XXVII

**vs.**

TIMESHARE LIQUIDATORS, LLC,  
a/d/b/a TLC RESORT LIQUIDATORS,  
a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
a/d/b/a TLC RESORTS VACATION CLUB,  
a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.,

**Defendants.**

**NOTICE OF VOLUNTARY DISMISSAL, PURSUANT TO  
NEVADA RULES OF CIVIL PROCEDURES, RULE 41(a)**

**TO:** The Honorable Nancy L. Allf,  
District Court Judge, Eighth Judicial District Court, Clark County, Nevada

Pursuant to Nevada Rules of Civil Procedures ("NRCP"), Rule 41(a), Plaintiff PAUL D.S. EDWARDS, *in proper person* ("**Plaintiff**"), hereby voluntarily dismisses the above-entitled lawsuit, without prejudice.

NRCP, Rule 41(a) states, in pertinent part—

Rule 41. Dismissal of Actions

(a) Voluntary Dismissal: Effect Thereof.

(1) By the Plaintiff.

(A) Without a Court Order. Subject to Rules 23(f), 23.1, 23.2, 66, and any applicable statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment;

<input checked="" type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Dismissal and Remand
<input type="checkbox"/> Disputed Dismissal	<input type="checkbox"/> Dismissal and Judgment
<input type="checkbox"/> Motion to Dismiss by Defendant	<input type="checkbox"/> Judgment of Acquittal

**002**

1 The right of a voluntary dismissal is absolute— as long as it is filed before service of an  
2 answer or motion for summary judgment. NRCP, Rule 41(a)(1)(A)(i). A voluntary dismissal can  
3 occur even after significant activity has already taken place in the action, such as a motion to compel  
4 arbitration, a Rule 12 motion to dismiss (even with the court announcing its intended ruling), or a  
5 full evidentiary hearing and ruling on a motion for preliminary injunction. See *Miller v. Reddin*, 422  
6 F.2d 1264, 1266 (9th Cir. 1970) (Rule 12 motion); *Hamilton v. Shearson Lehman American Express*,  
7 *Inc.*, 813 F.2d 1532, 1534–35 (9th Cir. 1987) (motion to compel arbitration); *American Soccer Co.*,  
8 *Inc. v. Score First Enters.*, 187 F.3d 1108, 1110–12 (9th Cir. 1999).

9 In the instant matter, Plaintiff, by order of this Court, filed his First Amended Complaint For  
10 Damages, Injunctive Relief, and, Demand for Trial by Jury on April 17, 2019 (“**First Amended**  
11 **Complaint**”). Defendants responded with a Motion to Strike for Plaintiff's Refusal to Comply with  
12 the Court's Order Granting Defendant's Motion for More Definite Statement (“**Motion**”). A decision  
13 by the Court is pending on Defendants Motion.

14 Nevertheless, as of the filing and service of Plaintiff's Notice of Voluntary Dismissal (July  
15 12, 2019), Defendants have not Answered to Plaintiff's First Amended Complaint. Nor have  
16 Defendants filed a motion for summary judgment, and no Counterclaim, Crossclaim, or Third-Party  
17 Claim has been filed in this action.

18 Pursuant to NRCP, Rule 41(a)(1)(C), Plaintiff will reimburse Defendants' filing fees—  
19 Defendants counsel advised Plaintiff that the filing fees amount to \$373.00.<sup>1</sup>

20 DATED this 12th day of July 2019.

21 Respectfully Submitted,

22 PAUL D.S. EDWARDS

23 /s/ Paul D.S. Edwards

24 Paul D.S. Edwards, Plaintiff, *pro se*  
25 713 Wheat Ridge Lane, Unit 203,  
26 Las Vegas, Nevada 89145  
27 Cellular Telephone: (702) 893-1776  
28 Landline/Facsimile: (702) 341-1776  
Email: pauldse@pauldsedwards.com

<sup>1</sup>Rule 41(a)(1)(i) references only payment of the defendant's filing fees when filing a notice of dismissal; it says nothing about payment of other costs or attorney's fees.

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**CERTIFICATE OF E-SERVICE**

I HEREBY CERTIFY that, on the 16th day of July 2019, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-filed and e-served a true and correct copy of the following document, Plaintiff's:

1. Notice of Voluntary Dismissal, Pursuant to Nevada Rules of Civil Procedures, Rule 41(a)

to the following:

Brian P. Clark at [bpc@clarkmccourt.com](mailto:bpc@clarkmccourt.com)



\_\_\_\_\_  
Designee for Plaintiff

# **EXHIBIT 2**

**005**



1 **NOAS (CIV)**  
2 PAUL D.S. EDWARDS,  
3 713 Wheat Ridge Lane, Unit 203,  
4 Las Vegas, Nevada 89145  
5 Landline Telephone: 702.341.1776  
6 Cellular Telephone: 702.893.1776  
7 Email: pauldse@pauldsedwards.com  
8 Plaintiff, *pro se*

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

9 PAUL D.S. EDWARDS,

10 **Plaintiff,**

11 *vs.*

12 **TIMESHARE LIQUIDATORS, LLC,**  
13 **a/d/b/a TLC RESORT LIQUIDATORS,**  
14 **a/d/b/a TLC RESORTS VACATION CLUB, LLC,**  
15 **a/d/b/a TLC RESORTS VACATION CLUB,**  
16 **a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,**  
17 **a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,**  
18 **a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,**  
19 **and DOES I-X, and ROE CORPORATIONS XI-XX, et al.**

20 **Defendants.**

**CASE NO.:** A-18-776375-C

**DEPT. NO.:** XXVII

21 **NOTICE OF APPEAL TO THE SUPREME COURT FOR NEVADA**  
22 **FROM A JUDGMENT OR ORDER OF A DISTRICT COURT**

23 Notice is hereby given that PAUL D.S. EDWARDS, Plaintiff, *pro se*, in the above-entitled  
24 action, does now hereby appeal to the Supreme Court for Nevada from the following:

25 1. The entire Final Judgment or Order filed on August 6, 2019, and therein—

26 (i) Granting Defendant's Motion to Dismiss in all respects. And that Defendant's  
27 may submit to the Court Findings of Fact and Conclusions of Law in  
28 accordance with the relief requested in the Motion.

**006**

- 1                   (ii)     Setting aside and striking from the Record Plaintiff's Voluntary Dismissal;  
2                   (iii)    Granting Defendant's Countermotion to Continue Decision on Plaintiff's  
3                            Motion until after the Court issues its Order on Defendant's May 1, 2019; and,  
4                   (iv)     Denying as Moot, Plaintiff's Motion for Leave to File Second Amended  
                          Complaint.

5                   A copy of the August 6, 2019 Order, *supra*, is attached hereto and incorporated herein  
6 as **Exhibit 1 (Bates Nos. 001-003)**.

- 7                   2.     The Entry of Order Granting Defendant's Motion to Set Aside Plaintiff's Notice of  
8                            Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCp 41(a)(2).

9                   A copy of the [August 27, 2019] Entry of Order Granting Defendant's Motion to Set  
10                   Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCp  
11                   41(a)(2) is attached hereto and incorporated herein as **Exhibit 2 (Bates Nos. 004-008)**.

- 12                   3.     The Entry of Order Granting Defendant's Motion to Dismiss, Motion for More  
                          Definite Statement and Motion to Strike.

13                   A copy of the [August 27, 2019] Entry of Order Granting Defendant's Motion to  
14                   Dismiss, Motion for More Definite Statement and Motion to Strike is attached hereto and  
15                   incorporated herein as **Exhibit 3 (Bates Nos. 009-022)**.

- 16                   4.     The Entry of Order Granting Defendant's Counter-Motion to Continue Decision on  
17                            Plaintiff's Motion until after the Court Issues its Order on Defendant's (May 1, 2019)  
                          Motion to Dismiss.

18                   A copy of the [August 27, 2019] Entry Order Granting Defendant's Counter-Motion  
19                   to Continue Decision on Plaintiff's Motion until after the Court Issues its Order on Defendant's  
20                   (May 1, 2019) Motion to Dismiss is attached hereto and incorporated herein as **Exhibit 4 (Bates  
21                   Nos. 023-027)**.

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**5. The Entry of Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint.**

A copy of the [August 27, 2019] Entry of Order Denying Plaintiff's Motion for Leave to File Second Amended Complaint is attached hereto and incorporated herein as **Exhibit 5 (Bates Nos. 028-032)**.

DATED this 30th day of August 2019.

PAUL D.S. EDWARDS,

/s/ Paul D.S. Edwards  
 Paul D.S. Edwards  
 713 Wheat Ridge Lane, Unit 203,  
 Las Vegas, Nevada 89145  
 Landline Telephone: 702.341.1776  
 Cellular Telephone: 702.893.1776  
 Email: pauldse@pauldsedwards.com  
 Plaintiff, *pro se*

## CERTIFICATE OF E-SERVICE

I HEREBY CERTIFY that on the 30th day of August 2019, pursuant to the Nevada Electronic Filing and Conversion Rules (NEFCR) & N.R.C.P., Rule 5(b)(4), I e-served a true and correct copy of the following document:

**1. Notice of Appeal to the Supreme Court for Nevada from a Judgment or Order of a District Court**

to the following:

Brian P. Clark at [bpc@clarkmccourt.com](mailto:bpc@clarkmccourt.com)



Designee for Plaintiff

# **EXHIBIT 1**

**009**



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\*\*\*\*\*

PAUL D.S. EDWARDS,

Plaintiff,

vs.

TIMESHARE LIQUIDATORS, LLC, et  
al,

Defendant.

CASE NO.: A-18-776375-C

DEPARTMENT 27

**ORDER**

**COURT FINDS** this case was commenced by the filing of a Complaint on June 19, 2018.

Thereafter, the matter proceeded by the filing of a Notice of Removal to U.S. District Court for the District of Nevada, a Motion to Dismiss filed by Defendants, the filing of an Answer, the filing of an Amended Complaint, another Motion to Dismiss, and another Amended Complaint.

The Motion to Dismiss was taken under advisement on or about June 29, 2019.

**COURT FURTHER FINDS** while that Motion to Dismiss was pending, the Plaintiff filed a Withdrawal of Second Amended Complaint, an Opposition to a Motion to Compel and then a Voluntary Dismissal on July 16, 2019.

**COURT FURTHER FINDS** thereafter, Defendant opposed the Plaintiff's Motion for Leave to File Second Amended Complaint and a Countermotion to Continue Decision on Plaintiff's Motion until after the Court Issues its Order on Defendant's May 1, 2019 Motion.

**THEREFORE, COURT ORDERS AS FOLLOWS:**

1. Defendant's Motion to Dismiss is granted in all respects. Defendant may submit to the Court Findings of Fact and Conclusions of Law in accordance with the relief requested in the Motion,
2. The Plaintiff's Voluntary Dismissal is hereby set aside and stricken from the Record,

HONORABLE NANCY L. ALLF

DISTRICT COURT JUDGE

DEPT XXVII

- 1 3. Defendant's Countermotion to Continue Decision on Plaintiff's Motion until after the  
2 Court issues its Order on Defendant's May 1, 2019 Motion is granted,  
3  
4 4. Plaintiff's Motion for Leave to File Second Amended Complaint is denied as moot.  
5  
6 5. Defendant shall prepare the appropriate Orders.

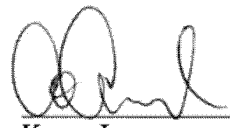
7  
8 DATED: August 5 2019  
9

10  
11   
12 NANCY ALLF  
13 DISTRICT COURT JUDGE  
14

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on August 2, 2019, a copy of the foregoing was electronically  
17 served pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial  
18 District Court's Electronic Filing Program and by mail to:

19 Paul D.S. Edwards  
20 713 Wheat Ridge Lane, Unit 203  
21 Las Vegas, NV 89145  
22

23   
24 Karen Lawrence  
25 Judicial Executive Assistant  
26  
27  
28

# **EXHIBIT 2**

**012**

*Steven D. Grierson*

1 **NEO**  
2 **BRIAN P. CLARK**  
3 Nevada Bar No. 4236  
4 **LUKAS B. McCOURT**  
5 Nevada Bar No. 11839  
6 **CLARK MCCOURT**  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

12 **PAUL D. S. EDWARDS,**

13 Plaintiff,

14 v.

15 **TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL**  
16 **RESORT LIQUIDATORS, a/d/b/a TLC RESORTS**  
17 **VACATION CLUB, LLC, a/d/b/a TLC RESORTS**  
18 **VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a**  
19 **TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a**  
20 **VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES**  
21 **I-X, and ROE CORPORATIONS XI-XX, et al.,**

22 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

23 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
24 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
25 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)**

26 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO**  
27 **SET ASIDE PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE**

28 ///

///

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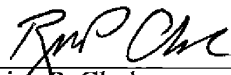
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1 **ALTERNATIVE, FOR RELIEF PURSUANT TO NRCP 41(a)(2)** was filed on August 27, 2019.

2 A copy of said Order is attached hereto.

3 DATED this 27th day of August, 2019.


4 CLARK MCCOURT

5   
6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27th day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
14 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
15 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)** on the following parties/individuals via the  
16 court's mandatory electronic service provider, Odyssey.

17 Paul D.S. Edwards  
18 713 Wheat ridge Lane, Unit 203  
19 Las Vegas, NV 89145  
20 Plaintiff in proper person.

21   
22 An employee of CLARK MCCOURT  
23  
24  
25  
26  
27  
28



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. MCCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

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

10 PAUL D. S. EDWARDS,  
11 Plaintiff,

Case No.: A-18-776375-C  
Dept. No.: XXVII

12 v.

13 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
14 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
15 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
16 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
17 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
18 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
19 I-X, and ROE CORPORATIONS XI-XX, et al.,

20 Defendants.

21 **ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE PLAINTIFF'S**  
22 **NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE, FOR RELIEF**  
23 **PURSUANT TO NRCP 41(a)(2)**

24 Defendant's Motion To Set Aside Plaintiff's Notice Of Voluntary Dismissal having come  
25 before the court, and no opposition having been filed by Plaintiffs,

26 **THE COURT FINDS** that this case was commenced by the filing of a Complaint on June  
27 19, 2018.

28 **THE COURT FURTHER FINDS** that the matter proceeded by the filing of a Notice of  
Removal to U.S. District Court for the District of Nevada, and remand to this court.

**THE COURT FURTHER FINDS** that Defendants filed a Motion to Dismiss which was  
granted in part.



1           **THE COURT FURTHER FINDS** that Defendant filed an Answer to the Complaint on  
2 February 6, 2019.

3           **THE COURT FURTHER FINDS** that Plaintiff filed an Amended Complaint on April 17,  
4 2019.

5           **THE COURT FURTHER FINDS** that the filing of an answer prohibits the voluntary  
6 dismissal of Plaintiff's action without a court order (NRCP 41).

7           **THEREFORE,**

8           **IT IS HEREBY ORDERED** that Plaintiff's Voluntary Dismissal is hereby set aside and  
9 stricken from the court Record.

10           **IT IS FURTHER ORDERED** that the court will issue a Scheduling Order and Order  
11 Setting Jury Trial based on the parties' Case Conference Reports and the NRCP 16 Conference  
12 conducted by the court on April 24 2019.

13           DATED this 26 day of August, 2019.

14

15

  
DISTRICT COURT JUDGE  


16

Submitted by:

17

CLARK MCCOURT

18



19

Brian P. Clark

20

Lukas B. McCourt

21

7371 Prairie Falcon Road, Suite 120

22

Las Vegas, NV 89128

23

Attorneys for Defendant

24

25

26

27

28

# **EXHIBIT 3**

**017**



NEO  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
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bpc@clarkmccourt.com  
lmccourt@clarkmccourt.com  
Attorneys for Defendants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS,  
MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO  
DISMISS, MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

///

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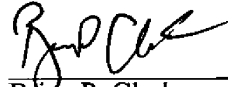
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1 was filed on August 27, 2019. A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT

4 

5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10  
11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION**  
14 **FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE** on the following  
15 parties/individuals via the court's mandatory electronic service provider, Odyssey.

16 Paul D.S. Edwards  
17 713 Wheat ridge Lane, Unit 203  
18 Las Vegas, NV 89145  
19 Plaintiff in proper person.

20   
21 An employee of CLARK MCCOURT



**ORDG**  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
CLARK MCCOURT  
7371 Prairie Falcon Road, Suite 120  
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Telephone: (702) 474-0065  
Facsimile: (702) 474-0068  
bpc@clarkmccourt.com  
lmccourt@clarkmccourt.com  
Attorneys for Defendants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION FOR MORE  
DEFINITE STATEMENT AND MOTION TO STRIKE**

Defendant's Motion To Dismiss, Motion For More Definite Statement and Motion to Strike came before the court for hearing on June 19, 2019. Sitting for the court was Supreme Court Justice (Ret.) Michael Cherry. Appearing for Defendant was Brian P. Clark of the law firm Clark McCourt. Also appearing was Plaintiff in proper person, Paul D.S. Edwards.

The court initially addressed Plaintiff's claim that Defendant's motion was moot by the filing of Plaintiff's Second Amended Complaint, the motion to dismiss seeking relief as to the First Amended Complaint. The court then received argument from Plaintiff that he was not required to

1 obtain leave of court prior to filing the Second Amended Complaint, claiming that the parties'  
2 separately filed early case conference reports constituted a stipulation that the parties could amend  
3 pleadings without leave of court until March 27, 2020. Plaintiff relied on *DeChambeau v.*  
4 *Balkenbush*, 134, Nev.Adv.Op. 75, 431 P.3d 359 (2018). Defendant argued that there was no  
5 stipulation and that reliance on *DeChambeau* was misplaced as there was (1) no stipulation created  
6 by the separately filed early case conference reports, and (2) the language of each parties' early case  
7 conference reports was that prescribed by the court's form case conference report that requires leave  
8 of court, and "further leave of court" after the date established by the scheduling order. The court  
9 informed the parties that the hearing and any rulings on the motion would be in relation to the First  
10 Amended Complaint.

11 Having reviewed the papers on file, and the argument of counsel made at the time of the  
12 hearing, the court makes the following findings.

13 **THE COURT FINDS** that Defendants removed Plaintiff's action to the United States  
14 District Court, District of Nevada based on federal question jurisdiction and that upon Plaintiff's  
15 repeated representations, verbal and written, that Plaintiff was not pursuing any claim based on  
16 federal law or regulations, Defendants stipulated for the remand of the case to state court.

17 **THE COURT FURTHER FINDS** that Plaintiff's initial Complaint was subject to  
18 Defendants' Motion To Dismiss and Motion For More Definite Statement, dismissing multiple  
19 claims and parties.

20 **THE COURT FURTHER FINDS** that the January 14, 2019 Order Granting In Part And  
21 Denying In Party Defendants' Motion to Dismiss allowed for limited amendment, as set forth in the  
22 Order.

23 **THE COURT FURTHER FINDS** that NRCP 15(a)(2) is applicable to the facts and history  
24 of this case, and amendment beyond the courts' January 14, 2019 Order would require the opposing  
25 party's written consent or the court's leave.

26 ///

27 ///

28 ///

1           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
2 court's January 14, 2019 Order dismissing certain claims and parties by re-pleading claims and re-  
3 naming parties previously dismissed.

4           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint improperly  
5 attempts to include previously unpled claims in violation of the court's January 14, 2019 Order and  
6 without first obtaining leave of court to amend.

7           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint must set forth  
8 the elements of fraud, pleading each element of fraud and setting forth facts showing (1) a false  
9 representation; (2) that defendant knew or believed that his/her representation was false; (3)  
10 defendant intended to induce plaintiff to act or refrain from acting upon the misrepresentation; (4)  
11 plaintiff justifiably relied upon defendant's misrepresentation; and (5) plaintiff sustained damages as  
12 a result of the justifiable reliance.

13           **THE COURT FURTHER FINDS** that the First Amended Complaint mentions NRS  
14 41.600, consumer fraud, at paragraph 154, but fails to set forth any facts to satisfy the elements of  
15 fraud or to plead with particularity as required by NRCP 9(b). The First Amended Complaint  
16 references "NRS 598.0915 to 598.0925" relative to a consumer fraud claim but then identifies NRS  
17 598.0977 and NRS 598.0973 as the basis for the fraud. (First Amended Complaint at paras. 155-  
18 156.) Neither NRS 598.0977 nor NRS 598.0973 are included in the consumer fraud provisions of  
19 NRS 41.600. Reference to these statutes do not trigger consumer fraud as a matter of law.

20           **THE COURT FURTHER FINDS** that Plaintiff's original complaint and claims for  
21 consumer fraud based on NRS 41.600 and NRS 598.0915 to 598.0925 were dismissed for Plaintiff's  
22 failure to plead all the elements of fraud and failing to plead fraud with particularity pursuant to  
23 NRCP 9(b).

24           **THE COURT FURTHER FINDS** that the First Amended Complaint fails to plead all the  
25 elements of fraud and fails to plead fraud with particularity pursuant to NRCP 9(b).

26     ///  
27     ///  
28     ///

1       **THE COURT FURTHER FINDS** Plaintiff's First Amended Complaint seeks to bring  
2 several claims based on federal laws or regulations. The court's January 14, 2019 order did not  
3 permit amendment of the Plaintiff's Complaint to make claims for violations of federal laws or  
4 regulations.

5       **THE COURT FURTHER FINDS** that Plaintiff's original Complaint brought a claim for  
6 damages based on Plaintiff as an "elderly person", and that these claims were dismissed based on  
7 Plaintiff's failure to allege damages.

8       **THE COURT FURTHER FINDS** that the First Amended Complaint merely alleges that  
9 "Plaintiff (at age 75+) contends he has suffered anguish as a consequence" of the telephone calls.  
10 (First Amended Complaint at paras. 37 and 38.)

11       **THE COURT FURTHER FINDS** that the mere allegation of "anguish" is insufficient to  
12 satisfy the requirement to plead sufficient facts to establish the right to relief. (Accord *Miller v.*  
13 *Jones* 114 Nev. 1291, 1299–300, 970 P.2d 571, 577 (1998).)

14       **THE COURT FURTHER FINDS** that several claims in Plaintiff's original Complaint  
15 were dismissed as Plaintiff has no private right of action to enforce criminal penalties or to pursue  
16 privately the rights of the Nevada Attorney General or a county District Attorney.

17       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
18 598.0979 to 598.099 as these actions are only available to the Commissioner of Consumer Affairs  
19 (NRS 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a  
20 district attorney or the Attorney General. (NRS 598.0979 to 598.099.)

21       **THE COURT FURTHER FINDS** that Plaintiff's original complaint alleged violations of  
22 NRS 707.910(2)-707.920, and that these claims were dismissed as Plaintiff did not oppose the  
23 motion and failed to allege any physical damage to Plaintiff's telephone lines. (January 14, 2019  
24 Order at p. 2 lines 17-19, p. 3 lines 14-16, p. 4 lines 25-27.)

25       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint fails to allege  
26 any interference with Plaintiff's telephone lines, obstruction of the phone lines, the postponement of  
27 any transmission, or damages Plaintiff incurred for the non-existent interference as required for a  
28 claim for violation of NRS 707.910 through NRS 707.920.



1       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
2 599B.280 to 599B.290 as these statutes limit actions to the Attorney General or a District Attorney.  
3       **THE COURT FURTHER FINDS** that Defendant Timeshare Liquidators, LLC, in various  
4 “doing business as” entities, is the only defendant named in this case.  
5       **THE COURT FURTHER FINDS** that Plaintiff’s conspiracy claims do not satisfy the  
6 elements of a civil conspiracy, failing to identify a combination of two or more persons, a concerted  
7 action, the intent to accomplish an unlawful objective for the purpose of harming another, and  
8 damage that results from the act or acts.  
9       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
10 specifically identify any person or party other than Timeshare Liquidators, LLC.  
11       **THE COURT FURTHER FINDS** that a co-conspirator would be a necessary party  
12 pursuant to NRCP 19.  
13       **THE COURT FURTHER FINDS** that Plaintiff’s enterprise liability claims do not satisfy  
14 the elements of an enterprise liability claim, failing to establish (1) an agreement among members of  
15 a group, (2) a common purpose, (3) a community of pecuniary interest among the members, and (4)  
16 an equal voice and control in the direction of the enterprise.  
17       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
18 specifically identify any member of the alleged enterprise other than Timeshare Liquidators, LLC.  
19       **THE COURT FURTHER FINDS** that other enterprises would be a necessary party  
20 pursuant to NRCP 19.  
21       **THE COURT FURTHER FINDS** that Plaintiff’s concert of action claims do not satisfy  
22 the minimal pleading requirements of a concert of action claim, failing to show (1) proof of an  
23 agreement to engage in conduct that is inherently dangerous or poses a substantial risk of harm to  
24 others, and (2) that the conduct of each tortfeasor is itself tortious.  
25       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
26 specifically identify any other individual that allegedly acted in concert with Timeshare Liquidators,  
27 LLC.  
28 ///

1       **THE COURT FURTHER FINDS** that other individuals who may have acted in concert  
2 with Timeshare Liquidators, LLC would be a necessary party pursuant to NRCP 19.

3       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
4 court's January 14, 2019 Order dismissing certain claims and parties by pleading claims against  
5 parties that were dismissed without leave to amend.

6       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
7 NRCP 11 by alleging claims against "Defendants (both ongoing and dismissed)" (First Amended  
8 Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

9       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
10 NRCP 11 by alleging claims against the previously dismissed owners of the limited liability  
11 company (First Amended Complaint at paras. 16, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33,  
12 34, 35, 36, 37, 38, 39, 46, 50, 109, 164.)

13       **THE COURT FURTHER FINDS** that Plaintiff intentionally violated the court's January  
14 14, 2019 Order and NRCP 11 by asserting allegations against the dismissed individual defendants.  
15 (First Amended Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

16       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
17 justifies dismissal of the individual parties (dismissed by the January 14, 2019 Order) a second time  
18 pursuant to NRCP 41(b).

19       **THE COURT FURTHER FINDS** that Plaza Hotel & Casino was dismissed from this  
20 action, with prejudice, as part of the January 14, 2019 Order.

21       **THE COURT FURTHER FINDS** that Plaintiff, in violation of the January 14, 2019 Order  
22 and other court rules re-pled claims against "Defendant Plaza" in the First Amended Complaint.  
23 (First Amended Complaint at paras. 13, 14, 56, 78, 78 footnote 39.)

24       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
25 justifies dismissal of the Plaza Hotel & Casino pursuant to NRCP 41(b).

26     ///

27     ///

28     ///

1       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint is so vague or  
2 ambiguous regarding the 56 allegations that are based on unidentified "directly or indirectly" actions  
3 (First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
4 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
5 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163) that Defendant cannot reasonably  
6 prepare a response.

7       **THE COURT FURTHER FINDS** that the allegations are vague and/or ambiguous as the  
8 allegations fail to identify what actual activities were performed by the Defendant or by one of the  
9 unidentified co-conspirators, enterprises or others allegedly acting in concert.

10       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint includes  
11 immaterial, impertinent and/or scandalous allegations.

12       **THE COURT FURTHER FINDS** that paragraph 10 of the First Amended Complaint  
13 alleges "This business license has been Revoked" has no evidentiary purpose and is immaterial,  
14 impertinent and/or scandalous and creates a false inference that the revocation was due to some  
15 impropriety and to taint Defendant with whomever reads the complaint, including the jury.

16       **THE COURT FURTHER FINDS** that paragraph 29 of the First Amended Complaint  
17 alleges that the Defendant and other unidentified and unnamed entities "earned, and continues to  
18 earn hundreds-of-thousands of dollars by engaging in, or causing the engaging in illegal unsolicited  
19 telemarketing and solicitation telephone calls" has no evidentiary purpose and is immaterial,  
20 impertinent and/or scandalous as an improper attempt to influence the trier of facts based on the  
21 monetary position of a party. Further, the reference to money, when combined with the allegation of  
22 illegal conduct, is intended to place Defendant in a false light and to improperly influence  
23 whomever reads the complaint, including the jury.

24       **THE COURT FURTHER FINDS** that the hearsay allegations contained in paragraphs 56,  
25 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of  
26 the First Amended Complaint are not plead as facts and are therefore immaterial, impertinent and/or  
27 scandalous.

28

1           **THE COURT FURTHER FINDS** that the references in the First Amended Complaint to  
2 defense counsel, paras. 82, 88, 89, 92, 95, 99, are immaterial, impertinent and/or scandalous.  
3 Plaintiff has not alleged any facts to indicate that Defendant's legal counsel made any of the  
4 telephone calls alleged in the complaint, had any input or control over the making of alleged  
5 telephone calls, nor did Plaintiff name defense counsel as a party. It is improper for Plaintiff to seek  
6 to persuade the trier of fact in favor of Plaintiff's claims based on the legal right of Defendant to hire  
7 legal counsel and defend the action. Permitting the references to defense counsel improperly moves  
8 the attention of the case to counsel rather than the merits, and is an improper attempt to make  
9 counsel a witness in the case.

10           **THE COURT FURTHER FINDS** that Plaintiff was aware from the prior motion to  
11 dismiss that he lacks standing to bring a claim based on a private right of action to enforce statutes  
12 limited to governmental entities.

13           **THE COURT FURTHER FINDS** that Plaintiff's intentional and repeated improper  
14 pleading of statutory violations, for which he lacks standing to pursue, supports an award of  
15 sanctions.

16           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
17 NRS 707.910 through NRS 707.920 as set forth in the First Amended Complaint were brought in  
18 violation of NRCP 11(b)(1-3) and supports an award of sanctions.

19           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
20 NRS 599B.280 to 599B.290 as set forth in the First Amended Complaint were brought in violation  
21 of NRCP 11(b)(1-3) and supports an award of sanctions.

22           **THEREFORE,**

23           **IT IS HEREBY ORDERED** that Plaintiff's First Amended Complaint based on consumer  
24 fraud under NRS 41.600 and NRS 598.0915 to 598.025 is dismissed for Plaintiff's failure to plead  
25 all the elements of fraud and failing to plead fraud with particularity pursuant to NRCP 9(b). This is  
26 the second dismissal of these claims.

27       ///

28       ///

1       **IT IS FURTHER ORDERED** that the Motion To Dismiss is granted in relation to all  
2 claims for the violation of federal laws and regulations. The claims specifically dismissed are set  
3 forth at: p. 2, line 28; paragraphs 5-6; paragraph 15 footnote 3; paragraph 21 footnote 7; paragraph  
4 23 footnote 8; paragraph 36; paragraph 75(1)(v) footnote 26; paragraphs 107-108; paragraph 111  
5 footnotes 53 and 54; paragraph 112; paragraphs 118-122; paragraph 125; paragraph 128; and  
6 paragraphs 139-149.

7       **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0977 and NRS  
8 599B.300 are dismissed.

9       **IT IS FURTHER ORDERED** that Plaintiff's claims in the First Amended Complaint  
10 based on NRS 598.0973, providing for civil penalties "in any action brought pursuant to NRS  
11 598.0979 to 598.099" are dismissed.

12       **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0979 to 598.099  
13 are dismissed as these actions are only available to the Commissioner of Consumer Affairs (NRS  
14 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a district  
15 attorney or the Attorney General. (NRS 598.0979 to 598.099.)

16       **IT IS FURTHER ORDERED** that Plaintiff's claims based on violations of NRS  
17 707.910(2)-707.920 are dismissed. This is the second dismissal of these claims.

18       **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 599B.280 to 599B.290  
19 are dismissed.

20       **IT IS FURTHER ORDERED** that Plaintiff's claims for conspiracy are dismissed.

21       **IT IS FURTHER ORDERED** that Plaintiff's claims for enterprise liability are dismissed.

22       **IT IS FURTHER ORDERED** that Plaintiff's claims for concert of action as alleged in 55  
23 separate paragraphs of the First Amended Complaint<sup>1</sup> are dismissed.

24       ///

25       ///

26

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27       <sup>1</sup> First Amended Complaint at paras. 1.a; 1.b; 1.c, 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19,  
28 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108,  
109, 110, 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163,

1           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against  
2 Stanley Mullis, Angel Mullis, Jonathan Jossel and Michael Pergolini are dismiss pursuant to NRCP  
3 41(b) and that this dismissal operates as an adjudication on the merits pursuant to NRCP 41(b).  
4           **IT IS FURTHER ORDERED** that as the dismissal of Stanley Mullis, Angel Mullis,  
5 Jonathan Jossel and Michael Pergolini is pursuant to NRCP 41(b) and operates as an adjudication  
6 on the merits, there is no just reason for delay and the dismissal of these parties constitutes a final  
7 judgment pursuant to NRCP 54(b).  
8           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against Plaza  
9 Hotel & Casino, LLC are dismiss pursuant to NRCP 41(b) and that this dismissal operates as an  
10 adjudication on the merits pursuant to NRCP 41(b).  
11           **IT IS FURTHER ORDERED** that as the dismissal of Plaza Hotel & Casino, LLC is  
12 pursuant to NRCP 41(b) and operates as an adjudication on the merits, there is no just reason for  
13 delay and the dismissal of this party constitutes a final judgment pursuant to NRCP 54(b).  
14           **IT IS FURTHER ORDERED** that Plaintiff's Motion For More Definite Statement is  
15 granted as to the vague and ambiguous allegations of "directly or indirectly" actions as alleged in  
16 the First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
17 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
18 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163.  
19           **IT IS FURTHER ORDERED** that Plaintiff shall provide a more definite statement, as  
20 provided by NRCP 12(e), within 14 days of notice of entry of this order.  
21           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
22 10 of the First Amended Complaint that "This business license has been Revoked."  
23           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
24 29 of the First Amended Complaint that the Defendant and other unidentified and unnamed entities  
25 "earned, and continues to earn hundreds-of-thousands of dollars by engaging in, or causing the  
26 engaging in illegal unsolicited telemarketing and solicitation telephone calls."  
27 ///  
28 ///



# **EXHIBIT 4**

**031**





NEO  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
CLARK MCCOURT  
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lmccourt@clarkmccourt.com  
Attorneys for Defendants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO  
CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT  
ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S COUNTER-  
MOTION TO CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE**

///

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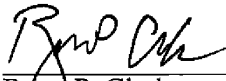
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1 **COURT ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

2 was filed on August 27, 2019. A copy of said Order is attached hereto.

3 DATED this 27<sup>th</sup> day of August, 2019.

4 CLARK MCCOURT

5 

6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11  
12 **CERTIFICATE OF SERVICE**

13 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**

14 **OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO**

15 **CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT**

16 **ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS** on the

17 following parties/individuals via the court's mandatory electronic service provider, Odyssey.

18 Paul D.S. Edwards  
19 713 Wheat ridge Lane, Unit 203  
20 Las Vegas, NV 89145  
21 Plaintiff in proper person.

22   
23 An employee of CLARK MCCOURT



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,  
12 Plaintiff,

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

24 **ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO CONTINUE DECISION**  
25 **ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT ISSUES ITS ORDER ON**  
26 **DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

27 On June 20, 2019, Plaintiff filed his Motion For Leave To File Second Amended Complaint.  
28 In response, Defendant filed an opposition and Counter-Motion To Continue Decision on Plaintiff's  
29 Motion [For Leave To File Second Amended Complaint] Until After The Court Issues Its Order On  
30 Defendant's (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint.

31 ///

32 ///

33 ///

1 The Plaintiff attempted to dismiss his action by filing a Notice Of Voluntary Dismissal on  
2 July 16, 2019. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's  
3 Notice of Voluntary Dismissal from the court record, and granted Defendant's Counter-motion To  
4 Continue The Decision On Plaintiff's Motion For Leave To Amend.

5 Therefore,

6 Good cause appearing,

7 IT IS HEREBY ORDERED that Defendant's Counter-motion To Continue The Decision On  
8 Plaintiff's Motion For Leave To Amend Until After The Court Issues Its Order On Defendant's  
9 (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint is GRANTED.

10 DATED this 23 day of August, 2019.

11

12

Nancy L. Alf  
DISTRICT COURT JUDGE

13

Submitted by:

JB

14

CLARK MCCOURT

15

16

Brian P. Clark  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant

17

18

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20

21

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28

# **EXHIBIT 5**

**036**

*Steven D. Grierson*

NEO  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
CLARK MCCOURT  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, Nevada 89128  
Telephone: (702) 474-0065  
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bpc@clarkmccourt.com  
lmccourt@clarkmccourt.com  
Attorneys for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
I-X, and ROE CORPORATIONS XI-XX, et al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO  
FILE SECOND AMENDED COMPLAINT

PLEASE TAKE NOTICE that an ORDER DENYING PLAINTIFF'S MOTION FOR  
LEAVE TO FILE SECOND AMENDED COMPLAINT was filed on August 27, 2019.

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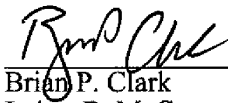
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1 A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT

4 

5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10 **CERTIFICATE OF SERVICE**

11 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
12 **OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
13 **SECOND AMENDED COMPLAINT** on the following parties/individuals via the court's  
14 mandatory electronic service provider, Odyssey.

15 Paul D.S. Edwards  
16 713 Wheat ridge Lane, Unit 203  
17 Las Vegas, NV 89145  
18 Plaintiff in proper person.

19   
20 An employee of CLARK MCCOURT



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

24 **ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
25 **SECOND AMENDED COMPLAINT**

26 On June 5, 2019, Plaintiff filed his Second Amended Complaint. On June 20, 2019,  
27 Plaintiff filed his Motion For Leave To File Second Amended Complaint. On July 20, 2019,  
28 Plaintiff filed a Notice Of Withdrawal Of Plaintiff's Second Amended Complaint.

29 The Plaintiff attempted to dismiss his entire action by filing a Notice Of Voluntary  
30 Dismissal. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's Notice  
31 of Voluntary Dismissal from the court record, and denying Plaintiff's Motion For Leave To File  
32 Second Amended Complaint as moot.



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Therefore,

Good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Motion For Leave To File Second Amended  
Complaint is DENIED as moot.


DATED this 26 day of August, 2019.

  
DISTRICT COURT JUDGE

Submitted by:

JD

CLARK MCCOURT

  
\_\_\_\_\_  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant

# **EXHIBIT 3**

**041**



1 **ASTA (CIV)**  
2 **PAUL D.S. EDWARDS,**  
3 **Plaintiff, *pro se***  
4 **713 Wheat Ridge Lane, Unit 203,**  
5 **Las Vegas, Nevada 89145**  
6 **Landline Telephone: 702.341.1776**  
7 **Cellular Telephone: 702.893.1776**  
8 **Email: pauldse@pauldsedwards.com**

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

9 **PAUL D.S. EDWARDS,**

10 **Plaintiff,**

11 ***vs.***

12 **TIMESHARE LIQUIDATORS, LLC,**  
13 **a/d/b/a TLC RESORT LIQUIDATORS,**  
14 **a/d/b/a TLC RESORTS VACATION CLUB, LLC,**  
15 **a/d/b/a TLC RESORTS VACATION CLUB,**  
16 **a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,**  
17 **a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,**  
18 **a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,**  
19 **and DOES I-X, and ROE CORPORATIONS XI-XX, et al.**

17 **Defendants.**

**CASE NO.: A-18-776375-C**

**DEPT. NO.: XXVII**

19 **CASE APPEAL STATEMENT**

20 **1. Name of appellant filing this case appeal statement:**

21 **Paul D.S. Edwards, *in proper person***

22 **2. Identify the judge issuing the decision, judgment, or order appealed from:**

23 **The Honorable, Nancy L. Allf,**  
24 **Judge, Eighth Judicial District Court, Department XXVII**

25 **3. Identify all parties to the proceedings in the district court**  
26 **(the use of et al. to denote parties is prohibited):**

27 **PAUL D.S. EDWARDS, *pro se***  
28 **Plaintiff,**

**042**

1                   TIMESHARE LIQUIDATORS, LLC,  
2                   a/d/b/a TLC RESORT LIQUIDATORS,  
3                   a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
4                   a/d/b/a TLC RESORTS VACATION CLUB,  
5                   a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
6                   a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
7                   a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL  
8                   **Defendants,**

- 9  
10           4.     Identify all parties involved in this appeal  
11                 (the use of et al. to denote parties is prohibited):

12                   **Plaintiff,**  
13                   PAUL D.S. EDWARDS, *pro se*

14                   **Defendants,**  
15                   TIMESHARE LIQUIDATORS, LLC,  
16                   a/d/b/a TLC RESORT LIQUIDATORS,  
17                   a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
18                   a/d/b/a TLC RESORTS VACATION CLUB,  
19                   a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
20                   a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
21                   a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL

- 22           5.     Set forth the name, law firm, address, and telephone number of all counsel on  
23                 appeal and identify the party or parties whom they represent:

24                   **PAUL D.S. EDWARDS**  
25                   713 Wheat Ridge Lane, Unit 203,  
26                   Las Vegas, Nevada 89145  
27                   Landline Telephone: 702.341.1776  
28                   Cellular Telephone: 702.893.1776  
29                   Email: pauldse@pauldsedwards.com  
30                   **Plaintiff-Appellant in proper person**

31                   Brian P. Clark, Nevada Bar No. 4236  
32                   Lukas B. McCourt, Nevada Bar No. 11839  
33                   CLARK MCCOURT  
34                   7371 Prairie Falcon Road, Suite 120  
35                   Las Vegas, Nevada 89128  
36                   Telephone: (702) 474-0065  
37                   Facsimile: (702) 474-0068  
38                   bpc@clarkmccourt.com

39                   **Attorneys for Defendants-Respondents:**  
40                   TIMESHARE LIQUIDATORS, LLC,  
41                   a/d/b/a TLC RESORT LIQUIDATORS,  
42                   a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
43                   a/d/b/a TLC RESORTS VACATION CLUB,  
44                   a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
45                   a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,  
46                   a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL

1       6.     Indicate whether appellant was represented by appointed or retained counsel in  
2     the district court:

3                 Plaintiff was *pro se*

4       7.     Indicate whether appellant is represented by appointed or retained counsel on  
5     appeal:

6                 Appellant is *in proper person*

7       8.     Indicate whether appellant was granted leave to proceed in forma pauperis, and  
8     the date of entry of the district court order granting such leave:

9                 N/A

10      9.     Indicate the date the proceedings commenced in the district court (e.g., date  
11     complaint, indictment, information, or petition was filed):

12                 Date of [initial] Complaint was June 19, 2018

13      10.    Provide a brief description of the nature of the action and result in the district court,  
14     including the type of judgment or order being appealed and the relief granted by the  
15     district court:

16                 Plaintiff initiated this action as a consequence of Defendants' numerous (30+) illegal, unsolicited, and deceptive telemarketing and solicitation telephone calls to Plaintiff's residential and wireless telephones (after Plaintiff told Defendants' telemarketers not to call him; and absent any type of consent to place such calls to Plaintiff). The numerous (30+) illegal, unsolicited, and deceptive telemarketing and solicitation telephone calls to Plaintiff's residential and wireless telephones, continued [both] prior to, and subsequent to (i) the filing of the Complaint; (ii) after several motions had been filed; and (iii) after three (3) hearings were held before the District Court. Defendants' were the causation of an excess of thirty (30+) illegal, unsolicited, and deceptive telemarketing and solicitation telephone calls to Plaintiff's residential and wireless telephones.

20                 Subsequent to Plaintiff filing a (Court Ordered) First Amended Complaint, and as a consequence of Defendant's failure to Answer, on July 16, 2019— after the Voluntary Dismissal was approved and "Blue Stamped" by Judge Allf— Plaintiff filed his Voluntary Dismissal.

22                 On July 31, 2019, following the filing of Plaintiff's Voluntary Dismissal, Defendants **filed an untimely** "Motion to Set Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCPC 41(a)(2)."

24                 Denying Plaintiff the required time to file an opposition on Defendant's motion, and to hold a hearing on Defendant's motion, on August 6, 2019 (twenty (20) days after the Court approving, and the filing of Plaintiff's "Voluntary Dismissal") the Court filed an Order stating the following—

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- (i) Granting Defendant’s Motion to Dismiss in all respects. And that Defendant’s may submit to the Court Findings of Fact and Conclusions of Law in accordance with the relief requested in the Motion.
- (ii) Setting aside and striking from the Record Plaintiff’s Voluntary Dismissal;
- (iii) Granting Defendant’s Countermotion to Continue Decision on Plaintiff’s Motion until after the Court issues its Order on Defendant’s May 1, 2019; and,
- (iv) Denying as Moot, Plaintiff s Motion for Leave to File Second Amended Complaint.

Subsequently, on August 27, 2019, the following [individual] Orders were [then] entered:

- 1. The Entry of Order Granting Defendant’s Motion to Set Aside Plaintiff’s Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRCP 41(a)(2).
- 2. The Entry of Order Granting Defendant’s Motion to Dismiss, Motion for More Definite Statement and Motion to Strike.
- 3. The Entry of Order Granting Defendant’s Counter-Motion to Continue Decision on Plaintiff’s Motion until after the Court Issues its Order on Defendant’s (May 1, 2019) Motion to Dismiss.
- 4. The Entry of Order Denying Plaintiff’s Motion for Leave to File Second Amended Complaint.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

NO

12. Indicate whether this appeal involves child custody or visitation:

NO

...  
...  
...



# **EXHIBIT 4**

**047**





1 ODM  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

Case No.: A-18-776375-C  
Dept. No.: XXVII

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
20 I-X, and ROE CORPORATIONS XI-XX, et al.,

21 Defendants.

22 ORDER DENYING DEFENDANT'S MOTION TO STRIKE FOR PLAINTIFF'S  
23 REFUSAL TO COMPLY WITH THE COURT'S ORDER GRANTING DEFENDANT'S  
24 MOTION FOR MORE DEFINITE STATEMENT

25 Defendant Timeshare Liquidators, LLC's motion to strike came on for hearing before the  
26 court on April 3, 2019. Sitting in place of Judge Nancy Alf was Chief Judge Linda Marie Bell.  
27 Present at the hearing was Paul D.S. Edwards, Plaintiff in proper person and Brian P. Clark of the  
28 law firm Clark McCourt appearing for Timeshare Liquidators, LLC.

Having reviewed the papers on file, and receiving the argument of the parties,

26 **THE COURT FINDS** that there is some confusion in the Order Granting Defendants'  
27 Motion To Dismiss and Motion For More Definite Statement.

**THE COURT FURTHER FINDS** that Plaintiff is required to comply with court rules.

**THE COURT FURTHER FINDS** that Plaintiff was required by NRCP 12(e) to remedy the defects in Plaintiff's original complaint that were the subject of the Motion For More Definite Statement within 10 days of notice of entry of the order granting the motion.<sup>1</sup>

**THE COURT FURTHER FINDS** that absent a timely amended complaint the claims and parties that were dismissed with leave to amend would be dismissed until the court grants a separate motion for leave to amend.

**THEREFORE:**

**IT IS HEREBY ORDERED** that Plaintiff shall have 14 days from April 3, 2019 (April 17, 2019) in which to file an amended complaint to remedy the defects in the original complaint that were the subject of the motion for more definite statement, limited to claims that survived the motion to dismiss.

**IT IS FURTHER ORDERED** that Plaintiff shall have 14 days from April 3, 2019 (April 17, 2019) in which to file an amended complaint, limited to re-pleading claims that were dismissed by the January 14, 2019 order "with leave to amend."

**IT IS FURTHER ORDERED** that failure to amend on or before April 17, 2019 will result in the complaint being stricken and Plaintiff's case proceeding on the invasion of privacy claim only.

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<sup>1</sup> The 10 day limit was imposed by the former version of NRCP 12(e).

**IT IS FURTHER ORDERED** that Defendant's motion to strike is denied.

**IT IS FURTHER ORDERED** that Defendant's request for attorney's fees and costs related to the motion to strike is denied.

DATED this 16 day of April, 2019.

Nancy L. Aile  
DISTRICT COURT JUDGE



Submitted by:

Acknowledgment as to form and content.

CLARK MCCOURT

Brian P. Clark  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendants

Paul D.S. Edwards  
Paul D.S. Edwards  
713 Wheat Ridge Lane, Unit 203  
Las Vegas, NV 89145  
Plaintiff in proper person

# **EXHIBIT 5**

**051**

ORIGINAL

Electronically Filed  
7/15/2019 11:49 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

1 **RCPT (CIV)**  
2 PAUL D.S. EDWARDS,  
3 713 Wheat Ridge Lane, Unit 203,  
4 Las Vegas, Nevada 89145  
5 Landline Telephone: 702.341.1776  
6 Cellular Telephone: 702.893.1776  
7 Email: pauldse@pauldsedwards.com  
8 Plaintiff *pro se*

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

9 PAUL D.S. EDWARDS,

10 **Plaintiff,**

11 **vs.**

12 **TIMESHARE LIQUIDATORS, LLC,**  
13 **a/d/b/a TLC RESORT LIQUIDATORS,**  
14 **a/d/b/a TLC RESORTS VACATION CLUB, LLC,**  
15 **a/d/b/a TLC RESORTS VACATION CLUB,**  
16 **a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,**  
17 **a/d/b/a TLC TRAVEL, a/d/b/a VIP TRAVEL,**  
18 **a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL,**  
19 **and DOES I-X, and ROE CORPORATIONS XI-XX, et al.**

20 **Defendants.**

**CASE NO.: A-18-776375-C**

**DEPT. NO.: XXVII**

21 **RECEIPT FOR FILING FEES**

22 On July 15, 2019, I received from Plaintiff PAUL D.S. EDWARDS, *pro se*, a U.S. Postal  
23 Service "Postal Money Order" (Serial Number 25284418874) for the amount of THREE  
24 HUNDRED-SEVENTY THREE DOLLARS AND NO CENTS (\$373.00), as full and complete  
25 payment for Defendants Filing Fees.

26 DATED this 15th day of July 2019.

27 **CLARK MCCORT**

28 *Brian P. Clark*  
Brian P. Clark  
7371 Prairie Falcon Road  
Suite 120  
Las Vegas, NV 89128

**052**



## CUSTOMER'S RECEIPT

SEE BACK OF THIS RECEIPT FOR IMPORTANT CLAIM INFORMATION  <b>NOT NEGOTIABLE</b>	Pay to <i>CLARK McCurt</i>	KEEP THIS RECEIPT FOR YOUR RECORDS		
	Address <i>Timothy Lig - Voluntary Dismissal</i> <i>For Filing Fees - A-18-776375-C</i>			
Serial Number <b>25284418874</b>	Year, Month, Day <b>2019-07-13</b>	Post Office <b>891034</b>	Amount <b>\$373.00</b>	Clerk <b>12</b>

053

# **EXHIBIT 6**

**054**



1 **NEO**  
2 **BRIAN P. CLARK**  
3 Nevada Bar No. 4236  
4 **LUKAS B. McCOURT**  
5 Nevada Bar No. 11839  
6 **CLARK MCCOURT**  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

12 PAUL D. S. EDWARDS,

13 Plaintiff,

14 v.

15 **TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL**  
16 **RESORT LIQUIDATORS, a/d/b/a TLC RESORTS**  
17 **VACATION CLUB, LLC, a/d/b/a TLC RESORTS**  
18 **VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a**  
19 **TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a**  
20 **VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES**  
21 **I-X, and ROE CORPORATIONS XI-XX, et al.,**

22 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

23 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
24 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
25 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)**

26 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO**  
27 **SET ASIDE PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE**

28 ///

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1 **ALTERNATIVE, FOR RELIEF PURSUANT TO NRCP 41(a)(2)** was filed on August 27, 2019.

2 A copy of said Order is attached hereto.

3 DATED this 27th day of August, 2019.

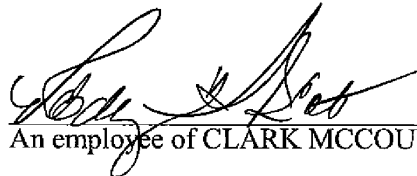
4 CLARK MCCOURT

5   
6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27th day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE**  
14 **PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE,**  
15 **FOR RELIEF PURSUANT TO NRCP 41(a)(2)** on the following parties/individuals via the  
16 court's mandatory electronic service provider, Odyssey.

17 Paul D.S. Edwards  
18 713 Wheat ridge Lane, Unit 203  
19 Las Vegas, NV 89145  
20 Plaintiff in proper person.

21   
22 An employee of CLARK MCCOURT  
23  
24  
25  
26  
27  
28



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendant

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

10 PAUL D. S. EDWARDS,  
11 Plaintiff,

Case No.: A-18-776375-C  
Dept. No.: XXVII

12 v.

13 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
14 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
15 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
16 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
17 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
18 VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
19 I-X, and ROE CORPORATIONS XI-XX, et al.,

20 Defendants.

21 **ORDER GRANTING DEFENDANT'S MOTION TO SET ASIDE PLAINTIFF'S**  
22 **NOTICE OF VOLUNTARY DISMISSAL, OR IN THE ALTERNATIVE, FOR RELIEF**  
23 **PURSUANT TO NRCP 41(a)(2)**

24 Defendant's Motion To Set Aside Plaintiff's Notice Of Voluntary Dismissal having come  
25 before the court, and no opposition having been filed by Plaintiffs,

26 **THE COURT FINDS** that this case was commenced by the filing of a Complaint on June  
27 19, 2018.

28 **THE COURT FURTHER FINDS** that the matter proceeded by the filing of a Notice of  
Removal to U.S. District Court for the District of Nevada, and remand to this court.

**THE COURT FURTHER FINDS** that Defendants filed a Motion to Dismiss which was  
granted in part.

1           **THE COURT FURTHER FINDS** that Defendant filed an Answer to the Complaint on  
2 February 6, 2019.

3           **THE COURT FURTHER FINDS** that Plaintiff filed an Amended Complaint on April 17,  
4 2019.

5           **THE COURT FURTHER FINDS** that the filing of an answer prohibits the voluntary  
6 dismissal of Plaintiff's action without a court order (NRCP 41).

7           **THEREFORE,**

8           **IT IS HEREBY ORDERED** that Plaintiff's Voluntary Dismissal is hereby set aside and  
9 stricken from the court Record.

10           **IT IS FURTHER ORDERED** that the court will issue a Scheduling Order and Order  
11 Setting Jury Trial based on the parties' Case Conference Reports and the NRCP 16 Conference  
12 conducted by the court on April 24 2019.

13           DATED this 26 day of August, 2019.

14

15

  
DISTRICT COURT JUDGE  


16

Submitted by:

17

CLARK MCCOURT

18



19

Brian P. Clark

20

Lukas B. McCourt

21

7371 Prairie Falcon Road, Suite 120

22

Las Vegas, NV 89128

23

Attorneys for Defendant

24

25

26

27

28

# **EXHIBIT 7**

**059**



NEO  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
CLARK MCCOURT  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, Nevada 89128  
Telephone: (702) 474-0065  
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bpc@clarkmccourt.com  
lmccourt@clarkmccourt.com  
Attorneys for Defendants

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS,  
MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S MOTION TO  
DISMISS, MOTION FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE**

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///

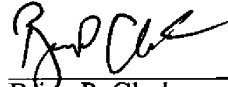
///

///

1 was filed on August 27, 2019. A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT

4 

5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10  
11 **CERTIFICATE OF SERVICE**

12 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
13 **OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION**  
14 **FOR MORE DEFINITE STATEMENT AND MOTION TO STRIKE** on the following  
15 parties/individuals via the court's mandatory electronic service provider, Odyssey.

16 Paul D.S. Edwards  
17 713 Wheat ridge Lane, Unit 203  
18 Las Vegas, NV 89145  
19 Plaintiff in proper person.

20   
21 An employee of CLARK MCCOURT



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

8  
9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,  
12 Plaintiff,

Case No.: A-18-776375-C  
Dept. No.: XXVII

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

24 **ORDER GRANTING DEFENDANT'S MOTION TO DISMISS, MOTION FOR MORE**  
25 **DEFINITE STATEMENT AND MOTION TO STRIKE**

26 Defendant's Motion To Dismiss, Motion For More Definite Statement and Motion to Strike  
27 came before the court for hearing on June 19, 2019. Sitting for the court was Supreme Court Justice  
28 (Ret.) Michael Cherry. Appearing for Defendant was Brian P. Clark of the law firm Clark McCourt.  
Also appearing was Plaintiff in proper person, Paul D.S. Edwards.

The court initially addressed Plaintiff's claim that Defendant's motion was moot by the  
filing of Plaintiff's Second Amended Complaint, the motion to dismiss seeking relief as to the First  
Amended Complaint. The court then received argument from Plaintiff that he was not required to

1 obtain leave of court prior to filing the Second Amended Complaint, claiming that the parties'  
2 separately filed early case conference reports constituted a stipulation that the parties could amend  
3 pleadings without leave of court until March 27, 2020. Plaintiff relied on *DeChambeau v.*  
4 *Balkenbush*, 134, Nev.Adv.Op. 75, 431 P.3d 359 (2018). Defendant argued that there was no  
5 stipulation and that reliance on *DeChambeau* was misplaced as there was (1) no stipulation created  
6 by the separately filed early case conference reports, and (2) the language of each parties' early case  
7 conference reports was that prescribed by the court's form case conference report that requires leave  
8 of court, and "further leave of court" after the date established by the scheduling order. The court  
9 informed the parties that the hearing and any rulings on the motion would be in relation to the First  
10 Amended Complaint.

11 Having reviewed the papers on file, and the argument of counsel made at the time of the  
12 hearing, the court makes the following findings.

13 **THE COURT FINDS** that Defendants removed Plaintiff's action to the United States  
14 District Court, District of Nevada based on federal question jurisdiction and that upon Plaintiff's  
15 repeated representations, verbal and written, that Plaintiff was not pursuing any claim based on  
16 federal law or regulations, Defendants stipulated for the remand of the case to state court.

17 **THE COURT FURTHER FINDS** that Plaintiff's initial Complaint was subject to  
18 Defendants' Motion To Dismiss and Motion For More Definite Statement, dismissing multiple  
19 claims and parties.

20 **THE COURT FURTHER FINDS** that the January 14, 2019 Order Granting In Part And  
21 Denying In Party Defendants' Motion to Dismiss allowed for limited amendment, as set forth in the  
22 Order.

23 **THE COURT FURTHER FINDS** that NRCP 15(a)(2) is applicable to the facts and history  
24 of this case, and amendment beyond the courts' January 14, 2019 Order would require the opposing  
25 party's written consent or the court's leave.

26 ///

27 ///

28 ///



1           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
2 court's January 14, 2019 Order dismissing certain claims and parties by re-pleading claims and re-  
3 naming parties previously dismissed.

4           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint improperly  
5 attempts to include previously unpled claims in violation of the court's January 14, 2019 Order and  
6 without first obtaining leave of court to amend.

7           **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint must set forth  
8 the elements of fraud, pleading each element of fraud and setting forth facts showing (1) a false  
9 representation; (2) that defendant knew or believed that his/her representation was false; (3)  
10 defendant intended to induce plaintiff to act or refrain from acting upon the misrepresentation; (4)  
11 plaintiff justifiably relied upon defendant's misrepresentation; and (5) plaintiff sustained damages as  
12 a result of the justifiable reliance.

13           **THE COURT FURTHER FINDS** that the First Amended Complaint mentions NRS  
14 41.600, consumer fraud, at paragraph 154, but fails to set forth any facts to satisfy the elements of  
15 fraud or to plead with particularity as required by NRCP 9(b). The First Amended Complaint  
16 references "NRS 598.0915 to 598.0925" relative to a consumer fraud claim but then identifies NRS  
17 598.0977 and NRS 598.0973 as the basis for the fraud. (First Amended Complaint at paras. 155-  
18 156.) Neither NRS 598.0977 nor NRS 598.0973 are included in the consumer fraud provisions of  
19 NRS 41.600. Reference to these statutes do not trigger consumer fraud as a matter of law.

20           **THE COURT FURTHER FINDS** that Plaintiff's original complaint and claims for  
21 consumer fraud based on NRS 41.600 and NRS 598.0915 to 598.0925 were dismissed for Plaintiff's  
22 failure to plead all the elements of fraud and failing to plead fraud with particularity pursuant to  
23 NRCP 9(b).

24           **THE COURT FURTHER FINDS** that the First Amended Complaint fails to plead all the  
25 elements of fraud and fails to plead fraud with particularity pursuant to NRCP 9(b).

26     ///

27     ///

28     ///

1       **THE COURT FURTHER FINDS** Plaintiff's First Amended Complaint seeks to bring  
2 several claims based on federal laws or regulations. The court's January 14, 2019 order did not  
3 permit amendment of the Plaintiff's Complaint to make claims for violations of federal laws or  
4 regulations.

5       **THE COURT FURTHER FINDS** that Plaintiff's original Complaint brought a claim for  
6 damages based on Plaintiff as an "elderly person", and that these claims were dismissed based on  
7 Plaintiff's failure to allege damages.

8       **THE COURT FURTHER FINDS** that the First Amended Complaint merely alleges that  
9 "Plaintiff (at age 75+) contends he has suffered anguish as a consequence" of the telephone calls.  
10 (First Amended Complaint at paras. 37 and 38.)

11       **THE COURT FURTHER FINDS** that the mere allegation of "anguish" is insufficient to  
12 satisfy the requirement to plead sufficient facts to establish the right to relief. (Accord *Miller v.*  
13 *Jones* 114 Nev. 1291, 1299–300, 970 P.2d 571, 577 (1998).)

14       **THE COURT FURTHER FINDS** that several claims in Plaintiff's original Complaint  
15 were dismissed as Plaintiff has no private right of action to enforce criminal penalties or to pursue  
16 privately the rights of the Nevada Attorney General or a county District Attorney.

17       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
18 598.0979 to 598.099 as these actions are only available to the Commissioner of Consumer Affairs  
19 (NRS 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a  
20 district attorney or the Attorney General. (NRS 598.0979 to 598.099.)

21       **THE COURT FURTHER FINDS** that Plaintiff's original complaint alleged violations of  
22 NRS 707.910(2)-707.920, and that these claims were dismissed as Plaintiff did not oppose the  
23 motion and failed to allege any physical damage to Plaintiff's telephone lines. (January 14, 2019  
24 Order at p. 2 lines 17-19, p. 3 lines 14-16, p. 4 lines 25-27.)

25       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint fails to allege  
26 any interference with Plaintiff's telephone lines, obstruction of the phone lines, the postponement of  
27 any transmission, or damages Plaintiff incurred for the non-existent interference as required for a  
28 claim for violation of NRS 707.910 through NRS 707.920.

1       **THE COURT FURTHER FINDS** that Plaintiff lacks standing to bring claims under NRS  
2 599B.280 to 599B.290 as these statutes limit actions to the Attorney General or a District Attorney.

3       **THE COURT FURTHER FINDS** that Defendant Timeshare Liquidators, LLC, in various  
4 “doing business as” entities, is the only defendant named in this case.

5       **THE COURT FURTHER FINDS** that Plaintiff’s conspiracy claims do not satisfy the  
6 elements of a civil conspiracy, failing to identify a combination of two or more persons, a concerted  
7 action, the intent to accomplish an unlawful objective for the purpose of harming another, and  
8 damage that results from the act or acts.

9       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
10 specifically identify any person or party other than Timeshare Liquidators, LLC.

11       **THE COURT FURTHER FINDS** that a co-conspirator would be a necessary party  
12 pursuant to NRCP 19.

13       **THE COURT FURTHER FINDS** that Plaintiff’s enterprise liability claims do not satisfy  
14 the elements of an enterprise liability claim, failing to establish (1) an agreement among members of  
15 a group, (2) a common purpose, (3) a community of pecuniary interest among the members, and (4)  
16 an equal voice and control in the direction of the enterprise.

17       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
18 specifically identify any member of the alleged enterprise other than Timeshare Liquidators, LLC.

19       **THE COURT FURTHER FINDS** that other enterprises would be a necessary party  
20 pursuant to NRCP 19.

21       **THE COURT FURTHER FINDS** that Plaintiff’s concert of action claims do not satisfy  
22 the minimal pleading requirements of a concert of action claim, failing to show (1) proof of an  
23 agreement to engage in conduct that is inherently dangerous or poses a substantial risk of harm to  
24 others, and (2) that the conduct of each tortfeasor is itself tortious.

25       **THE COURT FURTHER FINDS** that Plaintiff’s First Amended Complaint fails to  
26 specifically identify any other individual that allegedly acted in concert with Timeshare Liquidators,  
27 LLC.

28       ///

1       **THE COURT FURTHER FINDS** that other individuals who may have acted in concert  
2 with Timeshare Liquidators, LLC would be a necessary party pursuant to NRCP 19.

3       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates this  
4 court's January 14, 2019 Order dismissing certain claims and parties by pleading claims against  
5 parties that were dismissed without leave to amend.

6       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
7 NRCP 11 by alleging claims against "Defendants (both ongoing and dismissed)" (First Amended  
8 Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

9       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint violates  
10 NRCP 11 by alleging claims against the previously dismissed owners of the limited liability  
11 company (First Amended Complaint at paras. 16, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33,  
12 34, 35, 36, 37, 38, 39, 46, 50, 109, 164.)

13       **THE COURT FURTHER FINDS** that Plaintiff intentionally violated the court's January  
14 14, 2019 Order and NRCP 11 by asserting allegations against the dismissed individual defendants.  
15 (First Amended Complaint at paras. 1.b ; 25, 26, 29, 34, 39).

16       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
17 justifies dismissal of the individual parties (dismissed by the January 14, 2019 Order) a second time  
18 pursuant to NRCP 41(b).

19       **THE COURT FURTHER FINDS** that Plaza Hotel & Casino was dismissed from this  
20 action, with prejudice, as part of the January 14, 2019 Order.

21       **THE COURT FURTHER FINDS** that Plaintiff, in violation of the January 14, 2019 Order  
22 and other court rules re-pled claims against "Defendant Plaza" in the First Amended Complaint.  
23 (First Amended Complaint at paras. 13, 14, 56, 78, 78 footnote 39.)

24       **THE COURT FURTHER FINDS** that Plaintiff's violation of court orders and court rules  
25 justifies dismissal of the Plaza Hotel & Casino pursuant to NRCP 41(b).

26     ///

27     ///

28     ///

1       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint is so vague or  
2 ambiguous regarding the 56 allegations that are based on unidentified "directly or indirectly" actions  
3 (First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
4 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
5 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163) that Defendant cannot reasonably  
6 prepare a response.

7       **THE COURT FURTHER FINDS** that the allegations are vague and/or ambiguous as the  
8 allegations fail to identify what actual activities were performed by the Defendant or by one of the  
9 unidentified co-conspirators, enterprises or others allegedly acting in concert.

10       **THE COURT FURTHER FINDS** that Plaintiff's First Amended Complaint includes  
11 immaterial, impertinent and/or scandalous allegations.

12       **THE COURT FURTHER FINDS** that paragraph 10 of the First Amended Complaint  
13 alleges "This business license has been Revoked" has no evidentiary purpose and is immaterial,  
14 impertinent and/or scandalous and creates a false inference that the revocation was due to some  
15 impropriety and to taint Defendant with whomever reads the complaint, including the jury.

16       **THE COURT FURTHER FINDS** that paragraph 29 of the First Amended Complaint  
17 alleges that the Defendant and other unidentified and unnamed entities "earned, and continues to  
18 earn hundreds-of-thousands of dollars by engaging in, or causing the engaging in illegal unsolicited  
19 telemarketing and solicitation telephone calls" has no evidentiary purpose and is immaterial,  
20 impertinent and/or scandalous as an improper attempt to influence the trier of facts based on the  
21 monetary position of a party. Further, the reference to money, when combined with the allegation of  
22 illegal conduct, is intended to place Defendant in a false light and to improperly influence  
23 whomever reads the complaint, including the jury.

24       **THE COURT FURTHER FINDS** that the hearsay allegations contained in paragraphs 56,  
25 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of  
26 the First Amended Complaint are not plead as facts and are therefore immaterial, impertinent and/or  
27 scandalous.

28

1           **THE COURT FURTHER FINDS** that the references in the First Amended Complaint to  
2 defense counsel, paras. 82, 88, 89, 92, 95, 99, are immaterial, impertinent and/or scandalous.  
3 Plaintiff has not alleged any facts to indicate that Defendant's legal counsel made any of the  
4 telephone calls alleged in the complaint, had any input or control over the making of alleged  
5 telephone calls, nor did Plaintiff name defense counsel as a party. It is improper for Plaintiff to seek  
6 to persuade the trier of fact in favor of Plaintiff's claims based on the legal right of Defendant to hire  
7 legal counsel and defend the action. Permitting the references to defense counsel improperly moves  
8 the attention of the case to counsel rather than the merits, and is an improper attempt to make  
9 counsel a witness in the case.

10           **THE COURT FURTHER FINDS** that Plaintiff was aware from the prior motion to  
11 dismiss that he lacks standing to bring a claim based on a private right of action to enforce statutes  
12 limited to governmental entities.

13           **THE COURT FURTHER FINDS** that Plaintiff's intentional and repeated improper  
14 pleading of statutory violations, for which he lacks standing to pursue, supports an award of  
15 sanctions.

16           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
17 NRS 707.910 through NRS 707.920 as set forth in the First Amended Complaint were brought in  
18 violation of NRCP 11(b)(1-3) and supports an award of sanctions.

19           **THE COURT FURTHER FINDS** that Plaintiff's claims based on the alleged violations of  
20 NRS 599B.280 to 599B.290 as set forth in the First Amended Complaint were brought in violation  
21 of NRCP 11(b)(1-3) and supports an award of sanctions.

22           **THEREFORE,**

23           **IT IS HEREBY ORDERED** that Plaintiff's First Amended Complaint based on consumer  
24 fraud under NRS 41.600 and NRS 598.0915 to 598.025 is dismissed for Plaintiff's failure to plead  
25 all the elements of fraud and failing to plead fraud with particularity pursuant to NRCP 9(b). This is  
26 the second dismissal of these claims.

27     ///  
28     ///

1           **IT IS FURTHER ORDERED** that the Motion To Dismiss is granted in relation to all  
2 claims for the violation of federal laws and regulations. The claims specifically dismissed are set  
3 forth at: p. 2, line 28; paragraphs 5-6; paragraph 15 footnote 3; paragraph 21 footnote 7; paragraph  
4 23 footnote 8; paragraph 36; paragraph 75(1)(v) footnote 26; paragraphs 107-108; paragraph 111  
5 footnotes 53 and 54; paragraph 112; paragraphs 118-122; paragraph 125; paragraph 128; and  
6 paragraphs 139-149.

7           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0977 and NRS  
8 599B.300 are dismissed.

9           **IT IS FURTHER ORDERED** that Plaintiff's claims in the First Amended Complaint  
10 based on NRS 598.0973, providing for civil penalties "in any action brought pursuant to NRS  
11 598.0979 to 598.099" are dismissed.

12           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 598.0979 to 598.099  
13 are dismissed as these actions are only available to the Commissioner of Consumer Affairs (NRS  
14 598.0913), the Director of the Department of Business and Industry (NRS 598.0927), a district  
15 attorney or the Attorney General. (NRS 598.0979 to 598.099.)

16           **IT IS FURTHER ORDERED** that Plaintiff's claims based on violations of NRS  
17 707.910(2)-707.920 are dismissed. This is the second dismissal of these claims.

18           **IT IS FURTHER ORDERED** that Plaintiff's claims based on NRS 599B.280 to 599B.290  
19 are dismissed.

20           **IT IS FURTHER ORDERED** that Plaintiff's claims for conspiracy are dismissed.

21           **IT IS FURTHER ORDERED** that Plaintiff's claims for enterprise liability are dismissed.

22           **IT IS FURTHER ORDERED** that Plaintiff's claims for concert of action as alleged in 55  
23 separate paragraphs of the First Amended Complaint<sup>1</sup> are dismissed.

24       ///

25       ///

26

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27           <sup>1</sup> First Amended Complaint at paras. 1.a; 1.b; 1.c, 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19,  
28 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108,  
109, 110, 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163,

1           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against  
2 Stanley Mullis, Angel Mullis, Jonathan Jossel and Michael Pergolini are dismiss pursuant to NRCP  
3 41(b) and that this dismissal operates as an adjudication on the merits pursuant to NRCP 41(b).

4           **IT IS FURTHER ORDERED** that as the dismissal of Stanley Mullis, Angel Mullis,  
5 Jonathan Jossel and Michael Pergolini is pursuant to NRCP 41(b) and operates as an adjudication  
6 on the merits, there is no just reason for delay and the dismissal of these parties constitutes a final  
7 judgment pursuant to NRCP 54(b).

8           **IT IS FURTHER ORDERED** that all allegations, claims and causes of action against Plaza  
9 Hotel & Casino, LLC are dismiss pursuant to NRCP 41(b) and that this dismissal operates as an  
10 adjudication on the merits pursuant to NRCP 41(b).

11           **IT IS FURTHER ORDERED** that as the dismissal of Plaza Hotel & Casino, LLC is  
12 pursuant to NRCP 41(b) and operates as an adjudication on the merits, there is no just reason for  
13 delay and the dismissal of this party constitutes a final judgment pursuant to NRCP 54(b).

14           **IT IS FURTHER ORDERED** that Plaintiff's Motion For More Definite Statement is  
15 granted as to the vague and ambiguous allegations of "directly or indirectly" actions as alleged in  
16 the First Amended Complaint at paras. 1.a; 1.b; 1.c; 1.d; 9, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,  
17 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 46, 50, 82, 106, 107, 108, 109, 110,  
18 111, 112, 113, 114, 115, 118-122, 146, 147, 148, 149, 163.

19           **IT IS FURTHER ORDERED** that Plaintiff shall provide a more definite statement, as  
20 provided by NRCP 12(e), within 14 days of notice of entry of this order.

21           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
22 10 of the First Amended Complaint that "This business license has been Revoked."

23           **IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to paragraph  
24 29 of the First Amended Complaint that the Defendant and other unidentified and unnamed entities  
25 "earned, and continues to earn hundreds-of-thousands of dollars by engaging in, or causing the  
26 engaging in illegal unsolicited telemarketing and solicitation telephone calls."

27       ///

28       ///



**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the hearsay allegations set forth in paragraphs 56, 57, 58, 59, 60, 62, 63, 64, 68, 69, 82, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100 of the First Amended Complaint.

**IT IS FURTHER ORDERED** that Defendant's Motion To Strike is granted as to the references to defense counsel set forth in paragraphs 82, 88, 89, 92, 95, 99 of the First Amended Complaint.


**IT IS FURTHER ORDERED** that monetary sanctions for Plaintiff's intentional improper pleading and violation of this court's January 14, 2019 Order are held in abeyance until a proper motion or show cause order has come before the court.

DATED this 26 day of August, 2019.

Nancy L Alf  
DISTRICT COURT JUDGE

Submitted by:

CLARK MCCOURT

  
 Brian P. Clark  
 Lukas B. McCourt  
 7371 Prairie Falcon Road, Suite 120  
 Las Vegas, NV 89128  
 Attorneys for Defendant

# **EXHIBIT 8**

**073**



1 NEO  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, Nevada 89128  
9 Telephone: (702) 474-0065  
10 Facsimile: (702) 474-0068  
11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

21 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO**  
22 **CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT**  
23 **ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

24 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANT'S COUNTER-**  
25 **MOTION TO CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE**

26 ///

27 ///

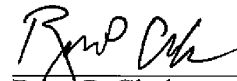
28 ///

1 **COURT ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

2 was filed on August 27, 2019. A copy of said Order is attached hereto.

3 DATED this 27<sup>th</sup> day of August, 2019.

4 CLARK MCCOURT

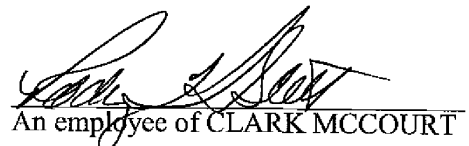
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6 Brian P. Clark  
7 Lukas B. McCourt  
8 7371 Prairie Falcon Road, Suite 120  
9 Las Vegas, NV 89128  
10 Attorneys for Defendant

11  
12 **CERTIFICATE OF SERVICE**

13 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
14 **OF ENTRY OF ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO**  
15 **CONTINUE DECISION ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT**  
16 **ISSUES ITS ORDER ON DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS** on the  
17 following parties/individuals via the court's mandatory electronic service provider, Odyssey.

18 Paul D.S. Edwards  
19 713 Wheat ridge Lane, Unit 203  
20 Las Vegas, NV 89145  
21 Plaintiff in proper person.

22   
23 An employee of CLARK MCCOURT



1 **ORDG**  
BRIAN P. CLARK  
2 Nevada Bar No. 4236  
LUKAS B. McCOURT  
3 Nevada Bar No. 11839  
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4 7371 Prairie Falcon Road, Suite 120  
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lmccourt@clarkmccourt.com  
7 Attorneys for Defendants  
8

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,  
12 Plaintiff,

Case No.: A-18-776375-C  
Dept. No.: XXVII

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
15 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
16 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
17 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
DOES I-X, and ROE CORPORATIONS XI-XX, et  
18 al.,

19 Defendants.

20 **ORDER GRANTING DEFENDANT'S COUNTER-MOTION TO CONTINUE DECISION**  
21 **ON PLAINTIFF'S MOTION UNTIL AFTER THE COURT ISSUES ITS ORDER ON**  
22 **DEFENDANT'S (MAY 1, 2019) MOTION TO DISMISS**

23 On June 20, 2019, Plaintiff filed his Motion For Leave To File Second Amended Complaint.  
24 In response, Defendant filed an opposition and Counter-Motion To Continue Decision on Plaintiff's  
25 Motion [For Leave To File Second Amended Complaint] Until After The Court Issues Its Order On  
26 Defendant's (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint.

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1 The Plaintiff attempted to dismiss his action by filing a Notice Of Voluntary Dismissal on  
2 July 16, 2019. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's  
3 Notice of Voluntary Dismissal from the court record, and granted Defendant's Counter-motion To  
4 Continue The Decision On Plaintiff's Motion For Leave To Amend.

5 Therefore,

6 Good cause appearing,

7 IT IS HEREBY ORDERED that Defendant's Counter-motion To Continue The Decision On  
8 Plaintiff's Motion For Leave To Amend Until After The Court Issues Its Order On Defendant's  
9 (May 1, 2019) Motion To Dismiss Plaintiff's First Amended Complaint is GRANTED.

10 DATED this 23 day of August, 2019.

11  
12 Nancy L. Alf  
DISTRICT COURT JUDGE

13 Submitted by:

JB

14 CLARK MCCOURT

15 Brian P. Clark  
16 Brian P. Clark  
17 Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
18 Las Vegas, NV 89128  
Attorneys for Defendant

19

20

21

22

23

24

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# **EXHIBIT 9**

**078**

*Steven D. Grierson*

NEO  
BRIAN P. CLARK  
Nevada Bar No. 4236  
LUKAS B. McCOURT  
Nevada Bar No. 11839  
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7371 Prairie Falcon Road, Suite 120  
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lmccourt@clarkmccourt.com  
Attorneys for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

PAUL D. S. EDWARDS,

Plaintiff,

v.

TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
VIP TRAVEL, a/d/b/a VIP VACATIONS, and DOES  
I-X, and ROE CORPORATIONS XI-XX, et al.,

Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO  
FILE SECOND AMENDED COMPLAINT

PLEASE TAKE NOTICE that an ORDER DENYING PLAINTIFF'S MOTION FOR  
LEAVE TO FILE SECOND AMENDED COMPLAINT was filed on August 27, 2019.

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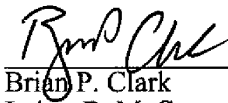
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1 A copy of said Order is attached hereto.

2 DATED this 27<sup>th</sup> day of August, 2019.

3 CLARK MCCOURT

4 

5 Brian P. Clark  
6 Lukas B. McCourt  
7 7371 Prairie Falcon Road, Suite 120  
8 Las Vegas, NV 89128  
9 Attorneys for Defendant

10 **CERTIFICATE OF SERVICE**

11 I certify that on the 27<sup>th</sup> day of August, 2019, I served a true and correct copy of **NOTICE**  
12 **OF ENTRY OF ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
13 **SECOND AMENDED COMPLAINT** on the following parties/individuals via the court's  
14 mandatory electronic service provider, Odyssey.

15 Paul D.S. Edwards  
16 713 Wheat ridge Lane, Unit 203  
17 Las Vegas, NV 89145  
18 Plaintiff in proper person.

19   
20 An employee of CLARK MCCOURT



1 **ORDG**  
2 BRIAN P. CLARK  
3 Nevada Bar No. 4236  
4 LUKAS B. McCOURT  
5 Nevada Bar No. 11839  
6 CLARK MCCOURT  
7 7371 Prairie Falcon Road, Suite 120  
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9 Telephone: (702) 474-0065  
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11 bpc@clarkmccourt.com  
12 lmccourt@clarkmccourt.com  
13 Attorneys for Defendants

9 **DISTRICT COURT**  
10 **CLARK COUNTY, NEVADA**

11 PAUL D. S. EDWARDS,

12 Plaintiff,

13 v.

14 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TCL  
15 RESORT LIQUIDATORS, a/d/b/a TLC RESORTS  
16 VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
17 VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a  
18 TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/d/b/a  
19 TLC, a/d/b/a/ VIP TRAVEL, a/d/b/a VIP  
20 VACATIONS, a/d/b/a VIP INTERNATIONAL, and  
21 DOES I-X, and ROE CORPORATIONS XI-XX, et  
22 al.,

23 Defendants.

Case No.: A-18-776375-C  
Dept. No.: XXVII

24 **ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE**  
25 **SECOND AMENDED COMPLAINT**

26 On June 5, 2019, Plaintiff filed his Second Amended Complaint. On June 20, 2019,  
27 Plaintiff filed his Motion For Leave To File Second Amended Complaint. On July 20, 2019,  
28 Plaintiff filed a Notice Of Withdrawal Of Plaintiff's Second Amended Complaint.

29 The Plaintiff attempted to dismiss his entire action by filing a Notice Of Voluntary  
30 Dismissal. On August 6, 2019, the court issued an order setting aside and striking Plaintiff's Notice  
31 of Voluntary Dismissal from the court record, and denying Plaintiff's Motion For Leave To File  
32 Second Amended Complaint as moot.

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Therefore,

Good cause appearing,

IT IS HEREBY ORDERED that Plaintiff's Motion For Leave To File Second Amended  
Complaint is DENIED as moot.


DATED this 26 day of August, 2019.

  
DISTRICT COURT JUDGE

Submitted by:

JD

CLARK MCCOURT

  
\_\_\_\_\_  
Brian P. Clark  
Lukas B. McCourt  
7371 Prairie Falcon Road, Suite 120  
Las Vegas, NV 89128  
Attorneys for Defendant



1 **MOTR (CIV)**  
2 PAUL D.S. EDWARDS,  
3 Plaintiff *pro se*  
4 713 Wheat Ridge Lane, Unit 203,  
5 Las Vegas, Nevada 89145  
6 Landline Telephone: 702.341.1776  
7 Cellular Telephone: 702.893.1776  
8 Email: pauldse@pauldsedwards.com

9  
10  
11 **DISTRICT COURT,**  
12 **CLARK COUNTY, NEVADA**

13 PAUL D.S. EDWARDS,

14 **Plaintiff,**

15 **vs.**

16 TIMESHARE LIQUIDATORS, LLC,  
17 a/d/b/a TLC RESORT LIQUIDATORS,  
18 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
19 a/d/b/a TLC RESORTS VACATION CLUB,  
20 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
21 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
22 a/d/b/a VIP VACATIONS,  
23 a/d/b/a VIP INTERNATIONAL,  
24 and CASH4ASKING, LLC,  
25 a/d/b/a CASH4ASKING.COM,  
26 and STANLEY C. MULLIS, a/k/a STANLEY MULLIS,  
27 a/k/a STAN MULLIS,  
28 and ANGEL C. MULLIS, a/k/a ANGEL MULLIS,  
a/k/a ANGEL SANTILLI,  
and EDUARDO ROMAY HERNANDEZ,  
a/k/a EDUARDO L ROMAYHERNANDEZ,  
a/k/a EDUARDO ROMAY,  
a/k/a EDUARDO L. ROMAY HERNANDEZ,  
a/k/a HERNANDEZ EDUARDO ROMAY,  
a/k/a HERNANDEZ EDUARDO L ROMAY,  
a/k/a EDUARDO ROMAY,  
a/k/a MR EDUARDO L. ROMAY,  
and GLADYS C. RIONDA,  
a/k/a SUITO GLADYS RIONDA,  
a/k/a GLADYS C. RIONDA-SUITO,  
a/k/a GLADYS SUITO,  
a/k/a GLADYS RIONDA SUITO,  
and DOES I-X, and ROE CORPORATIONS XI-XX, et al.

**Defendants.**

**CASE NO.:** A-19-799140-C

**DEPT. NO.:** XXVII

**DECLARATION OF PLAINTIFF  
COUNTER-DEFENDANT  
PAUL D.S. EDWARDS  
IN SUPPORT OF THE  
RECUSAL/DISQUALIFICATION  
OF JUDGE NANCY L. ALLE,  
DISTRICT COURT JUDGE,  
DEPARTMENT 27, EIGHTH  
JUDICIAL DISTRICT COURT,  
CLARK COUNTY, NEVADA**

1 TIMESHARE LIQUIDATORS, LLC,  
2 a/d/b/a TLC RESORT LIQUIDATORS,  
3 a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
4 a/d/b/a TLC RESORTS VACATION CLUB,  
5 a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM,  
6 a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
7 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL.

8 **Counter-Claimants,**

9 **vs.**

10 PAUL D.S. EDWARDS,

11 **Counter-Defendant.**

12 Over the [many] years this Proper Person Plaintiff has appeared before Justices Court judges,  
13 District Courts judges, Federal Courts judges, and [even] before a three (3) Justices panel for the  
14 United States Court of Appeals for the Ninth Circuit, Plaintiff has shown (albeit at times arduous)  
15 great respect for the judiciary— so it is with trepidation, but out of great concern and essentiality,  
16 that Plaintiff seeks to have Judge Nancy L. Allf, District Court Judge, Department 27, Eighth  
17 Judicial District Court, Clark County, Nevada (“**Judge Allf**”) Recuse herself, or in the alternative,  
18 be Disqualified from all matters (beginning July 16, 2019) regarding, pertaining to, and associated  
19 with Case No. A-18-776375-C & Case No. A-19-799140-C.

20 Plaintiff [in the strongest manner] asserts that Judge Allf has exhibited a consistent and  
21 noticeable [unfavorable] bias against this proper person Plaintiff, and a [concurring] predisposition  
22 for Defendants, represented by a Nevada attorney.

23 The personal bias or prejudice against Plaintiff is with such a high degree of antagonism, that  
24 a fair and balanced judicial proceeding, associated with Judge Allf, appears impossible.

25 That consistent and noticeable [unfavorable] bias, against this proper person Plaintiff, can  
26 cause reasonable persons to question Judge Allf’s impartiality, under all circumstances, associated  
27 with Case No. A-18-776375-C & Case No. A-19-799140-C.

28 In order to promote public confidence in the independence, integrity, and impartiality of the  
judiciary, judges in the State of Nevada are required, not only to avoid impropriety, but **to avoid the  
mere appearance of impropriety**. Hence, the question is not whether Judge Allf is impartial in fact,  
but rather whether reasonable persons might question her impartiality under all circumstances.

1           Simply put, how can Plaintiff let pass the unjustified, prejudicial, unauthorized, and illegal  
2 decisions Judge Allf has engaged in by ignoring and disregarding Nevada Supreme Courts *stare*  
3 *decisis*; Nevada Rules of Civil Procedures; Eighth Judicial District Court Rules; and [particularly]  
4 Nevada Code Of Judicial Conduct.

5           Since being assigned Case No. A-18-776375-C (after Defendants filed a Peremptory  
6 Challenge causing Case No. A-18-776375-C to be reassigned to Judge Allf (Dept. 27)), Judge Allf  
7 has taken a number of unusual, prejudicial, unauthorized, and forbidden actions (both in Case No.  
8 A-18-776375-C & Case No. A-19-799140-C) **evidencing a subjective bias** against a proper person  
9 Plaintiff. **A systematic bias** that included, but was not limited to the unjust and unethical kidnapping  
10 of (a newly filed case) Case No. A-19-799140-C (initially assigned to Judge Stefany A. Miley,  
11 Department 23, EJDC (“**Judge Miley**”)).

12           The **expressed bias against Plaintiff** became clear with Judge Allf’s echoing Defendants  
13 attorney (Brian P. Clark’s) arguments during the December 5, 2018 hearing (as if scripted)— yet,  
14 during that same hearing, Judge Allf **never** mentioned, referred to, or seemingly considered this  
15 proper person Plaintiff’s arguments and citations put-forth in his opposition.

16           Judge Allf’s bias or prejudice **never diminished**, but continues to present itself through  
17 Judge Allf’s **unauthorized** hearings of Defendants *fugitive* motions, and issuing *illegal* orders— [all]  
18 after Plaintiff filed his Voluntary Dismissal (submitted to, and approved by Department 27 - Judge  
19 Allf’s Department).<sup>1</sup>

20

21

22

23 <sup>1</sup>The blue ink statistical case closure stamp is evidenced on the caption page of Plaintiff’s  
24 “Voluntary Dismissal.” See The Rules of Practice for the Eighth Judicial District Court of the State  
of Nevada (“**EDCR**”), Rule 2.91, that states the following—

25           “Voluntary dismissal processing. In order to assist the court with its caseload  
26 management requirements, any voluntary dismissal that is prepared pursuant  
27 to NRCP 41(a)(1) which resolves all pending claims and renders the case ripe  
28 for closure shall be delivered to the chambers of the assigned department  
prior to filing. An individual in the assigned department will then affix the  
blue ink statistical case closure stamp to it, check the appropriate voluntary  
dismissal box on it, and place their initials next to the stamp’s lower right-  
hand corner. Thereafter, the document can be filed.”

1 From the *sua sponte* Orders issued by Judge Allf; to the continuation of Case No. A-18-  
2 776375-C (closed as a consequence of Plaintiff filing his [Court Approved] Voluntary Dismissal  
3 <sup>2</sup>); to Judge Allf's continuation to honor motions, hold hearings, and issue orders (associated with  
4 closed Case No. A-18-776375-C). The record unequivocally reflects the prejudicial position (against  
5 this proper person Plaintiff) exhibited by Judge Allf.

6 What is more, Judge Allf continued to exhibit her reasonless bias against Plaintiff [even]  
7 after Plaintiff filed his Notice of Appeal to Nevada's Supreme Court. The irrefutable fact is (with  
8 few exceptions), at the time Plaintiff e-filed and e-served his Notice of Appeal, Judge Allf was  
9 divested of jurisdiction associated Case No. A-18-776375-C.<sup>3</sup>

10 However, as Judge Allf spurned her approval of Plaintiff's Voluntary Dismissal, Judge Allf  
11 [also] refused to recognize and comply with Plaintiff's appeal— evidencing Judge Allf's ongoing  
12 bias and partiality against this proper person Plaintiff.

13 Plaintiff holds that all prior motions, hearings, orders, and any actions (on and after July 16,  
14 2019) by Judge Allf (and associated with Case No. A-18-776375-C) must be vacated due to the  
15 improper bias displayed by Judge Allf, and Judge Allf should be Disqualified from hearing any  
16 matters associated with Case No. A-18-776375-C.

17 On July 25, 2019, Plaintiff filed a new lawsuit (Case No. A-19-799140-C) that was initially  
18 assigned to the Honorable Stefany A. Miley, District Court Judge, Department 23, EJDC (**"Judge**  
19 **Miley"**). The Complaint named the following as Defendants—

20 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT  
21 LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
22 a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC  
23 RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a  
24 TLC,<sup>4</sup> a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP  
INTERNATIONAL, and CASH4ASKING, LLC, a/d/b/a  
CASH4ASKING.COM, and STANLEY C. MULLIS, a/k/a  
STANLEY MULLIS, a/k/a STAN MULLIS, and ANGEL C.

25 <sup>2</sup>A copy of the Voluntary Approval, approved by Judge Allf's Department 27, is attached hereto and  
26 incorporated herein as **Exhibit 1**.

27 <sup>3</sup>Once a notice of appeal is timely and properly filed, the district court is divested of jurisdiction to  
28 enter further orders granting relief on the same subject matter. However, a district court is free to rule  
upon collateral issues that do not affect the merits of the pending appeal. See *Mack-Manley v.*  
*Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006).

<sup>4</sup>TLC is a acronym for Timeshare Liquidators, LLC.

1 MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI, and  
2 EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L ROMAY  
3 HERNANDEZ, a/k/a EDUARDO ROMAY, a/k/a EDUARDO L.  
4 ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO  
5 ROMAY, a/k/a HERNANDEZ EDUARDO L ROMAY, a/k/a  
6 EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and  
7 GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a  
8 GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a  
9 GLADYS RIONDA SUITO, and DOES I-X, and ROE  
10 CORPORATIONS XI-XX, et al. (collectively “All Defendants”).<sup>5</sup>

11 The new case (Case No. A-19-799140-C), unlike the Voluntary Dismissed and appealed  
12 [previous] case (Case No. A-18-776375-C), was brought for Defendants’ violations of federal laws,  
13 statutes, and regulations including, but not limited to—

- 14 (i) Telephone Consumer Protection Act of 1991, Public Law 102-243, December 20,  
15 1991, which amended Title II of the Communications Act of 1934, 47 U.S.C. § 201  
16 et seq., by adding a new section, 47 U.S.C. § 227 et seq. (“TCPA”), as amended;  
17 Title 47-Telecommunication Chapter I-Federal Communications Commission Part  
18 64-Miscellaneous Rules Relating to Common Carriers-Subpart L-Restrictions on  
19 Telephone Solicitation Sec. 64.1200,<sup>6</sup> Delivery Restrictions (“Delivery  
20 Restrictions”) as amended; The Communications Act of 1934, 47 U.S.C. § 151, et  
21 seq. (“TCA”), as amended; and the Telephone Sales Rule, 16 C.F.R. Part 310  
22 (“TSR”) as amended;
- 23 (ii) Defendants intentional invasion into Plaintiff’s expectation of privacy and intrusion  
24 into the solitude and seclusion expected by Plaintiff in his home.

25 Whereas the previous, Voluntary Dismissed and appealed case (Case No. A-18-776375-C),  
26 was limited to violations and illegal acts regarding, pertaining to, and associated with the  
27 following—

- 28 (i) Nevada Revised Statutes (“NRS”), including, but not limited to, 41.600(e), 42.005,  
29 201.255(2), 228.540-228.620, 597.812-597.818, 598.0903-598.0999 (including, but  
30 not limited to 598.0915(15), 598.0916, 598.0918, 598.092, and 598.0923(3)),  
31 598.0977, 599B.080-599B.145, 599B.270-599B.300 and 707.910(2)-707.920, as  
32 amended; and,

33  
34 <sup>5</sup>In Plaintiff’s First Amended Complaint (Case No. A-18-776375-C) the **only Defendants** that were  
35 named, and subject to Plaintiff’s [Court Approved] Voluntary Dismissal, were Defendants  
36 TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC  
37 RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC  
38 RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
39 a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL. All other Defendants that were  
40 initially associated with Case No. A-18-776375-C, were dismissed by Judge Allf during the  
41 December 5, 2018 hearing on Defendants’ “Motion to Dismiss...”

42 <sup>6</sup>See 47 C.F.R. 64.1200 (a)(1) & (2); (b)(1) & (2); (c)(2); f(2) & (3); and (d)(1).



1 (ii) Defendants intentional invasion into Plaintiff's expectation of privacy and intrusion  
2 into the solitude and seclusion expected by Plaintiff in his home.

3 It is irrefutable— the claims and Defendants associated the new case (Case No. A-19-  
4 799140-C)<sup>7</sup> are markedly distinct from the Voluntary Dismissed Case No. A-18-776375-C.

5 Nevertheless— after accepting their filing fees<sup>8</sup> (as required as part of a Voluntary  
6 Dismissal) and the filing of Plaintiff's [Court Approved] Voluntary Dismissal (closing Case No. A-  
7 18-776375-C)— on July 30, 2019, Defendants e-filed a *fugitive document* titled "Defendant's  
8 Motion to Set Aside Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief  
9 Pursuant to NRCP 41(a)(2)" ("MTSA"). Accordingly, pursuant to NRCP, Rule 6(a)(1),<sup>9</sup> Plaintiff  
10 would have had until August 13, 2019 to file any Opposition to Defendants' motion. Because  
11 Plaintiff's [Court Approved] Voluntary Dismissal was filed and served on July 16, 2019, which also  
12 closed No. A-18-776375-C, Plaintiff would not file any opposition.

13 However, on August 6, 2019, a *fugitive Order* was filed, evidencing Judge Allf's [purported]  
14 signature,<sup>10</sup> ordering, in-part, that "Plaintiff's Voluntary Dismissal is hereby set aside and stricken  
15 from the Record." This *fugitive Order* [again] evidences Judge Allf's directed bias against this  
16 proper person Plaintiff for (at a minimum) two (2) reasons.

17 First, [even] *assuming arguendo* Plaintiff wanted to file an opposition to Defendants MTSA,  
18 Plaintiff had until August 13, 2019 to do so. However, to deprive Plaintiff of any opportunity to  
19 oppose Defendants MTSA, Judge Allf, *sua sponte*, filed her Order, consequently refusing to allow  
20 Plaintiff any opportunity file an opposition.

21  
22  
23 <sup>7</sup>In new case (Case No. A-19-799140-C), Defendants TIMESHARE LIQUIDATORS, LLC, a/d/b/a  
24 TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC  
25 RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC  
TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP  
INTERNATIONAL, filed a Counterclaim against Plaintiff, now [also] named a Counter-Defendant.

26 <sup>8</sup>"...plaintiff must repay the defendant's filing fees." N.R.C.P., Rule 41(a)(1)(C).

27 <sup>9</sup>See Advisory Committee Note-2019 Amendment.

28 <sup>10</sup>Plaintiff holds that the signature purported to be inscribed by Judge Allf, was actually signed by  
someone other than Judge Allf. Plaintiff believes the signature was done by Judge Allf's Law Clerk.

1 Secondly. The filing of Plaintiff's [Court Approved] Voluntary Dismissal not only closed  
2 Case No. A-18-776375-C to Defendants, it also **divested Judge Allf** of all jurisdiction pertaining  
3 to the merits associated with [closed] Case No. A-18-776375-C.

4 See *Kenneth Berberich v. Southern Highlands Community Association*, 72689 (Nev. April  
5 2018)(**because Berberich's notice of voluntary dismissal...amounted to a final judgment, we**  
6 **conclude the district court erred by holding hearings on pending motions affecting the merits,**  
7 **and thereafter dismissing the case with prejudice. (emphasis added).**

8 Also see *Harvey L. Lerer, Inc. v. District*, 111 Nev. 1165, 901 P.2d 643 (Nev. 8/24/1995)—

9 "The district court was not at liberty to ignore Lerer's voluntary dismissal and to  
10 retain jurisdiction over the case on its own initiative." A Nev. R. Civ. P. 41(a)(1)(i)  
11 voluntary dismissal "is a matter of right running to the plaintiff and may not be  
12 extinguished or circumscribed by adversary or court." A district court is forbidden  
13 from fanning the action into life, and "has no role to play," once a Plaintiff files a  
14 notice of dismissal under Nev. R. Civ. P. 41(a)(1)(i). We conclude that the district  
15 court was without authority to vacate Lerer's voluntary dismissal and, therefore,  
16 acted in excess of its jurisdiction.

17 See also, *Stubbs v. Strickland*, 297 P.3d 326, 329 (2013). The Nevada appellate courts have  
18 ruled a Nev. R. Civ. P. 41(a)(1)(i) voluntary dismissal is **"effective upon filing... [i]t closes the**  
19 **file... and the court has no role to play.** The court can not intervene or otherwise affect the  
20 dismissal. **[T]he action is terminated and the court is without further jurisdiction in the matter;**  
21 *Venetian Macau Ltd. v. Eighth Judicial Dist. Court*, No. 69090 (Nev. Mar. 17, 2016).

22 The filing of a notice of voluntary dismissal with the court automatically terminates the  
23 action as to the defendants who are the subjects of the notice. . . Such a dismissal leaves the parties  
24 as though no action had been brought. *American Soccer Co., Inc. v. Score First Enters.*, 187 F.3d  
25 1108, 1110 (9th Cir 1999), quoting *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir 1997)  
26 (reversing district court's order vacating voluntary dismissal). "[A] dismissal under Rule 41(a)(1) is  
27 effective on filing, no court order is required, the parties are left as though no action had been  
28 brought, the defendant can't complain, and the district court lacks jurisdiction to do anything about  
it." *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999).

1 On August 27, 2019, absent any jurisdiction to legally do so, Judge Alf, *sua sponte*, filed four  
2 (4) additional Orders<sup>11</sup>— hence, continuing her focused bias directed [squarely] at this proper person  
3 Plaintiff. On August 30, 2019, Plaintiff filed his Notice of Appeal.

4 In spite of all the above, Judge Allf continued to aggressively impact Plaintiff's due process  
5 by sustaining her extreme bias toward this proper person Plaintiff, when she continued to hold  
6 hearings and act upon Defendants motions affecting the merits of a closed and appealed case, Case  
7 No. A-18-776375-C.

8 Approximately sixty (60) days after Defendants attorney, Brian P. Clark, accepted  
9 Defendants' filing fees pursuant N.R.C.P., Rule 41(a)(1)(C), and Plaintiff had filed his [Court  
10 Ordered] Voluntary Dismissal; and approximately twenty-one (21) days after Plaintiff filed his  
11 appeal to Nevada's Supreme Court— on September 17, 2019, Defendants (from closed Case No.  
12 A-18-776375-C) filed the **fugitive document** captioned "Defendants Motion to Consolidate Case."

13 Maintaining her predetermined concurrence with each of Defendants filings, Judge Allf  
14 (albeit divested of jurisdiction pertaining to Case No. A-18-776375-C), on October 16, 2019,  
15 **conducted a unlawful hearing** on "Defendants Motion to Consolidate Case."<sup>12</sup> Because the  
16 motion and hearing was associated with closed Case No. A-18-776375-C, Plaintiff did not oppose  
17 the motion nor attend the hearing.

18 As her pattern evidenced, Judge Allf granted Defendants motion, causing the [Court  
19 Approved] Voluntary Dismissal closed case (Case No. A-18-776375-C, to be consolidated with the  
20 new case, Case No. A-19-799140-C.

21 That **illegal consolidation** removed Case No. A-19-799140-C from Judge Miley's  
22 jurisdiction (Department 23) to Judge All's **divested jurisdiction** (Department 27).

23

24

25

26 <sup>11</sup>Without any hearing, Judge Allf had Defendants attorney from closed Case No. A-18-776375-C,  
27 Brian P. Clark, prepare the Orders, and had her Law Clerk sign-off each of the four (4) Orders with  
Judge Allf's *pseudo* signature.

28 <sup>12</sup>Defendants from the closed case, Case No. A-18-776375-C, brought the motion.

Nevertheless, on October 19, 2019, Plaintiff filed a “Motion For This Court to Take Judicial Notice That District Court Judge Nancy L. Allf Is Without Jurisdiction to Consolidate The Closed Case Case No. A-18-776375-C with the Case Before this Court Case No. A-19-799140-C,” and therein put-forth arguments identifying Judge Allf’s bias and illegal conduct.

Accordingly, for all of **Judge Allf's illegal acts** associated with Case No. A-19-799140-C and [closed] Case No. A-18-776375-C, Judge Allf must [either] Recuse herself, or in the alternative, be Disqualified from Case No. A-19-799140-C and [closed] Case No. A-18-776375-C.

Because a reasonable person with knowledge of all the circumstances would conclude that Judge Allf holds a personal bias or prejudice against Plaintiff, with such a high degree of antagonism, that a fair and balanced judicial proceeding appears impossible, Judge Allf must [either] Recuse herself, or in the alternative, be Disqualified from Case No. A-19-799140-C and [closed] Case No. A-18-776375-C.

Therefore, in the interest of justice, and in order to preserve the public's faith in an impartial judiciary, Plaintiff request that Judge Allf either Recuse herself, or be Disqualified from further presiding over Case No. A-19-799140-C, and the [closed] Case No. A-18-776375-C; that the Order issued by Judge Allf consolidating Case No. A-19-799140-C with the closed Case No. A-18-776375-C be vacated; and that Case No. A-19-799140-C be reassigned [back] to Judge Stefany A. Miley, Department 23, EJDC (**"Judge Miley"**).

This Declaration is made upon the papers and pleadings on file heretofore; the Exhibits attached hereto and incorporated herein; the Memorandum of Points and Authorities asserted henceforth; and oral arguments at the time of any scheduled hearing.

DATED This 28th day of October, 2019.

Respectfully submitted,

PAUL D.S. EDWARDS

/s/ Paul D.S. Edwards

Paul D.S. Edwards  
713 Wheat Ridge Lane, Unit 203  
Las Vegas, Nevada 89145  
Landline Telephone: 702.341.1776  
Cellular Telephone: 702.893.1776  
Email: pauldse@pauldsedwards.com  
Plaintiff, *pro se*

1           **DECLARATION OF PLAINTIFF COUNTER-DEFENDANT PAUL D.S.**  
2           **EDWARDS IN SUPPORT OF THE RECUSAL/DISQUALIFICATION OF**  
3           **JUDGE NANCY L. ALLF, DISTRICT COURT JUDGE, DEPARTMENT 27,**  
              **EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY, NEVADA**

4           I, Paul D.S. Edwards, make this Declaration, under penalty of perjury, in support of the  
5           “Declaration of Plaintiff Counter-Defendant PAUL D.S. EDWARDS in Support of the  
6           Recusal/Disqualification of Judge Nancy L. Allf, District Court Judge, Department 27, Eighth  
7           Judicial District Court, Clark County, Nevada” (“**Declaration**”), and state that I am familiar with  
8           events, directly and indirectly, and have knowledge associated with Case No. A-18-776375-C and  
9           Case No. A-19-799140-C, and hereby states as follows:

10          1.       Plaintiff maintains that, as a consequence of Judge Allf’s consistent, noticeable, and  
11          evidentiary bias towards Plaintiff/Counter-Defendant, Plaintiff/Counter-Defendant PAUL D.S.  
12          EDWARDS, pro se (“**Plaintiff**”), brings this “Declaration of Plaintiff Counter-Defendant PAUL  
13          D.S. EDWARDS in Support of the Recusal/Disqualification of Judge Nancy L. Allf, District Court  
14          Judge, Department 27, Eighth Judicial District Court, Clark County, Nevada” (“**Declaration**”),  
15          pursuant to Nevada Revised Statute (“**NRS**”) 1.235.

16          2.       Plaintiff brings this Declaration to have Judge Nancy L. Allf, District Court Judge,  
17          Department 27, Eighth Judicial District Court, Clark County, Nevada (“**Judge Allf**”), Recuse  
18          herself, or be Disqualified from Case No. A-18-776375-C and Case No. A-19-799140-C.

19          3.       Plaintiff holds that— to insure a fair and balanced judicial proceeding Judge Nancy  
20          L. Allf, District Court Judge, Department 27, Eighth Judicial District Court, Clark County, Nevada  
21          (“**Judge Allf**”), must Recuse herself, or be Disqualified from Case No. A-18-776375-C and Case  
22          No. A-19-799140-C.

23          4.       Plaintiff holds [in the strongest manner] that Judge Allf has exhibited a consistent and  
24          noticeable [unfavorable] bias against this proper person Plaintiff, and a [concurring] predisposition  
25          for Defendants, represented by a Nevada attorney.

26          5.       Plaintiff holds that Judge Allf’s personal bias or prejudice against Plaintiff is with  
27          such a high degree of antagonism, that a fair and balanced judicial proceeding, associated with Judge  
28          Allf, appears impossible.

1           6.       Plaintiff holds that the consistent and noticeable [unfavorable] bias, against this  
2 proper person Plaintiff, can cause reasonable persons, under all circumstances, to question Judge  
3 Allf's impartiality associated with Case No. A-18-776375-C & Case No. A-19-799140-C.

4           7.       Plaintiff holds that, in order to promote public confidence in the independence,  
5 integrity, and impartiality of the judiciary, judges in the State of Nevada are required, not only to  
6 avoid impropriety, but **to avoid the mere appearance of impropriety**. Hence, the question is not  
7 whether Judge Allf is impartial in fact, but rather whether reasonable persons might question her  
8 impartiality under all circumstances.

9           8.       Plaintiff holds that Judge Allf has demonstrated such a personal bias against this  
10 proper person Plaintiff, that Plaintiff will not be afforded any fair and balanced judicial proceedings,  
11 and that Judge Allf's impartiality must reasonably be questioned.

12           9.       Since being assigned Case No. A-18-776375-C (after Defendants filed a Peremptory  
13 Challenge causing Case No. A-18-776375-C to be reassigned to Judge Allf (Dept. 27)), Judge Allf  
14 has taken a number of unusual, prejudicial, illegal, and forbidden actions (both in Case No. A-18-  
15 776375-C & Case No. A-19-799140-C) evidencing a subjective bias against Plaintiff— including,  
16 but not limited to the unjust, unethical, and illegal kidnapping of (a newly filed case) Case No. A-19-  
17 799140-C (initially assigned to Judge Stefany A. Miley, Department 23, EJDC (**"Judge Miley"**)).

18           10.      Beginning with Judge Allf's echoing (as if scripted) Defendants' attorney (Brian P.  
19 Clark's) arguments during the December 5, 2018 hearing, yet, never mentioning or referring to this  
20 proper person Plaintiff's arguments and citations put-forth in his opposition— through Judge Allf's  
21 hearing Defendants' motions, holding hearings, and issuing orders [all] after Plaintiff filed his  
22 Voluntary Dismissal (submitted to, and approved by Department 27 - Judge Allf's Department<sup>13</sup>),  
23

24 <sup>13</sup>The blue ink statistical case closure stamp is evidenced on the caption page of Plaintiff's  
25 "Voluntary Dismissal." See The Rules of Practice for the Eighth Judicial District Court of the State  
26 of Nevada (**"EDCR"**), Rule 2.91, that states the following—

26           "Voluntary dismissal processing. In order to assist the court with its caseload  
27 management requirements, any voluntary dismissal that is prepared pursuant  
28 to NRCP 41(a)(1) which resolves all pending claims and renders the case ripe  
for closure shall be delivered to the chambers of the assigned department  
prior to filing. An individual in the assigned department will then affix the

(continued...)

1 Judge Allf has demonstrated a unrelenting bias or prejudice directed at this proper person Plaintiff.

2       **11.** From the *sua sponte* Orders issued by Judge Allf; to the continuation of Case No. A-  
3 18-776375-C, which was closed as a consequence of Plaintiff filing his Voluntary Dismissal  
4 (approved by Judge Allf)<sup>14</sup>; to Judge Allf's continuation to honor motions, hold hearings, and issue  
5 orders (associated with closed Case No. A-18-776375-C)— the record of Case No. A-18-776375-C  
6 [unequivocally] reflects the prejudicial view (against this proper person Plaintiff) exhibited by Judge  
7 Allf.

8       **12.** That Judge Allf continued to exhibit her reasonless bias against Plaintiff [even] after  
9 Plaintiff filed his Notice of Appeal to Nevada's Supreme Court.<sup>15</sup>

10       **13.** That, as Judge Allf spurned her approval of Plaintiff's Voluntary Dismissal, Judge  
11 Allf [also] refused to recognize and comply with Plaintiff's appeal— evidencing Judge Allf's  
12 ongoing bias and partiality against this proper person Plaintiff.

13       **14.** Plaintiff holds that all prior motions, hearings, orders, and any actions (on and after  
14 July 16, 2019) by Judge Allf (and associated with Case No. A-18-776375-C and Case No. A-19-  
15 799140-C) must be vacated due to the improper bias displayed by Judge Allf, and Judge Allf should  
16 be Disqualified from hearing any matters associated with Case No. A-18-776375-C and Case No.  
17 A-19-799140-C.

18       **15.** The initial case, Case No. A-18-776375-C ("**Case 1**") was filed on June 19, 2018,  
19 in the Eighth Judicial District Court, Clark County, Nevada ("**EJDC**"),<sup>16</sup> therein naming the  
20 following as Defendants—

---

21

22       <sup>13</sup>(...continued)  
23       blue ink statistical case closure stamp to it, check the appropriate voluntary  
24       dismissal box on it, and place their initials next to the stamp's lower right-  
25       hand corner. Thereafter, the document can be filed."

26       <sup>14</sup>A copy of the Voluntary Approval, approved by Judge Allf's Department 27, is attached hereto and  
27       incorporated herein as **Exhibit 1**.

28       <sup>15</sup>Once a notice of appeal is timely and properly filed, the district court is divested of jurisdiction to  
enter further orders granting relief on the same subject matter. However, a district court is free to rule  
upon collateral issues that do not affect the merits of the pending appeal. See *Mack-Manley v.*  
*Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529-30 (2006).

<sup>16</sup>The initial Complaint was assigned to Dept. 16, Judge Timothy C. Williams.

1       TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS,  
2       a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS  
3       VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a  
4       TLC TRAVEL, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS (“TLC”), and  
5       PLAZA HOTEL & CASINO, LLC, a/d/b/a PLAZA HOTEL & CASINO  
6       (“PLAZA”), and STANLEY C. MULLIS, a/k/a STANLEY MULLIS, a/k/a STAN  
7       MULLIS (“SMULLIS”), and ANGEL C. MULLIS, a/k/a ANGEL MULLIS, a/k/a  
8       ANGEL SANTILLI (“AMULLIS”), and JONATHAN ROBERT JOSSEL, a/k/a  
9       JONATHAN JOSSEL (JOSSEL”), and MICHAEL ANTHONY PERGOLINI, a/k/a  
10       MICHAEL A PERGOLINI, a/k/a MICHAEL PERGOLINI, a/k/a MICHAEL A  
11       PERCOLINI (“PERGOLINI”) (collectively “Defendants”).

12       **16.**     That the initial Complaint Case No. A-18-776375-C (“Case 1”) alleged, asserted, and  
13       maintained that Defendants, and each of them (either individually or in concert with others, and  
14       either directly or indirectly) knowingly, willfully, and willingly developed, conspired, participated  
15       in, and was complicit in *illegal acts* regarding, pertaining to, and associated with the following—

- 16               (i)     Nevada Revised Statutes (“NRS”), including, but not limited to, 1.600(c),  
17               42.005, 201.255(2), 228.540-228.620, 597.812-597.818, 598.0903-598.0999  
18               (including, but not limited to 598.0915(15), 598.0916, 598.0918, 598.092, and  
19               598.0923(3)), 598.0977, 599B.080-599B.145, 599B.270-599B.300 and  
20               707.910(2)-707.920, as amended; and,  
21               (ii)     Defendants intentional invasion into Plaintiff’s expectation of privacy and  
22               intrusion into the solitude and seclusion expected by Plaintiff in his home.

23       **17.**     That, after perfecting service of process; and subsequent to several in-person and  
24       telephonic meetings and discussions with Defendants attorney Brian P. Clark (pertaining to  
25       Defendants’ possible removal), on September 12, 2018 Defendants *injudiciously* removed Case 1  
26       to the U.S. District Court, District of Nevada (“USDC”).

27       **18.**     That, at those meetings, *supra*, Plaintiff provide attorney Clark with [irrefutable] facts  
28       and evidence showing that the basis of Defendants’ removal is meritless<sup>17</sup>— that removal will be  
29       futile.

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30       <sup>17</sup>In *Paul D.S. Edwards v. Michael Muldoon, et al.* Case No. A-16-738174-C. Defendants removed  
31       the case to USDC based upon Defendants contention that the Complaint presented a federal question  
32       on its face, because Plaintiff “repeatedly referenced and invoked the TCPA” in his Complaint. Not  
33       only did Plaintiff advise attorney Clark that the *removal was fruitless*, Plaintiff provided attorney  
34       Clark with a copy of the Order. After the *fraudulent removal*, on July 25, 2016, Plaintiff filed his  
35       Motion to Remand.



1           **19.**     That, after removal, Plaintiff filed his remand motion; Defendants filed an opposition;  
2 and Plaintiff filed his reply. As Plaintiff's remand motion was pending, and realizing Plaintiff's  
3 advise and documentation was precisely-on-point, attorney Clark contacted Plaintiff.

4           **20.**     That attorney Clark requested Plaintiff stipulate to remanding the case back to the  
5 jurisdiction of the Eighth Judicial District Court, Clark County, Nevada. Plaintiff acquiesced, and  
6 provided information and sample documentation to help attorney Clark prepare a stipulation that  
7 complies with the Local Rules for the USDC. Plaintiff also advised attorney Clark that Plaintiff will  
8 disregard seeking sanctions for Defendants fraudulent removal.

9           **21.**     That a joint stipulation was submitted to the Court, and on November 23, 2016, the  
10 Honorable U.S. District Judge, Gloria M. Navarro, *remanded* Defendants' (bootless) removal of  
11 Case 1.

12           **22.**     That on October 9, 2018, Case 1 (Case No. A-18-776375-C) was back in the  
13 jurisdiction of the EJDC— Judge Timothy C. Williams (Dept. 16) was [again] assigned the case.

14           **23.**     That, on October 29, 2018, Defendants, through their attorney, Brian P. Clark, filed  
15 a Peremptory Challenge, causing Case 1 (Case No. A-18-776375-C) to be reassigned to Judge Allf  
16 (Dept. 27). Plaintiff questions the motive(s) for the Peremptory Challenge.

17           **24.**     That, curiously and questioningly, not only was Case 1 (Case No. A-18-776375-C)  
18 reassigned to Judge Allf (Dept. 27) on October 31, 2018, on that same day, shortly after the  
19 reassignment, Defendants filed "Defendants' Motion to Dismiss, Motion for More Definite  
20 Statement and Motion for Evidentiary Hearing" ("**MTD 1**").<sup>18</sup> A hearing was scheduled before Judge  
21 Allf for December 5, 2018. Plaintiff filed an Opposition to Defendants MTD 1, and Defendants filed  
22 their Reply.

23           **25.**     That on December 5, 2018, a hearing was held, before Judge Allf on Defendants'  
24 MTD 1.

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<sup>18</sup>Defendants MTD 1 pertains to Plaintiff's initial Complaint (Case 1).

1           **26.**     Plaintiff holds, based on Judge Allf’s statements, and the lack thereof at the December  
2 5, 2018 hearing, [that] the first “**Red Flag**” was raised when Judge Allf (evidencing her bias against  
3 this proper person Plaintiff) dismissed Defendant Plaza Hotel, stating—

4                     “There’s simply no cause of action against a landlord. If that were  
5 true, every strip center would be responsible for every person who  
6 slipped and fell in every store. It’s just not a recognized cause of  
7 action under Nevada.”

7           **27.**     That, the *irrefutable fact* is that landlords are sued, not only for slip-n-fall accidents,  
8 but for a myriad of conditions, including, if they are complicit in illegal acts that violate city, county,  
9 state, federal, or local laws. That includes any hotel and casino, or as described by Judge Allf  
10 “...every strip center... .”

11           **28.**     That, as evidenced in Plaintiff’s Complaint, Plaintiff did not make a claim against the  
12 Plaza as a “landlord,” but made a claim against Defendant Plaza [specifically] as being complicit in  
13 Defendants’ illegal acts.<sup>19</sup>

14           **29.**     That another “**Red Flag**” was raised because, inexplicably, at no time during the  
15 December 5, 2018 hearing did Judge Allf make any reference, or even mention any of Plaintiff’s  
16 arguments in his twenty-eight (28) page “Opposition to Defendants’ Motion to Dismiss, Motion for  
17 More Definite Statement, and Motion for Evidentiary Hearing” (**Opposition 1**). It appeared (as if)  
18 Plaintiff’s Opposition 1 never existed. Nevertheless, in reviewing the transcript of the December 5,  
19 2018 hearing, it seems Judge Allf confined her discourse to echoing the issues put-forth in  
20 Defendants’ MTD 1, and expressed from Defendants attorney Brian P. Clark.

21           **30.**     That, interestingly, Plaintiff raised two (2) issues to Judge Allf. The first (1st) issue  
22 was the untimely filing and serving of Defendants Reply to Plaintiff’s Opposition 1, and the second  
23 issue was Defendants failure to comply with EDCR, Rule 2.27, that pertains to the identification and  
24 numbering of Exhibits. Defendants Reply was filed four (4) days after the mandated time to file any  
25 Reply.

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28           <sup>19</sup>See Items Nos. 70 & 71 of Plaintiff’s Complaint .

1           **31.**     That, regarding EDCR, Rule 2.27, the identifying of Exhibits. Defendants MTD 1  
2 consisted of one hundred & thirty-four (134) pages of Exhibits. Pursuant to EDCR, Rule 2.27(b)—  
3                     Where the exhibits to be submitted are collectively in excess of 100  
4                     pages, the exhibits must be filed as a separate appendix and must  
5                     include a table of contents identifying each exhibit and the numbering  
6                     sequence of the exhibits.  
7           **32.**     That, disregarding Plaintiff's objections to the untimely filing and exhibits, *supra*,  
8 Judge Allf stated—  
9                     I'm going to deny that. When I have discretion, I am directed by  
10                    the Nevada Supreme Court to determine matters on the merits.  
11                    So the -- the request is denied. (emphasis added).  
12           **33.**     That, clearly Judge Allf's "discretion" is biased against this proper person Plaintiff.  
13           **34.**     That, as part of the Order pertaining to the December 5, 2018 hearing, Plaintiff was  
14 ordered to file a First Amended Complaint, in part, providing responses to Defendants' motion for  
15 more definite statement. However, Judge Allf's Order was ambiguous as to the time-line for Plaintiff  
16 to file his Amended Complaint.  
17           **35.**     That on February 19, 2019, Defendants filed "Defendant's Motion to Strike for  
18 Plaintiff's Refusal to Comply With the Court's Order Granting Defendant's Motion for More Definite  
19 Statement" ("MTS"). Defendants MTS was brought because Plaintiff, allegedly, had not complied  
20 with Judge Allf's Order (issued as a result of the December 5, 2018 hearing) requiring Plaintiff to  
21 file an Amended Complaint. A hearing was scheduled for April 3, 2019.  
22           **36.**     Presiding at the April 3, 2019 hearing was the Honorable Linda Marie Bell, Chief  
23 Judge for the EJDC. After arguments by Plaintiff, and Defendants attorney Brian P. Clark, Judge  
24 Bell denied Defendants' MTS. However, as Plaintiff, Judge Bell [also] found the Order pertaining  
25 to Plaintiff filing an Amended Complaint confusing. Judge Bell stated—  
26                     "But the problem that I have here is that, frankly, I found the order a  
27                     little bit confusing. So I don't feel like I can hold it against Mr.  
28                     Edwards that -- I just don't. Because it was -- it was just a little  
                      unusual the way that the order was drafted."

**37.**     On April 17, 2019, Plaintiff filled his [Court Ordered] First Amended Complaint.

1           **38.**     On May 1, 2019, Defendants filed “Defendant’s Motion to Dismiss, Motion for More  
2 Definite Statement and Motion to Strike (“**MTD 2**”).

3           **39.**     On June 19, 2019, a hearing on Defendants MTD 2 was held before the Honorable  
4 Justice Michael A. Cherry, District Court Judge (“**Judge Cherry**”).

5           **40.**     That during the June 19, 2019 hearing, due to the actions and reactions of the [male]  
6 person sitting adjacent to Judge Cherry, Plaintiff asked who that [male] person was.

7                     Plaintiff:     Your Honor, who is the gentleman sitting behind you?

8                     THE COURT: That’s my law clerk. That’s the law clerk. That’s Judge Allf’s  
9 law clerk,<sup>20</sup> but right now he’s my law clerk. Joe. Where did  
he go?

10                    THE CLERK: He took an order to Carrie.

11           **41.**     That during the June 19, 2019 hearing, Judge Cherry stated clearly that:

12                             I think that there will be some -- at least there will be  
13 some -- you’ll prevail on something. So it’s not like  
14 you’re going to be -- this case is not going to be  
15 dismissed completely, but there’s going to be a minute  
order that’s going to take care of every claim that you  
just made and the response of Mr. Edwards...

16           **42.**     That during the June 19, 2019 hearing, Judge Cherry stated clearly that:

17                             I’ll have the defendant prepare the order only **because**  
18 **he’s an attorney...that way we know the order will**  
**be good.**<sup>21</sup> (emphasis added).

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24 <sup>20</sup>During the hearing, Plaintiff noticed that the [male] person, adjacent to Judge Cherry, was  
25 following and reacting to Defendants attorney, Brian P. Clark’s oral arguments—nodding his head  
26 and reacting with facial expressions, as if he had pre-knowledge of what attorney Clark was going  
27 to say, and reacting in agreement with attorney Clark’s arguments. Plaintiff has identified the [male]  
28 person as Joseph E. Daugher, Judge Allf’s Law Clerk. Mr. Daugher is the same person that signed  
Judge Allf’s name on the Orders in this litigation.

<sup>21</sup>Obviously, another piece of evidence indicating proper person bias toward non-attorney proper  
person litigants. No disrespect intended, but, according to Judge Cherry, because Plaintiff is not an  
attorney, Plaintiff is incapable of preparing an Order.

1           43. That on July 12, 2019, Plaintiff submitted [through the e-filing system for the Eighth  
2 Judicial District Court, Clark County, NV (“EJDC”)] his “Voluntary Dismissal.”<sup>22</sup> However, the  
3 filing was rejected because **Plaintiff failed to submit the “Voluntary Dismissal” to chambers for**  
4 **the judge to affix the “Closure Stamp”** that is referenced in the Rules for the Eighth Judicial  
5 District Court (“EDCR”), under EDCR, Rule 2.91, as a “...blue ink statistical case closure stamp...  
6 .”<sup>23</sup>

7           44. That on July 12, 2019, Plaintiff had an Original and a copy of the “Voluntary  
8 Dismissal” delivered to Judge Allf’s Department for approval pursuant to EDCR, Rule 2.91.

9           45. That on July 15, 2019, Defendants counsel, Brian P. Clark, CLARK MCCORD,  
10 accepted reimbursement of Defendants’ (\$ 373.00) filing fees pursuant to NRCP, Rule 41(a)(1)(C).<sup>24</sup>

11           46. That on July 16, 2019, the Original and a copy of the “Voluntary Dismissal” submitted  
12 to Judge Allf, was returned to Plaintiff with the “Closure Stamp” affixed.

13           47. That the Original of the “Voluntary Dismissal” evidenced a “Blue Stamp” (a/k/a  
14 “Closure Stamp”) with a handwritten “x” in the square for Voluntary Dismissal, evidencing Judge  
15 Allf’s approval of Plaintiff’s “Voluntary Dismissal.” On July 16, 2019, Plaintiff e-filed and e-served  
16 his Court Approved “Voluntary Dismissal.”<sup>25</sup>

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19 <sup>22</sup>Plaintiff prepared and filed his Voluntary Dismissal pursuant to NRCP, Rule 41(a)(1)(i).

20 <sup>23</sup>**Rule 2.91. Voluntary dismissal processing.** In order to assist the court with its caseload  
21 management requirements, any voluntary dismissal that is prepared pursuant to NRCP 41(a)(1)  
22 which resolves all pending claims and renders the case ripe for closure shall be delivered to the  
23 chambers of the assigned department prior to filing. An individual in the assigned department will  
then affix the blue ink statistical case closure stamp to it, check the appropriate voluntary dismissal  
box on it, and place their initials next to the stamp’s lower right-hand corner. Thereafter, the  
document can be filed.

24 <sup>24</sup>It was attorney Clark that provide the information for the amount of filing fees due. Attorney Clark  
25 had [full] knowledge of Plaintiff’s filing of a Voluntary Dismissal— [simply] because Plaintiff and  
attorney Clark discussed a Voluntary Dismissal at a meeting held at attorney Clark’s law offices.

26 <sup>25</sup>See *Stubbs v. Strickland*, 297 P.3d 326, 329 (2013). The Nevada appellate courts have ruled a Nev.  
27 R. Civ. P. 41(a)(1)(i) voluntary dismissal is **“effective upon filing... [i]t closes the file... and the**  
28 **court has no role to play.** The court can not intervene or otherwise affect the dismissal. **[T]he**  
**action is terminated and the court is without further jurisdiction in the matter;** *Venetian Macau*  
*Ltd. v. Eighth Judicial Dist. Court*, No. 69090 (Nev. Mar. 17, 2016). (emphasis added).

1           **48.**     That on July 25, 2019, after Plaintiff filed his [Court Approved] Voluntary Dismissal  
2 (closing Case No. A-18-776375-C), Plaintiff filed a new lawsuit (Case No. A-19-799140-C) that was  
3 initially assigned to the Honorable Stefany A. Miley, District Court Judge, Department 23, EJDC  
4 (**“Judge Miley”**). The Complaint named the following as Defendants—

5                   TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT  
6 LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC,  
7 a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC  
8 RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a  
9 TLC,<sup>26</sup> a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP  
10 INTERNATIONAL, and CASH4ASKING, LLC, a/d/b/a  
11 CASH4ASKING.COM, and STANLEY C. MULLIS, a/k/a  
12 STANLEY MULLIS, a/k/a STAN MULLIS, and ANGEL C.  
13 MULLIS, a/k/a ANGEL MULLIS, a/k/a ANGEL SANTILLI, and  
14 EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L ROMAY  
15 HERNANDEZ, a/k/a EDUARDO ROMAY, a/k/a EDUARDO L.  
16 ROMAY HERNANDEZ, a/k/a HERNANDEZ EDUARDO  
17 EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and  
18 GLADYS C. RIONDA, a/k/a SUITO GLADYS RIONDA, a/k/a  
19 GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a  
20 GLADYS RIONDA SUITO, and DOES I-X, and ROE  
21 CORPORATIONS XI-XX, et al. (**collectively “All Defendants”**).<sup>27</sup>

22           **49.**     That the new case (Case No. A-19-799140-C), unlike the Voluntary Dismissed case  
23 (Case No. A-18-776375-C), was brought for Defendants’ violations of federal laws, statutes, and  
24 regulations including, but not limited to—

25                   (i)     Telephone Consumer Protection Act of 1991, Public Law 102-243, December  
26 20, 1991, which amended Title II of the Communications Act of 1934, 47  
27 U.S.C. § 201 et seq., by adding a new section, 47 U.S.C. § 227 et seq.  
28 (**“TCPA”**), as amended; Title 47-Telecommunication Chapter I-Federal  
Communications Commission Part 64-Miscellaneous Rules Relating to  
Common Carriers-Subpart L-Restrictions on Telephone Solicitation Sec.  
64.1200, Delivery Restrictions (**“Delivery Restrictions”**) as amended; The  
Communications Act of 1934, 47 U.S.C. § 151, et seq. (**“TCA”**), as amended;  
and the Telephone Sales Rule, 16 C.F.R. Part 310 (**“TSR”**) as amended;

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<sup>26</sup>TLC is a acronym for Timeshare Liquidators, LLC.

<sup>27</sup>In Plaintiff’s First Amended Complaint (Case No. A-18-776375-C) the **only Defendants** that were  
named, and subject to Plaintiff’s [Court Approved] Voluntary Dismissal, were Defendants  
TIMESHARE LIQUIDATORS, LLC, a/d/b/a TLC RESORT LIQUIDATORS, a/d/b/a TLC  
RESORTS VACATION CLUB, LLC, a/d/b/a TLC RESORTS VACATION CLUB, a/d/b/a TLC  
RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL,  
a/d/b/a VIP VACATIONS, a/d/b/a VIP INTERNATIONAL. All other Defendants that were  
initially associated with Case No. A-18-776375-C, were dismissed by Judge Allf during the  
December 5, 2018 hearing on Defendants’ “Motion to Dismiss... .”

1 (ii) Defendants intentional invasion into Plaintiff's expectation of privacy and  
2 intrusion into the solitude and seclusion expected by Plaintiff in his home.

3 50. Plaintiff holds that it is irrefutable that— the claims and Defendants associated the  
4 new case (Case No. A-19-799140-C)<sup>28</sup> are markedly distinct from the Voluntary Dismissed Case No.  
5 A-18-776375-C.

6 51. That, after accepting their filing fees<sup>29</sup> (as part of a Voluntary Dismissal) and the  
7 filing of Plaintiff's [Court Approved] Voluntary Dismissal (closing Case No. A-18-776375-C), on  
8 July 31, 2019, Defendants e-filed a *fugitive document* titled "Defendant's Motion to Set Aside  
9 Plaintiff's Notice of Voluntary Dismissal, or in the Alternative, for Relief Pursuant to NRC  
10 41(a)(2)" ("MTSA"). See *n.33, n.34 & n.35 infra*.

11 52. That, pursuant to NRC, Rule 6(a)(1),<sup>30</sup> Plaintiff would have had until August 13,  
12 2019, to file any Opposition to Defendants' MTSA. However, because Plaintiff's [Court Approved]  
13 Voluntary Dismissal was filed and served on July 16, 2019, which also closed No. A-18-776375-C,  
14 Plaintiff would not file any opposition.

15 53. That, [even] *assuming arguendo* Plaintiff wanted to file an opposition to Defendants  
16 MTSA, Plaintiff had until August 13, 2019 to do so. However, to deprive Plaintiff of any opportunity  
17 to oppose Defendants MTSA, on August 6, 2019, Judge Allf filed her Order, *sua sponte*,<sup>31</sup> setting

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18  
19 <sup>28</sup>In new case (Case No. A-19-799140-C), Defendants TIMESHARE LIQUIDATORS, LLC, a/d/b/a  
20 TLC RESORT LIQUIDATORS, a/d/b/a TLC RESORTS VACATION CLUB, LLC, a/d/b/a TLC  
21 RESORTS VACATION CLUB, a/d/b/a TLC RESORTS, a/k/a TLCRESORTS.COM, a/d/b/a TLC  
22 TRAVEL, a/k/a TLC, a/d/b/a VIP TRAVEL, a/d/b/a VIP VACATIONS, a/d/b/a VIP  
23 INTERNATIONAL, filed a Counterclaim against Plaintiff, now [also] named a Counter-Defendant.

24 <sup>29</sup>"...plaintiff must repay the defendant's filing fees." N.R.C.P., Rule 41(a)(1)(C).

25 <sup>30</sup>See Advisory Committee Note-2019 Amendment.

26 <sup>31</sup>*Sua Sponte Orders*— Occasionally a court will on its own initiative decide an issue and enter an  
27 order *sua sponte*. Although courts possess certain inherent powers, their exercise is almost always  
28 contingent on the giving of notice and an opportunity to be heard. Without notice and an opportunity  
to be heard, *sua sponte* orders affecting substantive rights are invalid. See *Johanson v. Eighth  
Judicial Dist. Court*, 124 Nev. 245, 253, 182 P.3d 94, 99 (2008) (holding that party is entitled to  
notice and hearing before gag order can be imposed); *Awada v. Shuffle Master, Inc.*, 123 Nev. 613,  
621 n.26, 173 P.3d 707, 712 n.26 (2007) ("A party's rights to notice and an opportunity to be heard  
are paramount and do not vary based on the merits of the case"); *Soebbing v. Carpet Barn, Inc.*, 109

(continued...)

1 aside and striking from the Record the Voluntary Dismissal approved by Judge Allf— consequently  
2 refusing to allow Plaintiff any opportunity oppose Defendants’ MTSA.

3       **54.** That on August 6, 2019, a *fugitive Order* was filed (*sua sponte*), evidencing Judge  
4 Allf’s signature,<sup>32</sup> ordering, in-part, that “Plaintiff’s Voluntary Dismissal is hereby set aside and  
5 stricken from the Record.”<sup>33</sup> Because Judge Allf was without authority to set-aside and strike  
6 Plaintiff’s Voluntary Dismissal, the (*sua sponte*) *fugitive Order* [further] evidences Judge Allf’s bias  
7 directed against Plaintiff. See *n.33, n.34 & n.35 infra*.

8       **55.** That the filing of Plaintiff’s [Court Approved] Voluntary Dismissal not only closed  
9 Case No. A-18-776375-C to Defendants, it also **divested Judge Allf** of all jurisdiction pertaining  
10 to the merits associated with [closed] Case No. A-18-776375-C.<sup>34</sup>

11 \_\_\_\_\_  
12       <sup>31</sup>(...continued)  
13 Nev. 78, 84, 847 P.2d 731, 735 (1993) (reversal of sua sponte summary judgment); *Horvath v.*  
14 *Gladstone*, 97 Nev. 594, 596 n.1, 637 P.2d 531, 533 n.1 (1981) (sua sponte amended judgment is  
15 void)

16       <sup>32</sup>Plaintiff holds that the signature purported to be inscribed by Judge Allf, was actually signed by  
17 someone other than Judge Allf. Plaintiff believes the signature was done by Judge Allf’s Law Clerk.

18       <sup>33</sup>See *Harvey L. Lerer, Inc. v. District*, 111 Nev. 1165, 901 P.2d 643 (Nev. 8/24/1995)—  
19 “The district court was not at liberty to ignore Lerer’s voluntary dismissal and to retain  
20 jurisdiction over the case on its own initiative.” A Nev. R. Civ. P. 41(a)(1)(i) voluntary  
21 dismissal “is a matter of right running to the plaintiff and may not be extinguished or  
22 circumscribed by adversary or court.” A district court is forbidden from fanning the action  
23 into life, and “has no role to play,” once a Plaintiff files a notice of dismissal under Nev. R.  
24 Civ. P. 41(a)(1)(i). **We conclude that the district court was without authority to vacate  
Lerer’s voluntary dismissal and, therefore, acted in excess of its jurisdiction.** (emphasis  
25 added).

26       <sup>34</sup>*Stubbs v. Strickland*, 297 P.3d 326, 329 (2013). The Nevada appellate courts have ruled a Nev. R.  
27 Civ. P. 41(a)(1)(i) voluntary dismissal is **“effective upon filing... [i]t closes the file... and the court  
28 has no role to play.** The court can not intervene or otherwise affect the dismissal. **[T]he action is  
terminated and the court is without further jurisdiction in the matter;** *Venetian Macau Ltd. v.*  
*Eighth Judicial Dist. Court*, No. 69090 (Nev. Mar. 17, 2016).

The filing of a notice of voluntary dismissal with the court automatically terminates the action as to  
the defendants who are the subjects of the notice. . . Such a dismissal leaves the parties as though  
no action had been brought. *American Soccer Co., Inc. v. Score First Enters.*, 187 F.3d 1108, 1110  
(9th Cir 1999), quoting *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir 1997) (reversing  
district court’s order vacating voluntary dismissal). “[A] dismissal under Rule 41(a)(1) is effective  
on filing, no court order is required, the parties are left as though no action had been brought, the  
(continued...)



1           **56.**     That subsequently, on August 27, 2019, Judge Allf, [again] *sua sponte*, filed and  
2 entered four (4) additional Orders.

3           **57.**     That each of the four (4) Orders entered on August 27, 2019, were prepared by  
4 Defendants attorney, Brian P. Clark.

5           **58.**     That each of the four (4) Orders entered on August 27, 2019, exhibited the pseudo  
6 signature of Judge Allf.

7           **59.**     That, the irrefutable fact is that Judge Allf's Law Clerk, Joseph E. Dagher, signed  
8 Judge Allf's signature on each of the four (4) Orders entered on August 27, 2019.

9           **60.**     That on August 30, 2019, Plaintiff filed his "Notice of Appeal to the Supreme Court  
10 for Nevada from a Judgment or Order of a District Court."<sup>35</sup>

11           **61.**     That on September 4, 2019, Judge Allf caused the filing of the Scheduling Order and  
12 Order Setting Civil Jury Trial and Calendar Call ("**Scheduling Order**").<sup>36</sup>

13           **62.**     That on September 17, 2019, after Plaintiff's Voluntary Dismissal closed Case No.  
14 A-18-776375-C, and after Plaintiff filed his Appeal of Case No. A-18-776375-C, Defendants, by and  
15 through their attorney Brian P. Clark, filed "Defendants Motion to Consolidate Cases"—  
16 consolidating the new case, Case No. A-19-799140-C with the closed Case No. A-18-776375-C.

17 \_\_\_\_\_  
18           <sup>34</sup>(...continued)  
19 defendant can't complain, and the district court lacks jurisdiction to do anything about it."  
20 *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999).

21           <sup>35</sup>See *Phillip Emerson v. the Eighth Judicial District Court of the State of Nevada*, 263 P.3d 224  
22 (Nev. 10/06/2011) the Nevada Supreme Court held that the district court only retains jurisdiction to  
23 collateral matters that do not affect the merits of [the appellant's] appeal, after an appeal is filed.  
24 Also see *Mack-Manley v. Manley*, 122 Nev. 849, 855, 138 P.3d 525, 529 (2006) (A timely notice  
25 of appeal divests the district court of jurisdiction to revisit matters pending on appeal; but, the district  
26 court retains jurisdiction over "matters collateral to and independent from the appealed order.") (Once  
27 a notice of appeal is timely and properly filed, the district court is divested of jurisdiction to enter  
28 further orders granting relief on the same subject matter. *Mack-Manley v. Manley*, 122 Nev. 849, 855,  
138 P.3d 525, 529-30 (2006)); *Kantor v. Kantor*, 116 Nev. 886, 894-95, 8 P.3d 825, 830 (2000)  
(holding that, although a timely notice of appeal divests the district court of jurisdiction and vests  
jurisdiction in this court, the district court had jurisdiction to award attorney fees while an appeal of  
the underlying divorce decree was pending because the "collateral matter did not affect the merits  
of [the appellant's] appeal").

<sup>36</sup>Judge Allf filed her Scheduling Order after Plaintiff's Voluntary Dismissal closed Case No. A-18-  
776375-C, and after Plaintiff filed his Appeal of Case No. A-18-776375-C.

1           **63.**     That, approximately sixty (60) days after Defendants attorney, Brian P. Clark,  
2 accepted Defendants' filing fees pursuant N.R.C.P., Rule 41(a)(1)(C); and Plaintiff filed his [Court  
3 Ordered] Voluntary Dismissal— and approximately 21 (21) days after Plaintiff filed his appeal to  
4 Nevada's Supreme Court— Defendants on September 17, 2019, filed the fugitive document  
5 captioned "Defendants Motion to Consolidate Case."

6           **64.**     That, maintaining her concurrence with Defendants, Judge Allf, albeit divested of  
7 jurisdiction pertaining to Case No. A-18-776375-C— on October 16, 2019, conducted a unlawful  
8 hearing on "Defendants Motion to Consolidate Case."<sup>37</sup>

9           **65.**     That, because Plaintiff holds that any actions by Defendants, or Judge Allf, associated  
10 with closed Case No. A-18-776375-C is illegal, Plaintiff did not file any response to Defendants  
11 consolidation motion.

12           **66.**     That on October 3, 2019, Defendants, by and through their attorney Brian P. Clark,  
13 filed a "Ex Parte Application for Order Shortening Time to Hear Defendant's Motion to Consolidate  
14 Cases."

15           **67.**     That, as expected, Judge Allf, even though unauthorized, granted Defendants *fugitive*  
16 *motion*, causing the closed case, Case No. A-18-776375-C, to be consolidated with the new case,  
17 Case No. A-19-799140-C.

18           **68.**     That Judge Allf's illegal consolidation order removed Case No. A-19-799140-C from  
19 Judge Miley's jurisdiction (Department 23) to Judge Allf.

20           **69.**     That Judge Allf, by illegally consolidating cases, has scheduled an [illegal] hearing  
21 to hear (from the new case, Case No. A-19-799140-C), Defendants CASH4ASKING, LLC, a/d/b/a  
22 CASH4ASKING.COM, and EDUARDO ROMAY HERNANDEZ, a/k/a EDUARDO L ROMAY  
23 HERNANDEZ, a/k/a EDUARDO ROMARY, a/k/a EDUARDO L. ROMAY HERNANDEZ, a/k/a  
24 HERNANDEZ EDUARDO ROMAY, a/k/a HERNANDEZ EDUARDO L ROMAY, a/k/a  
25 EDUARDO ROMAY, a/k/a MR EDUARDO L. ROMAY, and GLADYS C. RIONDA, a/k/a SUITO  
26 GLADYS RIONDA, a/k/a GLADYS C. RIONDA-SUITO, a/k/a GLADYS SUITO, a/k/a GLADYS  
27 RIONDA SUITO— Motion to Dismiss; Motion for More Definite Statement; and that the Court  
28

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<sup>37</sup>Defendants from the closed case, Case No. A-18-776375-C, brought the motion.

1 lacks jurisdiction over Defendants.

2       **70.** Plaintiff holds that the conduct and actions committed by Judge Allf are violative of,  
3 but not limited to, the Nevada Code of Judicial Conduct (“**NCJC**”) Rule 1.1, that states, in pertinent  
4 part:

5               A judge shall comply with the law, including the Code of Judicial  
6 Conduct.

7       **71.** Plaintiff holds that Judge Allf has engaged in improper conduct and conduct that  
8 creates the appearance of impropriety against this proper person Plaintiff.

9       **72.** Plaintiff holds that Judge Allf has engaged in actual improprieties that include  
10 violations of law, court rules, and provisions of NCJC.

11       **73.** Plaintiff holds that the conduct and actions committed by Judge Allf are violative of,  
12 but not limited to, NCJC, Rule 1.2 that states, in pertinent part:

13               A judge shall act at all times in a manner that promotes public  
14 confidence in the independence, integrity, and impartiality of the  
15 judiciary and shall avoid impropriety and the appearance of  
16 impropriety.

17       **74.** Plaintiff holds that the conduct and actions committed by Judge Allf are violative of,  
18 but not limited to, NCJC, Rule 2.2 that states, in pertinent part:

19               A judge shall uphold and apply the law, and shall perform all duties  
20 of judicial office fairly and impartially.

21       **75.** Plaintiff holds that the conduct and actions committed by Judge Allf are violative of,  
22 but not limited to, NCJC, Rule 2.3 that states, in pertinent part:

23               Bias, Prejudice, and Harassment.

24 ...

25 ...

26 ...

27

28

**PLEADING  
CONTINUES  
IN NEXT  
VOLUME**