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Electronically Filed  
Mar 31 2021 05:18 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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7  
8 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

9  
10 LANCE GILMAN, an individual,  
11 Appellant,  
12 v.

Supreme Court Case No.: 81726  
Supreme Court Case No.: 818174

13  
14 SAM TOLL, an individual,  
15 Respondent.

District Court Case No.: 18TRT00001E

16  
17 **APPELLANT/CROSS-RESPONDENT'S OPPOSITION TO**  
18 **RESPONDENT/CROSS-APPELLANT SAM TOLL'S MOTION TO**  
**DISMISS APPELLANT/CROSS-RESPONDENT'S APPEALS**

19 COMES NOW the Appellant/Cross-Respondent, LANCE GILMAN  
20 (hereinafter "Gilman"), by and through his attorney, GUS W. FLANGAS, ESQ. of  
21 the FLANGAS LAW GROUP, and hereby files "Appellant/Cross-Respondent's  
22 Opposition to Respondent/Cross-Appellant Sam Toll's Motion to Dismiss  
23 Appellant/Cross-Respondent's Appeals."

24 This Opposition is based upon the Pleadings and Papers on file herein, the

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28 . . . . .

1 attached Points and Authorities, and any oral argument to be made any Hearing of  
2 his matter.

3 Dated this 31<sup>st</sup> day of March, 2021.

4  
5  
6   
7 GUS W. FLANGAS, ESQ.  
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## 16 POINTS AND AUTHORITIES

### 17 A. INTRODUCTION

18 The Respondent/Cross-Appellant's (hereinafter "Toll") Motion to Dismiss  
19 is an over-reach and is primarily a disguised attempt to have the Court rule on the  
20 merits of the case, based upon a specious motion with exhibits that was previously  
21 rejected by the District Court.<sup>1</sup> Toll is using the same Motion that was before the  
22 District Court as a springboard to assert that the substance of Gilman's Appeal is  
23 frivolous. As will be shown below, this portion of Toll's Motion to Dismiss is in  
24 of itself frivolous and contains so many omissions and half-truths that it virtually  
25 amounts to a misrepresentation to the Court.

26 In addition, Toll is also trying to get the Appeal dismissed based upon  
27 procedural errors made by the Undersigned's Office. Toll is asserting three  
28 procedural errors on the part of Gilman as a basis for his Motion to Dismiss, to  
29 wit: (1) the failure to provide notice of filing an Appeal Bond in the amount of  
30 \$500; (2) the failure to file a docketing statement in Docket No. 81874 timely; and

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31 <sup>1</sup>See Exhibit "1" attached hereto for a copy of the District Court's Order denying the Motion.

1 (3) the failure to file a proper Appendix. As will be shown below, (1) the Appeal  
2 Bond was filed; however, during the time frame in which it was completed, the  
3 undersigned wall very ill with COVID, and a proper notice was not yet filed; (2)  
4 the Docketing Statement was timely filed; and (3) the Appendix was timely filed  
5 but deficient; however, it was re-filed a few days later per Order of the Court. As  
6 will be shown below, in balancing the competing interests of keeping a  
7 manageable docket against deciding cases on their merits, Toll's Motion to  
8 Dismiss should be denied in its entirety.

9 **B. CONTRARY TO TOLL'S ASSERTION, THE SUBSTANCE OF**  
10 **GILMAN'S APPEAL IS NOT FRIVOLOUS.**

11 The underlying action in this matter involved one cause of action for  
12 Defamation wherein Toll published several false and defamatory statements about  
13 Gilman, stating that Gilman committed perjury, a felony, by lying about his  
14 residency in Storey County when he filled out official paperwork in filing for  
15 election to the office of County Commissioner (hereinafter the "residency  
16 fabrications").<sup>2</sup>

17 In the instant Motion to Dismiss, Toll is asserting that Gilman "certified  
18 under penalty pursuant to law to Washoe County tax officials that his primary  
19 residence was located in Washoe County."<sup>3</sup> This issue was raised in Toll's  
20 "Motion for Submission of Motion to Dismiss and Termination of Proceedings on  
21 Order Shortening Time" (hereinafter the "District Court Motion"), filed in the  
22 District Court on February 25, 2019.<sup>4</sup> Toll's primary assertion was that Gilman  
23 signed a document that states: "This property will be occupied as my primary  
24

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25 <sup>2</sup> See Appellant's Opening Brief, page 4.

26 <sup>3</sup> Hereinafter the Property to which Toll is referencing shall be referred to as the "Steptoe  
27 Property."

28 <sup>4</sup> See Exhibit "2" to Toll's Motion to Dismiss.

1 residence on July 1, 2008.”<sup>5</sup> As stated above, this assertion by Toll is so replete  
2 with omissions and half-truths that it amounts to a blatant misrepresentation to the  
3 Court.

4 As argued in Gilman’s Opposition to the District Court Motion, simply  
5 because a “tax cap assessment” states that Mr. Gilman “will occupy a property as  
6 his primary residence in 2008” does not establish where his actual residence or  
7 legal domicile was in 2012 when he ran for office.<sup>6</sup> Of particular import, Toll fails  
8 to inform the Court that the form upon which he is relying, was signed by Gilman  
9 back on July 1, 2008.<sup>7</sup> Also as stated in Gilman’s Opposition to the District Court  
10 Motion, the evidence establishes that Mr. Gilman’s actual residence is in fact in  
11 Storey County, Nevada, by asserting:

12 Mr. Gilman lives at the 5 WildHorse Canyon with his girlfriend  
13 Jennifer Barnes and his two dogs. NRS 281.050(c)(4)(5). His  
14 vehicle registration lists this as his address. NRS 281.050(c)(8). His  
15 bills and tax return show that this is his address. NRS  
281.050(c)(10)(13). His concealed weapons permit shows that this is  
his address. NRS 281.050(c)(9). His driver’s license shows that this  
is his address. NRS 281.050(8).<sup>8</sup>

16 Furthermore, Gilman’s daughter was living in the Steptoe property from 2009 -  
17 2015.<sup>9</sup> In addition, Toll completely fails to set forth the applicable law on the  
18 matter as it pertains to residency, particularly NRS 281.050, which establishes the  
19  
20

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21 <sup>5</sup> See Exhibit “2” to Toll’s Motion to Dismiss, page 6. See also Exhibit 4 to Exhibit “2” to  
22 Toll’s Motion to Dismiss.

23 <sup>6</sup> See Exhibit “2” attached hereto for a copy of Gilman’s “Opposition to Motion to Dismiss  
24 and Termination of Proceedings,” pages 6-7.

25 <sup>7</sup> See Exhibit 4 to Exhibit “2” to Toll’s Motion to Dismiss.

26 <sup>8</sup> See Exhibit “2” attached hereto, page 7. See also “Errata to Opposition to Motion to  
27 Dismiss & Termination of Proceedings, attached hereto as Exhibit “3”, which contains significant  
proof of Gilman’s residency in Storey County, Nevada.

28 <sup>9</sup> See Exhibit “2” attached hereto, page 7.

1 residency requirements regarding elected positions.<sup>10</sup> Also speciously missing  
2 from Toll's instant Motion is the District Court's Order pertaining to the District  
3 Court Motion, entitled "Order Denying Motion to Dismiss."<sup>11</sup>

4 Also not mentioned by Toll is the applicable law as it pertains to the  
5 standard for evaluating the evidence presented by a plaintiff [Gilman] in  
6 determining whether a plaintiff met his burden. In making its determination, "[i]n  
7 addition to the pleadings, [the Court] may consider affidavits concerning the facts  
8 upon which liability is based. Coker v. Sassone, 135 Nev. 8, 11 (2019). [The  
9 Court does not], however, weigh the evidence, but accept plaintiff's submissions  
10 as true and considers only whether any contrary evidence from the defendant  
11 establishes its entitlement to prevail as a matter of law. Id. In determining  
12 whether the plaintiff has substantiated a legally sufficient claim, the court looks to  
13 the pleadings and affidavits submitted by the parties but "do[es] not weigh  
14 credibility [or] evaluate the weight of the evidence." Manzari v. Associated  
15 Newspapers Ltd., 830 F.3d 881, 888 (9<sup>th</sup> Cir. 2016). Nor does the court resolve  
16 "conflicting factual claims." Baral v. Schnitt, 376 P.3d 604, 608-609 (Cal. 2016).  
17 It instead "accepts the plaintiff's evidence as true, and evaluates the defendant's  
18 showing only to determine if it defeats the plaintiff's claim as a matter of law." Id.  
19 See Mindys Cosmetics, Inc. v. Dakar, 611 F.3d 590, 599 (9<sup>th</sup> Cir. 2010) (noting  
20 that on an anti-SLAPP motion to strike, "[t]he court 'does not weigh the credibility  
21 or comparative probative strength of competing evidence'").

22 In the instant matter, Gilman put forth substantial evidence of his residency  
23 in Storey County, Nevada. Toll has merely brought out an outdated form of  
24 another residence owned by Gilman in Washoe County, in his effort to prove that  
25 what he said was true, and has left out the salient facts that apply to his District

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27 <sup>10</sup> See Exhibit "2" attached hereto, pages 5-7 for the applicable language in the Statute.

28 <sup>11</sup> See Exhibit "1" attached hereto.

1 Court Motion and its disposition.

2 Simply put, just because Gilman owns another property, does not mean that  
3 property is his “legal domicile” or “actual residence” for purposes of his eligibility  
4 to run for office in Storey County. Although it is clear that Gilman’s residency is  
5 in Storey County, at the very least, it remains an issue of fact, and as set forth  
6 above, the court 'does not weigh the credibility or comparative probative strength  
7 of competing evidence. Clearly, Toll’s Motion is without merit and should be  
8 denied. This part of Toll’s Motion amounts to Toll seeking an improper  
9 adjudication on the merits, pertaining to Gilman’s Appeals and begs the question  
10 on whether this should count as Toll’s Answering Brief.

11 **C. CONTRARY TO TOLL’S ASSERTIONS, THE PROCEDURAL**  
12 **ERRORS IN THIS MATTER DO NOT CONSTITUTES GROUNDS**  
**FOR DISMISSING THE APPEALS.**

13 In the instant Motion, Toll is asserting three procedural errors on the part of  
14 Gilman as a basis for his Motion to Dismiss, to wit: (1) the failure to provide  
15 notice of filing an Appeal Bond in the amount of \$500; (2) the failure to file a  
16 docketing statement in Docket No. 81874 until November 9, 2020, two weeks  
17 after it was due on October 24, 2020; and (3) the failure to file a proper Appendix.

18 The \$500 Appeal Bond was paid on or about January 27, 2021.<sup>12</sup> During  
19 the time frame, that everything transpired about the Appeal Bond, the undersigned  
20 counsel was ill with a severe case of COVID.<sup>13</sup> The undersigned’s co-counsel in  
21 this matter was no longer with the Firm having been elected as a District Court  
22 Judge. Thus, the matter was handled by the undersigned’s staff, who got it paid.  
23 Unfortunately, they were under the impression from the Storey County Court  
24 Clerk, that notice was being provided to the Court, and therefore, the  
25 undersigned’s staff didn’t do a separate notice to the Court. There is no question  
26

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27 <sup>12</sup> See **Exhibit** “4” attached hereto for a documents showing it was paid.

28 <sup>13</sup> The undersigned was out sick from COVID for over three and half weeks with significant  
respiratory distress.

1 that the \$500 Appeal Bond was paid in full. A formal notice is being transmitted to  
2 the Court contemporaneously with this Opposition.

3 The Docketing Statement in Docket No. 81874 was filed on November 9,  
4 2020. Contrary to Toll's assertion, it was timely filed. A "Notice of Referral to  
5 Settlement Program and Suspension of Rules," dated October 19, 2020 was  
6 received in this matter for Docket No. 818174.<sup>14</sup> The Notice states:

7 The docketing statement must be filed and served within 21 days of  
8 the date of this notice. This timeline is not stayed by this notice.<sup>15</sup>

9 The Docketing Statement having been filed on November 9, 2020 was clearly  
10 timely. Also, the Notice indicates that Toll's two attorneys were served with the  
11 same Notice which clearly shows they should have known this before filing the  
12 instant Motion.

13 Pertaining to the Appendix, there were clearly mistakes made and it wasn't  
14 in compliance with the rules when submitted. However, the Opening Brief and  
15 Appendix were both timely submitted on March 2, 2021. The Appendix was  
16 rejected by the Court and an Order was issued to resubmit another in conformance  
17 with the rules. An appendix in compliance with the rules was immediately filed  
18 on March 5, 2021, within two days after receiving notice of rejection.

19 Toll cites very little authority in support of his Motion to Dismiss, and on  
20 that basis alone, his Motion to Dismiss should be discounted. In Nevada, a party  
21 cannot rely on the preference for deciding cases on the merits to the exclusion of  
22 all other policy considerations, and when an appellant fails to adhere to Nevada's  
23 appellate procedure rules, which embody judicial administration and fairness  
24 concerns, or fails to comply with court directives or orders, that appellant does so  
25 at the risk of forfeiting appellate relief. Huckabay Props. v. NC Auto Parts, 130

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26 <sup>14</sup> See Exhibit "5" for a copy of the Notice of Referral to Settlement Program and Suspension  
27 of Rules, first page.

28 <sup>15</sup> Id.

1 Nev. 196, 203 (2014). See NRAP 31(d) (describing consequences for failure to  
2 file briefs or appendix, which include dismissal of the appeal). See GCIU Emp'r  
3 Ret. Fund v. Chi. Tribune Co., 8 F.3d 1195, 1199 (7th Cir.1993) (noting that  
4 courts must “perpetually balance the competing interests of keeping a manageable  
5 docket against deciding cases on their merits”) cited by Huckabay Props, 130 Nev.  
6 at 203.

7 In Huckabay Props, the Appeal was dismissed because the appellants failed  
8 to timely file the opening brief and appendix after having been warned that failure  
9 to do so could result in the appeals' dismissals. Huckabay Props, 130 Nev. at 209.  
10 See also White v. Conaghan, 445 P.3d 856 (Nev. 2019). In White, the Court  
11 dismissed the Appeal after giving the appellant numerous warnings that his  
12 Appeal would be dismissed if he didn't file his Opening Brief and Appendix by  
13 certain deadlines. These deadlines were extended numerous times. The Court in  
14 White even denied the respondent's motion to dismiss the Appeal and further  
15 warned the appellant that his Appeal would be dismissed if he didn't file his  
16 Opening Brief and Appendix by the new deadline. With all of the chances the  
17 Court afforded the appellant, the appellant still failed to file his Opening Brief and  
18 Appendix timely and his appeal was subsequently dismissed.

19 In the instant case, unlike the foregoing cited cases, the Docketing  
20 Statement was timely filed and Toll's Motion pertaining to this is clearly without  
21 basis in law or fact. Pertaining to the Appeal Bond, during the time frame in  
22 which it was addressed, the undersigned was very ill with COVID and out of the  
23 office for over three and half months. In any event, the Appeal Bond was paid. A  
24 formal Notice will be filed contemporaneously with this Opposition. Pertaining to  
25 the Appendix, it was clearly deficient; however, the Court quickly pointed this out  
26 by rejecting it and ordering that a new one be submitted. This was done within  
27 two days of its rejection. In balancing the competing interests of keeping a  
28 manageable docket against deciding cases on their merits, it clearly militates that



1 Toll's Motion to Dismiss should be denied in its entirety.

2       Pertaining to Toll's alternative relief sought, the Appendix has been filed  
3 and accepted and is in compliance with the rules. With that said, the undersigned  
4 would be amenable to refileing it and adding the requested document that is  
5 allegedly missing and take Toll's attorneys' name off of the Appendix, and will  
6 not object to Toll getting 30 days in which to file an Answering Brief after the  
7 filing of a new Appendix although filing a new Appendix would be superfluous.  
8 Second, Gilman will file a formal Notice of Appeal Bond contemporaneously with  
9 this Opposition. Lastly, the undersigned will in the future obtain consent from  
10 Toll's counsel before attaching their names to an Appendix.<sup>16</sup>

11 **D. CONCLUSION.**

12       Based upon the foregoing, the Court should deny Toll's Motion to Dismiss  
13 in its entirety. Gilman and put forth substantial evidence of his residency in  
14 Storey County, Nevada. Toll has merely put forth an outdated form of another  
15 residence owned by Gilman in Washoe County, in his effort to prove that what he  
16 said was true. Just because Gilman owns another property, does not mean that  
17 property is his "legal domicile" or "actual residence" for purposes of his eligibility  
18 to run for office in Storey County. Although it is clear that Gilman's residency is  
19 in Storey County, at the minimum, it remains an issue, and as set forth above, the  
20 court 'does not weigh the credibility or comparative probative strength of  
21 competing evidence. This amounts to Toll seeking an adjudication on the merits,  
22 pertaining to Gilman's Appeals and does not form the basis for any grounds  
23 whatsoever for a dismissal.

24       Pertaining to the procedural errors, the Docketing Statement was timely  
25 filed despite Toll's assertions. During the time frame in which the Appeal Bond  
26 was addressed, the undersigned was very ill with COVID and out of the office for  
27

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28 <sup>16</sup> This was the result of a mistake on the part of the undersigned's office.

1 over three and half weeks. This amounts to excusable circumstances. In any  
2 event, the Appeal Bond was paid, and a formal Notice will be filed  
3 contemporaneously with this Opposition. The Appendix was clearly deficient but  
4 was timely filed. The Court quickly identified that it was deficient and rejected it  
5 and ordered that a new one be submitted. A new one was submitted within two  
6 days of its rejection. In balancing the competing interests of keeping a  
7 manageable docket against deciding cases on their merits, it clearly militates that  
8 Toll's Motion to Dismiss should be denied in its entirety.

9 Respectfully submitted this 31<sup>st</sup> day of March 2021.

10  
11 

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16 *Attorney for Appellant*  
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## LIST OF EXHIBITS

- Exhibit "1":** A copy of the District Court's Order denying the District Court Motion.
- Exhibit "2":** A copy of Gilman's "Opposition to Motion to Dismiss and Termination of Proceedings."
- Exhibit "3":** A copy of the "Errata to Opposition to Motion to Dismiss & Termination of Proceedings."
- Exhibit "4":** Documents showing that the Appeal Bond was paid.
- Exhibit "5":** A copy of the "Notice of Referral to Settlement Program and Suspension of Rules."

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of the FLANGAS LAW GROUP, and that on the 31<sup>st</sup>  
3 day of March, 2021, I served a true and correct copy of the foregoing APPELLANT/CROSS-  
4 RESPONDENT'S OPPOSITION TO RESPONDENT/CROSS-APPELLANT SAM TOLL'S  
5 MOTION TO DISMISS APPELLANT/CROSS-RESPONDENT'S APPEALS as indicated below:

6 \_\_\_\_ By depositing the same in the United States mail, first-class, postage prepaid, in a  
7 sealed envelope, at Las Vegas, Nevada pursuant to NRCP 5(b) addressed as  
8 follows below

9 \_\_\_\_ By facsimile, pursuant to EDCR 7.26 (as amended)

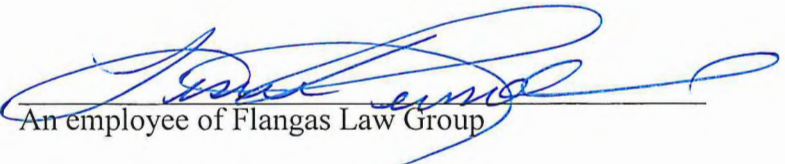
10 \_\_\_\_ By receipt of copy as indicated below

11 X By submitting electronically for filing and/or service with the Clerk of the Nevada  
12 Supreme Court, and therefore electronic service was made in accordance with the

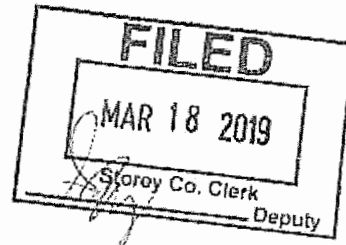
13 Master Service List as Follows:

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21  
22  
23  
24   
An employee of Flangas Law Group

# **EXHIBIT “1”**



IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR STOREY COUNTY

LANCE GILMAN, an individual,

CASE NO. 18 TRT 00001 1E

Plaintiff,

DEPT. 2

vs.

SAM TOLL, an individual; DOES I-V,  
inclusive; and ROE ENTITIES VI-X,  
inclusive,

ORDER DENYING MOTION TO  
DISMISS

Defendants.

Sam Toll filed a motion to dismiss. Toll attached several documents to his motion, including a form filed with the Washoe County Assessor (ex. 4). That form indicates Gilman, "under penalties pursuant to law," affirmed that a property in Washoe County "will be occupied as my primary residence on July 1, 2008." Toll argued Gilman's defamation claim should fail as a matter of law because Toll's affirmation that Gilman does not reside in Storey County is true or substantially true.

Gilman opposed the motion. He states in his affidavit that the allegation that he lives at the property in Washoe County is untrue, and that he has lived at the Mustang Resort since 2002. In addition he raised NRS 281.050, which the Court raised in its Order Granting Anti-SLAPP Special Motion to Dismiss in Part (at 9), which defines "residence" for purposes of eligibility for office. Under NRS 281.050 "[t]he residence of a person with reference to his ... eligibility to any office is the person's actual residence within the ... county ... during all the period for which residence is claimed by the

1 person." (*id.* §1). NRS 281.050(7)(c) provides a non-exhaustive list of things that  
2 evidence legal domicile. Gilman produced copies of the following documents that  
3 include the 5 Wild Horse Canyon Drive address: his concealed firearm permit, 2016  
4 Form 1040, a DMV report of sale, three 2012-13 DMV registrations, 2013 Annual List of  
5 Managers, 2013 Annual List of Managers, portions of 2011-12 bank statements, 2018  
6 medical bills, a 2018 JCPenney order summary, 2018 AACTV invoice, 2018 Allstate  
7 cover page, a 2019 IRS form, and a 2012 medical bill. These documents are some  
8 evidence of Gilman's legal domicile.

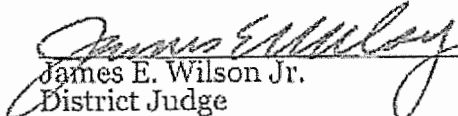
9 Toll stated the present issue is "whether Gilman, as a matter of law, may maintain  
10 a claim for defamation against Toll for claiming that Gilman does not reside in Storey  
11 County when Gilman himself claims his primary residence is in Washoe County." The  
12 issue is a little narrower. The issue is whether Gilman is precluded as a matter of law  
13 from prosecuting a claim for defamation based upon Toll's 2017 "residence" statements  
14 because Gilman claimed, in 2008, that his primary residence was in Washoe County.

15 The answer seems self-evident. Gilman is not precluded, as a matter of law, from  
16 prosecuting a claim for defamation based upon Toll's 2017 "residence" statements on  
17 grounds Gilman, in 2008, claimed his primary residence was in Washoe County. The  
18 fact that Gilman "under penalties pursuant to law" affirmed that a property in Washoe  
19 County "will be occupied as my primary residence on July 1, 2008" is some evidence of  
20 Gilman's actual residence, but such fact is not dispositive on the factual or legal issues  
21 regarding Gilman's actual residence at the times relevant to this case. Therefore, the  
22 motion must be denied.

23 IT IS ORDERED:

24 Sam Toll's motion to dismiss is denied.

25 March 18, 2019.

26   
27 James E. Wilson Jr.  
28 District Judge

1  
2  
3 **CERTIFICATE OF SERVICE**


4 I certify that I am an employee of the First Judicial District Court of Nevada; that  
5 on March 18, 2019, I faxed and served a copy of this document by placing a true  
6 copy in an envelope addressed to:

7 Gus Flangas, Esq.  
8 Jessica Peterson, Esq.  
9 3275 South Jones Blvd., Suite 105  
Las Vegas, NV 89146

John Marshall  
570 Marsh Ave.  
Reno, NV 89509

10 Luke Andrew Busby, LTD  
11 316 California Ave., #82  
12 Reno, NV 89509

13 the envelope sealed and then deposited in the Court's central mailing basket in the Court  
14 Clerk's Office for delivery to the United States Post Office at 1111 South Roop Street,  
15 Carson City, Nevada for mailing.

16  
17   
18 Susan Greenburg  
19 Judicial Assistant  
20  
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25  
26  
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## **EXHIBIT “2”**

FILED ✓

2019 MAR 11 AM 11:40

STOREY COUNTY CLERK

BY aduke  
DEPUTY

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2 Email: [gwf@fdlawlv.com](mailto:gwf@fdlawlv.com)  
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*Attorneys for Plaintiff*  
7  
8

9 **IN THE FIRST JUDICIAL DISTRICT COURT**

10 **IN AND FOR STOREY, COUNTY, NEVADA**  
11

12 LANCE GILMAN, an individual,  
13 Plaintiff,

Case No.: 18-FRT-00001-1e  
Dept No.: II

14 vs.

**OPPOSITION TO MOTION TO DISMISS  
AND TERMINATION OF PROCEEDINGS**

15 SAM TOLL, an individual; DOES I-V,  
16 inclusive; and ROE ENTITIES VI-X,  
inclusive,  
17 Defendants.

18 COMES NOW the Plaintiff, LANCE GILMAN, by and through his attorneys, GUS W.  
19 FLANGAS, ESQ. and JESSICA K. PETERSON, ESQ., of the FLANGAS DALACAS LAW  
20 GROUP, and hereby submits this Opposition to the "Motion to Dismiss and for Termination of  
21 Proceedings" filed by the Defendant in his action.

22 This Opposition is based upon the Pleadings and Papers on file herein, the attached Points  
23 .....  
24 .....  
25 .....  
26 .....  
27 .....  
28 .....

1 and Authorities and oral argument to made by Counsel at any Hearing of this matter.

2 Dated this 8th day of March, 2018.

3  
4  
5 GUS W. FLANGAS, ESQ.

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11 Facsimile: (702) 382-9452

*Attorneys for Plaintiff*

12 **POINTS AND AUTHORITIES**

13 **I.**

14 **STATEMENT OF FACTS**

15 **A. INTRODUCTION.**

16 This Court is well aware of the facts in this case, having already partially deciding the  
17 Defendant's Motion on April 9, 2018. Pursuant to the Court's Order the issue remaining to be  
18 decided are the "resident communications". As the Court will remember, Gilman alleged that  
19 Toll's defamatory comments were premised in part on the allegation that Gilman committed  
20 perjury by stating that he lived in Storey County when he really lived in Washoe County. This  
21 Court defined the word "resident" and "live" and found that both of those words had specific  
22 meanings, i.e. resident is dwelling or having an abode for a continued length of time, "live" is to  
23 occupy a home; "reside" is to settle oneself into a place, to dwell permanently or continuously;  
24 have a settled abode for a time; have one's residence or domicile." Court's Order at pg. 9. The  
25 Court went on to examine whether the communications were truthful or made without  
26 knowledge of their falsehood. The Court examined the Affidavit produced by Gilman in which  
27 Gilman specifically attested that he lived in Storey County and found that Gilman's testimony  
28 under oath that he lives in Storey County is sufficient prima facie evidence that he lives in Storey

1 County. Pg. 16.

2 The Court then concluded that the "resident communications were defamatory and were  
3 published. The only remaining question was whether Toll had made the statements with actual  
4 malice, i.e. whether Toll knew that the statements were false or made them with a high degree of  
5 awareness of the probable falsity of the statements or had serious doubts as to the truth or falsity  
6 of the publication. The Court then granted Plaintiff's request to conduct discovery finding that  
7 "information as to whether Toll knew the resident communications were false or whether he  
8 acted with a high degree of awareness of the probable falsity of the statement or had serious  
9 doubts as to the publication's truth, is necessary for Gilman to meet or oppose the burden under  
10 NRS 41.660(3)(b), and that information is in the possession of Toll or a third party and is not  
11 reasonably available without discovery. The Court then ordered that Gilman would be allowed  
12 to conduct discovery limited solely to whether Toll knew the resident statements were false or  
13 whether he acted with a high degree of awareness of the probable falsity of the statement or had  
14 serious doubt's as to the publication's truth. The Court thus declined to rule on the Defendant's  
15 Motion to Dismiss until such time as this Discovery could be completed.

16 Plaintiff then took the deposition of Toll who claimed the newspaper privilege and  
17 refused to provide Plaintiff with the information needed to establish Toll's knowledge of the  
18 truth or falsity of the statements.<sup>1</sup>

19 The Plaintiff then filed a Motion to Compel and an Evidentiary Hearing was set to decide  
20 whether the Defendant could claim the privilege. On February 25, 2019, prior to the date set for  
21 the Evidentiary Hearing, the Defendant filed a Motion to Dismiss and Terminate the Proceedings  
22 and submitted various documents in an attempt to prove the statements made by Toll regarding  
23 the resident communications were true. Specifically, Defendant filed documents from the  
24 assessor's office that show that Gilman owns property in Washoe County and another document  
25 which shows that Gilman indicated that the Steptoe property would be occupied as his primary  
26

---

27 <sup>1</sup>It should be noted that at the time Toll claimed the privilege he was actually running for  
28 office himself. Plaintiff is hard pressed to see how someone can be a public figure as one would  
be if running for office but then hide behind a privilege as to statements made about others.

1 residence.

2 On the basis of this evidence, the Defendant argues that there is no genuine issue of  
3 material fact that the "resident communications" made by Toll, that Plaintiff is not a resident of  
4 Storey County, are true and thus cannot form the basis of a defamation action.

5 Defendant's Motion asked that the Court decide the Motion at the March 15, 2019  
6 Hearing. See Defendant's Motion at pg. 5. On March 4, 2019 the Court issued an opinion  
7 indicating that Plaintiff would be permitted to engage in additional discovery on the issue of  
8 what Toll knew at the time that he made the resident communication publications.

9 Since the Order came after the Defendant's Motion and the Court was still permitting the  
10 parties to engage in Discovery, it was reasonable for the Plaintiff to believe that the Defendant's  
11 additional Motion to Dismiss would be held in abeyance until that additional discovery was  
12 completed.

13 Moreover, seeing as how the Motion was filed on February 25, 2019 and the Order  
14 shortening time was not received until Monday March 4, 2019, it is simply not reasonable to  
15 have an Opposition filed 2 days later, especially when Storey County does not have an e-filing  
16 system.<sup>2</sup>

17 Based on the foregoing, and as will be shown below, Plaintiff respectfully requests that  
18 this Court Deny Defendant's Request for Submission of Motion for Submission of Motion to  
19 Dismiss and Terminate Proceedings until such time as the Discovery in this matter is completed.

---

22  
23 <sup>2</sup>Defendant argues that the failure of Plaintiff to file a Memorandum of Points and  
24 Authorities in opposition to any Motion within the time permitted shall constitute a consent to  
25 granting of the Motion. Plaintiff would note that originally the Defendant ask that the Motion be  
26 addressed at the Hearing on March 15, 2019 and then filed its Second Request for Submission on  
27 March 4, the same day the Court decided the Motion to Compel. The Court specifically  
28 provided Plaintiff with additional time to complete discovery, arguably had the Court felt that the  
Defendant's Motion was dispositive the Court would not have granted the additional discovery.  
The Court has not issued an Order on the Defendant's most recent Motion and at the very least,  
there is a factual issue that precludes the Court from granting the Motion. As the Court has not  
issued an Order there is no prejudice to the Defendant especially since the Defendant initially  
wanted this matter addressed at the hearing on March 15, 2019.

1 II

2 LAW & ARGUMENT<sup>3</sup>

3 A. GILMAN LIVES IN STOREY COUNTY

4 Defendant's current Motion has provided this Court with four (4) documents from the  
5 Washoe County Assessor's Office in an effort to establish that Gilman lives in Washoe County  
6 and thus establish that the statements made by Toll are true and cannot be the subject of a  
7 defamation claim.

8 As this Court aptly noted in its prior Order "resident" has a specific meaning as it pertains  
9 to the eligibility of an individual for public office. While this Court relied on the dictionary  
10 definitions, as the issue in this matter revolves around Toll making allegations that Gilman  
11 committed perjury because he ran for office without meeting the eligibility requirements, a  
12 review of the statute regarding the eligibility requirements and the definition under that statute is  
13 warranted.

14 Moreover, NRS 281.050 establishes the residency requirements regarding elected  
15 positions and specifically states as follows:

16 "in determining whether a place of permanent habitation is the place where a person  
17 actually resides and is legally domiciled:

18 (a) It is the public policy of this State to avoid sham residences and to ensure that the  
19 person actually, as opposed to constructively, resides in the area prescribed by law for the  
20 office so the person has an actual connection with the constituents who reside in the area  
21 and has particular knowledge of their concerns.

22 (b) *The person may have more than one residence but only one legal domicile, and the*  
23 *person's legal domicile requires both the fact of actual living in the place and the*  
24 *intention to remain there as a permanent residence.* If the person temporarily leaves the  
25 person's legal domicile, or leaves for a particular purpose, and does not take up a  
26 permanent residence in another place, then the person's legal domicile has not changed.  
27 Once the person's legal domicile is fixed, the fact of actual living in another place, the  
28 intention to remain in the other place and the intention to abandon the former legal  
domicile must all exist before the person's legal domicile can change.

---

3As the Court is intimately familiar with the facts in this case, Plaintiff is only stating the facts that are necessary to address the Defendant's latest Motion.

1 (c) Evidence of the person's legal domicile includes, without limitation:

2 (1) The place where the person lives the majority of the time and the length of  
3 time the person has lived in that place.

4 (2) The place where the person lives with the person's spouse or domestic partner,  
5 if any.

6 (3) The place where the person lives with the person's children, dependents or  
7 relatives, if any.

8 (4) The place where the person lives with any other individual whose relationship  
9 with the person is substantially similar to a relationship with a spouse, domestic  
10 partner, child, dependent or relative.

11 (5) The place where the person's dogs, cats or other pets, if any, live.

12 (6) The place listed as the person's residential address on the voter  
13 registration card issued to the person pursuant to NRS 293.517.

14 (7) The place listed as the person's residential address on any  
15 driver's license or identification card issued to the person by the Department of  
16 Motor Vehicles, any passport or military identification card issued to the person  
17 by the United States or any other form of identification issued to the person by a  
18 governmental agency.

19 (8) The place listed as the person's residential address on any registration  
20 for a motor vehicle issued to the person by the Department of Motor Vehicles or  
21 any registration for another type of vehicle or mode of transportation, including,  
22 without limitation, any aircraft, vessels or watercraft, issued to the person by a  
23 governmental agency.

24 (9) The place listed as the person's residential address on any applications  
25 for issuance or renewal of any license, certificate, registration, permit or similar  
26 type of authorization issued to the person by a governmental agency which has the  
27 authority to regulate an occupation or profession.

28 (10) The place listed as the person's residential address on any document which  
the person is authorized or required by law to file or record with a governmental  
agency, including, without limitation, any deed, declaration of homestead or other  
record of real or personal property, any applications for services, privileges or  
benefits or any tax documents, forms or returns, but excluding the person's  
declaration of candidacy or acceptance of candidacy.

(11) The place listed as the person's residential address on any type of check,  
payment, benefit or reimbursement issued to the person by a governmental agency  
or by any type of company that provides insurance, workers' compensation, health  
care or medical benefits or any self-insured employer or third-party administrator.

(12) The place listed as the person's residential address on the person's paycheck,  
paystub or employment records.

1 (13) The place listed as the person's residential address on the person's bank  
2 statements, insurance statements, mortgage statements, loan statements, financial  
3 accounts, credit card accounts, utility accounts or other billing statements or  
4 accounts.

5 (14) The place where the person receives mail or deliveries from the United States  
6 Postal Service or commercial carriers.

7 (d) The evidence listed in paragraph (c) is intended to be illustrative and is not intended to  
8 be exhaustive or exclusive. The presence or absence of any particular type of evidence  
9 listed in paragraph (c) is not, by itself, determinative of the person's legal domicile, but  
10 such a determination must be based upon all the facts and circumstances of the person's  
11 particular case.

12 8. As used in this section:

13 (a) "Actual residence" means the place of permanent habitation where a person  
14 actually resides and is legally domiciled. If the person maintains more than one  
15 place of permanent habitation, the place the person declares to be the person's  
16 principal permanent habitation when filing a declaration of candidacy or  
17 acceptance of candidacy for any elective office must be the place where the person  
18 actually resides and is legally domiciled in order for the person to be eligible to  
19 the office."

20 Simply because a "tax cap assessment" states that Mr. Gilman "will occupy a property as  
21 his primary residence in 2008" does not establish where his actual residence or legal domicile  
22 was in 2012 when he ran for office. Furthermore, Mr. Gilman's daughter was living in the  
23 Steptoe property from 2009 - 2015.

24 Contrary to Defendant's allegations, the evidence establishes that Mr. Gilman's actual  
25 residence is in fact the 5 Wildhorse Canyon, Dr. Mr. Gilman lives at the 5 WildHorse Canyon  
26 with his girlfriend Jennifer Barnes and his two dogs. NRS 281.050(c)(4)(5). His vehicle  
27 registration lists this as his address. NRS 281.050(c)(8). His bills and tax return show that this is  
28 his address. NRS 281.050(c)(10)(13). His concealed weapons permit shows that this is his  
29 address. NRS 281.050(c)(9). His driver's license shows that this is his address. NRS  
30 281.050(8).<sup>4</sup>

31 As such, simply because Gilman owns another property, does not mean that property is  
32 his "legal domicile" or "actual residence" for purposes of his eligibility to run for office in Storey

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33 <sup>4</sup>Mr. Gilman was out of town until late Wednesday evening and was unavailable on  
34 Friday afternoon to sign an Affidavit. Additionally, his clerk who has all of the above documents  
35 was out of the office on Friday. The Plaintiff will file an Errata with an Affidavit and all of the  
36 foregoing documents on Monday.



1 County. Moreover, the fact that Gilman owns another property does not erase Toll's defamatory  
2 comment that Gilman committed perjury when he stated that he lived in Storey County.

3 Not only has Toll failed to establish that he performed any investigation into Mr.  
4 Gilman's actual residence or legal domicile, Toll has not even established that he looked at the  
5 legal requirements pursuant to the statute when he made the resident communications. Had he  
6 done so, Toll would know that simply because Mr. Gilman owns property in Washoe County,  
7 does not mean that is his actual "legal domicile". Moreover, Toll received this alleged  
8 information in *May of 2018*, after the "resident communications" were made. As such, Toll  
9 cannot show that he relied on this information as a defense to whether he acted with actual  
10 malice.

11 Based on the foregoing, Toll cannot establish that the statements he made regarding  
12 Gilman's residence are true, nor can he claim that the documents he submitted with the instant  
13 Motion were the documents he relied on when he made the "resident communications".  
14 Furthermore, Toll cannot establish that the statement he made accusing Gilman of perjury based  
15 on the alleged "resident communications" was true.

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**WHEREFORE**, Plaintiff respectfully requests that the Defendant's Motion be denied and that the Plaintiff be permitted to continue with the Discovery as previously ordered by this Court.

**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned hereby affirms that this document does not contain the social security number of any person.

DATED this 8<sup>th</sup> day of March, 2019.

GUS W. FLANGAS, ESQ.  
Nevada Bar No. 004989  
Email: [gwf@fdlawlv.com](mailto:gwf@fdlawlv.com)  
JESSICA K. PETERSON, ESQ.  
Nevada Bar NO. 10670  
Email: [jkp@fdlawlv.com](mailto:jkp@fdlawlv.com)  
**FLANGAS DALACAS LAW GROUP**  
3275 South Jones Blvd., Suite 105  
Las Vegas, Nevada 89146  
Telephone: (702) 307-9500  
Facsimile: (702) 382-9452  
*Attorneys for Plaintiff*

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of FLANGAS DALACAS LAW GROUP, and that  
3 on this 8<sup>th</sup> day of March, 2019 served a true and correct copy of **OPPOSITION TO MOTION TO**  
4 **DISMISS AND TERMINATION OF PROCEEDINGS** as indicated below:

5  X  By depositing the same in the United States mail, first-class, postage  
6 prepaid, in a sealed envelope, at Las Vegas, Nevada pursuant to N.R.C.P.  
7 5(b) addressed as follows

8  X  By facsimile, pursuant to EDCR 7.26 (as amended)

9  X  By Electronic Mail

10   By receipt of copy as indicated below

11 John L. Marshall  
12 570 Marsh Avenue  
13 Reno, NV 89509  
14 Tel: 775-303-4882  
Fax: 775-684-1108  
[johnmarshall@charter.net](mailto:johnmarshall@charter.net)

15 Luke A. Busby  
16 Luke Andrew Busby, Ltd.  
17 316 California Ave. #82  
18 Reno, NV 89509  
Tel: 775-453-0112  
Fax: 775-403-2192  
[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)

19 Attorneys for Defendant

20  
21   
22 an employee of Flangas Dalacas Law Group  
23  
24  
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26  
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## **EXHIBIT 1**

25

THE  
JOURNAL  
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THE  
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INSTITUTE  
OF GREAT  
BRITAIN  
AND IRELAND  
VOLUME  
LXXV  
PART I  
1905

THE UNIVERSITY OF CHICAGO

[illegible]

1979

**EXHIBIT “3”**

1 GUS W. FLANGAS, ESQ.  
Nevada Bar No. 004989  
2 Email: [gwf@fdlawlv.com](mailto:gwf@fdlawlv.com)  
JESSICA K. PETERSON, ESQ.  
3 Nevada Bar No. 10670  
Email: [jkp@fdlawlv.com](mailto:jkp@fdlawlv.com)  
4 FLANGAS DALACAS LAW GROUP  
3275 South Jones Boulevard, Suite 105  
5 Las Vegas, Nevada 89146  
Telephone: (702) 307-9500  
6 Facsimile: (702) 382-9452  
*Attorneys for Plaintiff*  
7  
8

FILED  
2019 MAR 12 AM 10:37  
STOREY COUNTY CLERK  
PY *A. Duke*  
DEPUTY

9 IN THE FIRST JUDICIAL DISTRICT COURT

10 IN AND FOR STOREY, COUNTY, NEVADA  
11

12 LANCE GILMAN, an individual,  
13 Plaintiff,

14 vs.

15 SAM TOLL, an individual; DOES I-V,  
16 inclusive; and ROE ENTITIES VI-X,  
inclusive,  
17 Defendants.

Case No.: 18-TRT-00001-1e  
Dept No.: II

ERRATA TO OPPOSITION TO  
MOTION TO DISMISS &  
TERMINATION OF PROCEEDINGS

18 COMES NOW the Plaintiff, LANCE GILMAN, by and through his attorneys, GUS W.  
19 FLANGAS, ESQ. and JESSICA K. PETERSON, ESQ., of the FLANGAS DALACAS LAW  
20 GROUP, and hereby submits this Errata to Opposition to "Motion to Dismiss and for  
21 Termination of Proceedings" filed by the Defendant in his action.  
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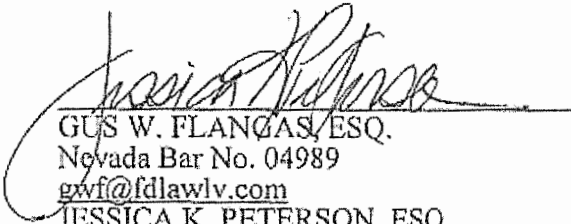
1 This Errata is being submitted to include the Affidavit of Lance Gilman and Exhibits in  
2 Support of Motion that were unavailable on Friday when the Opposition was mailed and sent to  
3 opposing counsel. See fn4 of the Opposition. The Exhibits are attached hereto as Exhibit 2.

4 **AFFIRMATION**

5 **Pursuant to NRS 239B.030**

6 The undersigned hereby affirms that this document does not contain the social security  
7 number of any person.

8 Dated this 11<sup>th</sup> day of March, 2019.

9  
10   
11 GUS W. FLANGAS, ESQ.

Nevada Bar No. 04989

[gwf@fdlawlv.com](mailto:gwf@fdlawlv.com)

12 JESSICA K. PETERSON, ESQ.

Nevada Bar No. 10670

13 [jkp@fdlawlv.com](mailto:jkp@fdlawlv.com)

14 **FLANGAS DALACAS LAW GROUP**

3275 South Jones Blvd., Suite 105

15 Las Vegas, Nevada 89146

Telephone: (702) 307-9500

16 Facsimile: (702) 382-9452

17 *Attorneys for Plaintiff*  
18  
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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of FLANGAS DALACAS LAW GROUP, and that on this 11<sup>th</sup> day of March, 2019 served a true and correct copy of **ERRATA TO OPPOSITION TO MOTION TO DISMISS AND MOTION TO TERMINATE PROCEEDINGS** as indicated below:

  X   By depositing the same in the United States mail, first-class, postage prepaid, in a sealed envelope, at Las Vegas, Nevada pursuant to N.R.C.P. 5(b) addressed as follows

  X   By facsimile, pursuant to EDCR 7.26 (as amended)

  X   By electronic mail.

John L. Marshall  
570 Marsh Avenue  
Reno, NV 89509  
Tel: 775-303-4882  
[johnmarshall@charter.net](mailto:johnmarshall@charter.net)

Luke A. Busby  
Luke Andrew Busby, Ltd.  
216 East Liberty Street  
Reno, NV 89501  
Tel: 775-453-0112  
[luke@lukeandrewbusbyltd.com](mailto:luke@lukeandrewbusbyltd.com)  
Attorneys for Defendant

  
an employee of Flangas Dalacas Law Group

## EXHIBIT 2

AFFIDAVIT OF LANCE GILMAN

STATE OF NEVADA        }  
COUNTY OF STOREY    } ss:

LANCE GILMAN, being first duly sworn, deposes and says:

1. I have personal knowledge of all matters set forth herein except for those stated upon information and belief and am competent to testify thereon.

2. I am the Plaintiff in the action entitled, LANCE GILMAN v. SAM TOLL, in Department II of the First Judicial District Court, Storey County, Nevada, Case Number: 18-TRT-00001-1e, and I make this Affidavit in support of the "Opposition to Motion to Dismiss and Terminate Proceedings.

3. I have read the contents of the Opposition and the facts contained therein are true as written to the best of my knowledge as though set forth in full in this Affidavit.

4. I have reviewed the Plaintiff's Motion and the Exhibits attached to Plaintiff's Motion as Exhibits "1" through "5".

5. Plaintiff's allegations that the Exhibits establish that I live at 199 Steptoe Ln. constitute a legal conclusion and in any event are completely untrue.

6. It is true that I own property at 199 Steptoe Ln., as a rental property, however, as I previously averred my permanent residence is and has been 5 Wildhorse Canyon Drive.

7. I have lived at the Mustang Resort since 2002.

8. I have four exotic birds that live at this address with me.

9. My Driver's license lists my address as 5 Wildhorse Canyon.

10. My Vehicle Registration lists my address as 5 WildHorse Canyon.


11. My bank statements, concealed weapons permit, credit card accounts, and other billing statements list my address as 5 Wildhorse Canyon.

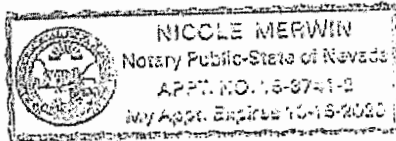
12. I receive my personal mail at 5 WildHorse Canyon.

13. My tax returns list my residence as 5 WildHorse Canyon.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

Lance Gilman  
LANCE GILMAN

  
NOTARY PUBLIC in and for said  
County and State



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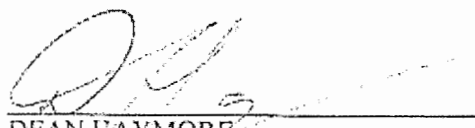
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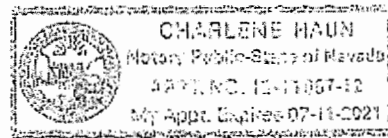
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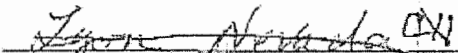
1 me and inquired whether Lance's residence at the resort was legal. I reviewed the matter and  
2 replied that his residence was legal in the mini house.

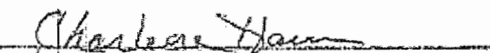
3 FURTHER YOUR AFFIANT SAYETH NAUGHT.

4  
5   
6 DEAN HAYMORE

7  
8 SUBSCRIBED AND SWORN to before me  
9 on this 27 day of February, 2018.



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12 NOTARY PUBLIC in and for said  
County and State

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15 Notary Public in and for said  
16 County and State  
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**STOREY COUNTY SHERIFF'S OFFICE  
NEVADA  
CONCEALED FIREARM PERMIT**

#1128



Issued: 01/14/2014

Expires: 01/14/2019

Lance L. Gilman

5 Wild Horse Canyon Dr  
Sparks, Nevada 89434

**Date of Birth: 11/21/44**

**Height: 6'2" Weight: 260**

**Semi-automatic firearms authorized: Yes**

**Revolvers authorized: Yes**

**P.O. Box 498**

**Virginia City NV 89440**

**775-847-0950 District**

**775-847-0950 District**



Form **1040** Department of the Treasury—Internal Revenue Service (59) **2016** OMB No. 1545-0047 IRS Use Only—Do not write or staple in this space.

For the year Jan. 1-Dec. 31, 2016, or other tax year beginning , 2016, ending , 20 **See separate instructions.**

Your first name and initial **L. LANCE** Last name **GILMAN** Your social security number **[REDACTED]**

If a joint return, spouse's first name and initial Last name Spouse's social security number

Home address (number and street), if you have a P.O. box, see instructions. **5 WILD HORSE CANYON DRIVE** Apt. no. **▲ Make sure the SSN(s) above and on line 6c are correct.**

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions). **SPARKS NV 89434**

Foreign country name Foreign province/state/country Foreign postal code **You ☐ Spouse ☐**

**Filing Status** 1 ☒ Single 4 ☐ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. **2 ☐ Married filing jointly (even if only one had income)**

**Check only one box.** 3 ☐ Married filing separately. Enter spouse's SSN above and full name here. **5 ☐ Qualifying widow(er) with dependent child**

**Exemptions** 6a ☒ Yourself. If someone can claim you as a dependent, do not check box 6a. } Boxes checked on 6a and 6b **1**  
b ☐ Spouse

**c Dependents:** (1) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) ☒ If child under age 17 must be claimed for child tax credit (see instructions).  
If more than four dependents, see instructions and check here ☐ **No. of children on 6c who:**  
• lived with you  
• did not live with you due to divorce or separation (see instructions)  
Dependents on 6c not entered above  
Add numbers on lines above **1**

**d Total number of exemptions claimed**

**Income** 7 Wages, salaries, tips, etc. Attach Form(s) W-2 7 **8a Taxable interest. Attach Schedule B if required** 8a

Attach Form(s) W-2 here. Also attach Forms W-2G and 1099-R if tax was withheld. b Tax-exempt interest. Do not include on line 8a 8b

9a Ordinary dividends. Attach Schedule B if required 9a

b Qualified dividends 9b

10 Taxable refunds, credits, or offsets of state and local income taxes 10

11 Alimony received 11

12 Business income or (loss). Attach Schedule C or C-EZ 12

13 Capital gain or (loss). Attach Schedule D if required. If not required, check here ☐ 13

14 Other gains or (losses). Attach Form 4797 14

15a IRA distributions 15a b Taxable amount 15b

16a Pensions and annuities 16a b Taxable amount 16b

17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E 17

18 Farm income or (loss). Attach Schedule F 18

19 Unemployment compensation 19

20a Social security benefits 20a **43,648** b Taxable amount 20b

21 Other income. List type and amount 21

22 Combine the amounts in the far right column for lines 7 through 21. This is your total income **22**

**Adjusted Gross Income** 23 Educator expenses 23

24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 24

25 Health savings account deduction. Attach Form 8889 25

26 Moving expenses. Attach Form 3903 26

27 Deductible part of self-employment tax. Attach Schedule SE 27

28 Self-employed SEP, SIMPLE, and qualified plans 28

29 Self-employed health insurance deduction 29

30 Penalty on early withdrawal of savings 30

31a Alimony paid b Recipient's SSN **31a**

32 IRA deduction 32

33 Student loan interest deduction 33

34 Tuition and fees. Attach Form 8917 34

35 Domestic production activities deduction. Attach Form 8903 35

36 Add lines 23 through 35 36

37 Subtract line 36 from line 22. This is your adjusted gross income **37**

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions. Form **1040** (2016)

Form **1040** Department of the Treasury — Internal Revenue Service (99) **2015** U.S. Individual Income Tax Return OMB No. 1545-0074 IRS Use Only — Do not write or staple in this space.

For the year Jan. 1 - Dec. 31, 2015, or other tax year beginning 2015, ending 20 See separate instructions.

Your first name and initial Last name Your social security number

L. LANCE GILMAN Last name Spouse's social security number

If a joint return, spouse's first name and initial Last name

Home address (number and street). If you have a P.O. box, see instructions. Apt. no.

5 WILD HORSE CANYON DRIVE

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).

SPARKS, NV 89434

Foreign country name Foreign province/state/country Foreign postal code

Make sure the SSN(s) above and on line 6c are correct.

Presidential Election Campaign

Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. ☐ You ☐ Spouse

Filing Status 1 ☒ Single 4 ☐ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶

2 ☐ Married filing jointly (even if only one had income) 5 ☐ Qualifying widow(er) with dependent child

3 ☐ Married filing separately. Enter spouse's SSN above & full name here. ▶

Exemptions 6a ☒ Yourself. If someone can claim you as a dependent, do not check box 6a. Boxes checked on 6a and 6b. No. of children on 6c who: 1

b ☐ Spouse

c Dependents:

(7) First name Last name (2) Dependent's social security number (3) Dependent's relationship to you (4) ☒ if child under age 17 qualifying for child tax credit (see instructions)

If more than four dependents, see instructions and check here. ☐

d Total number of exemptions claimed 1

Income 7 Wages, salaries, tips, etc. Attach Form(s) W-2. 7

8a Taxable interest. Attach Schedule B if required. 8a

b Tax-exempt interest. Do not include on line 8a. 8b

9a Ordinary dividends. Attach Schedule B if required. 9a

b Qualified dividends. 9b

10 Taxable refunds, credits, or offsets of state and local income taxes. 10

11 Alimony received. 11

12 Business income or (loss). Attach Schedule C or C-EZ. 12

13 Capital gain or (loss). Attach Schedule D if required. If not required, check here. ☐ 13

14 Other gains or (losses). Attach Form 4797. 14

15a IRA distributions. 15a b Taxable amount. 15b

16a Pensions and annuities. 16a b Taxable amount. 16b

17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E. 17

18 Farm income or (loss). Attach Schedule F. 18

19 Unemployment compensation. 19

20a Social security benefits. 20a b Taxable amount. 20b

21 Other income. List type and amount. 21

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Adjusted Gross Income 23 Educator expenses. 23

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25 Health savings account deduction. Attach Form 8889. 25

26 Moving expenses. Attach Form 3903. 26

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29 Self-employed health insurance deduction. 29

30 Penalty on early withdrawal of savings. 30

31a Alimony paid b Recipient's SSN. \*\*\*-\*\*-\*\*\*\* 31a

32 IRA deduction. 32

33 Student loan interest deduction. 33

34 Tuition and fees. Attach Form 8917. 34

35 Domestic production activities deduction. Attach Form 8803. 35

36 Add lines 23 through 35. 36

37 Subtract line 36 from line 22. This is your adjusted gross income. 37

BAA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions. FD/A0112L 12/30/15 Form 1040 (2015)

STK# 212732



555 Wright Way  
Carson City, NV 89711  
Reno/Sparks/Carson City (775) 684-4DMV (4368)  
Las Vegas area (702) 486-4DMV (4368)  
Rural Nevada or Out of State (877) 368-7828  
www.dmvnv.com

# DEALER, REBUILDER, OR LESSOR'S REPORT OF SALE OR LEASE

This form must be completed in full

Please Print or Type in blue or black ink

Control # E 819204

Vehicle Identification Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Year 2012 Body Type PV Model RAM 2500 Make DODGE  
 Fuel DSL MSRP 46,000.00 Unladen Weight 11/11 Axles 2  
 Cylinders/Rotors 16 Gross Weight 61000 Length 11/11 County Based In WY  
 Date of Transaction 07/31/2012 Placard Number 1657802  
 Full Sale Price 442,250.00 Placard Expiration Date 08-30-12  
 Sales Tax Collected ☒ Yes ☐ No This transaction is a ☒ Sale ☐ Lease Rebuilt Vehicle? ☐ Yes ☒ No

Odometer Reading (as shown on apparatus) 4951 NO TENTHS☒ 1. Actual Miles☐ 2. The mileage stated is in excess of its mechanical limits.☐ 3. The odometer reading is not the actual mileage. WARNING - ODOMETER DISCREPANCY☐ 4. Exempt - Model year over 9 years old.

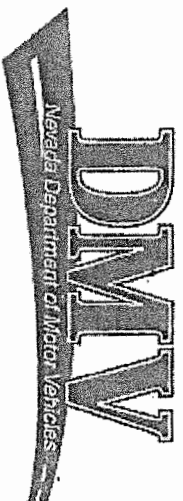
Sold to:

☐ andFull Legal Name CASH PROCESSING SERVICES LLC☒ orNevada Driver's License, Identification Card Number, or FEIN for businesses N/AFull Legal Name LANCE Leonard GILMANNevada Driver's License, Identification Card Number, or FEIN for businesses 0800486479Physical Address 5 WILD HORSE CANYON DR SPARKS NV 89434Mailing Address 5 WILD HORSE CANYON DR SPARKS NV 89434Lienholder/Lessor Name JPMORGAN CHASE BANK, N ANevada Driver's License, Identification Card Number, or FEIN for businesses 13-4994650Address PO BOX 901098 FORT WORTH TX 76101-2098Seller's Business Name RENO DODGE SALES, INC.DMV Business License Number W219Mailing Address 700 KIETZKE LANE RENO NV 89502Authorized Representative Printed Name Kristy KellerAuthorized Representative Signature Kristy Keller

Purchaser: This form is required to obtain registration and license plates. You must maintain either motor

- be or qualified self-insured for a motor vehicle, in the registered owner's name, for the entire time the vehicle is registered in Nevada. THE VEHICLE MUST BE INSURED BY AN INSURANCE COMPANY LICENSED IN THE STATE OF NEVADA.
- not be accepted. Trailers are exempt from insurance requirements.
- suspension and reinstatement fees and fines, you must cancel your registration certificate and license plates prior to canceling your plates. Remove your plates if you sell this vehicle. If you do not officially transfer these plates to another vehicle owned by you, you must return them to the Department within 60 days.
- this certificate, or a legible copy, in the vehicle. Immediately apply for a duplicate if your registration certificate or license plates/decals are lost, stolen, or illegible. Keep evidence of Nevada Insurance in the motor vehicle at all times.
- Notify the Department of Motor Vehicles within 30 days of moving to a new address.
- Reinstatement fees for an insurance lapse range from \$250 to \$750 and fines ranging from \$250 to \$1,000 are assessed on a tiered basis on the length of the lapse and the history of previous violations.

Fold Here



Issue Date : 05/25/2012    OP : 2726  
 Plate Style : SUNSET  
 Plate Background : SUNSET

Expires : 05/25/2013  
 Decal Number : S45609

License Number	Year	Make	Type	Model Name	Cyl	MSRP	Fuel	Axle	Decl	Weight	Unladen
586PUC	1989	CADILLAC	PCP	ELDORADO	08	\$27,288.00	G	2	0		
Vehicle Identification Number				County Based							
				STOREY							

GILMAN, LEONARD LANCE  
 5 WILD HORSE DR  
 SPARKS NV 89434-9701



4. Firmly rub decal with heavy press

only. Legal ownership is shown on the certificate of title.

or qualified self-insurer) for a motor vehicle, in the registered owner's name, for the entire time the vehicle is registered/or Nevada. THE VEHICLE MUST BE INSURED BY AN INSURANCE COMPANY LICENSED IN THE STATE OF NEVADA. Out-of-state insurance will not be accepted. Trailers are exempt from insurance requirements. And suspension and reinstatement fees and fines, you must cancel your registration certificate and license plates prior to canceling your registration. Remove your plates if you sell this vehicle. If you do not officially transfer these plates to another vehicle owned by you, you must surrender your license plates to the Department within 60 days.

Carry this certificate, or a legible copy, in the vehicle. Immediately apply for a duplicate if your registration certificate or license plates/decals are lost, mutilated, or illegible. Keep evidence of Nevada insurance in the motor vehicle at all times.

- Notify the Department of Motor Vehicles within 30 days of moving to a new address.
- Reinstatement fees for an insurance lapse range from \$250 to \$750 and fines ranging from \$250 to \$1,000 are assessed on a tiered system based on the length of the lapse and the history of previous violation(s).

Fold Here



Issue Date : 05/25/2012 OP : 2726

Plate Style : SUNSET

Plate Background : SUNSET

Expires : 05/25/2013

Decal Number : S45610

License Number	Year	Make	Type	Model Name	Cyl	MSRP	Fuel	Axle	Decl Weight	Unl'dn Weight
970YCS	1957	CHEVROLPRD		CORVET	08	\$1,800.00	G		0	0

Vehicle Identification Number

County Based  
STOREY

GILMAN, LEONARD LANCE  
5 WILD HORSE DR  
SPARKS NV 89434-9701



This certificate shows registered ownership only. Legal ownership is shown on the certificate of title.

**You Must:**

- Maintain security (insurance or qualified self-insurer) for a motor vehicle, in the registered owner's name, for the entire time the vehicle is registered/or should be registered in Nevada. The vehicle must be insured by an insurance company licensed in the State of Nevada. Out-of-state insurance will not be accepted. Keep evidence of Nevada insurance in the motor vehicle at all times. Trailers are exempt from insurance requirements.
- In order to avoid suspension and reinstatement fees and fines, you must cancel your registration certificate and license plates prior to canceling your insurance. Remove your plates if you sell this vehicle. If you do not officially transfer these plates to another vehicle owned by you, you must surrender the license plates to the Department within 60 days.
- Carry this certificate, or a legible copy, in the vehicle. Immediately apply for a duplicate if your registration certificate or license plates/decals are lost, mutilated, or illegible. If your plates are stolen report to the DMV and law enforcement immediately.
- Notify the Department of Motor Vehicles within 30 days of moving to a new address.
- Reinstatement fees for an insurance lapse range from \$250 to \$750, and fines ranging from \$250 to \$1,000 are assessed on a tiered system based on the length of the lapse and the history of previous violation(s). Fold Here



Issue Date : 12/05/2012 OP : 1282

Plate Style : SUNSET

Plate Background : SUNSET

Expires : 12/05/2013

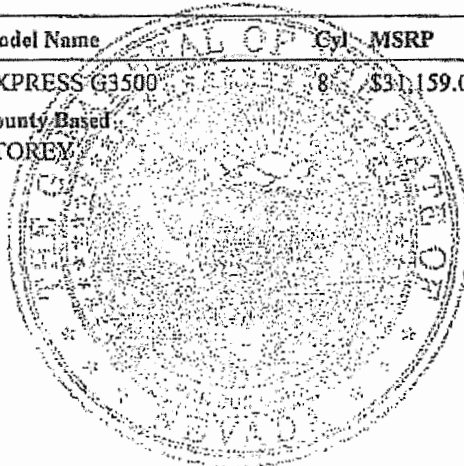
Decal Number : 45662A

License Number	Year	Make	Type	Model Name	Cyl	MSRP	Fuel	Axle	Decl Weight	Unltn Weight
613YNZ	2005	CHEVROLET		EXPRESS G3500	8	\$31,159.00	G	2	8500	0

Vehicle Identification Number

County Based  
STOREY

GILMAN, LEONARD LANCE  
5 WILD HORSE DR  
SPARKS NV 89434-9701



STATE OF NEVADA DEPARTMENT OF MOTOR VEHICLES  
REGISTRATION RENEWAL BY MAIL  
PO BOX 6900  
CARSON CITY, NEVADA 89702-6900

FIRST-CLASS MAIL  
AUTO  
U.S. POSTAGE PAID  
CARSON CITY, NV  
PERMIT NO. 15

icles



PLATE NO: 315VCH YEAR: 2005 MAKE: LINC  
LAST 4 VIN: 6056 EXPIRES: 02-14-2012  
ACCESS CODE: 43930268859570 SMOG - NOT REQUIRED  
REG FEE \$33.00 GOV SVCS TAX \$206.00

### Confirmation

by renewed:


There is no need to mail

TOTAL FEES \$239.00

GILMAN LEONARD LANCE  
5 WILD HORSE DR  
SPARKS NV 89434-9701

LUXOR 1 89434

VP250 (Rev 07/2011)

any documents or enter this information online.

Print this page for your records. Your Certificate of Registration and license plate decal will arrive by mail at the address of record within 7-10 days. If you elected to receive a confirmation notice by e-mail, you should receive your e-mail notice within 24 hours.

Thank you for using DMV Online Services.

Note: We welcome your comments or suggestions to improve the vehicle renewal system. If you need to make changes to your vehicle registration, please check our web site for the appropriate forms and instructions.

How would you rate the ease of use of our internet renewal system?

May we use your email address to send further DMV-related correspondence? (your email address will not be given to any other entity)

If so, at which email address would you like to be contacted?

If you have additional comments on the internet renewal system, please enter them below:





# ANNUAL LIST OF MANAGERS OR MANAGING MEMBERS AND REGISTERED AGENT AND STATE BUSINESS LICENSE APPLICATION OF:

CASH PROCESSING SERVICES, LLC

NAME OF LIMITED-LIABILITY COMPANY

FILE NUMBER

LLC1096-2004

FOR THE FILING PERIOD OF

JAN, 2013

TO

JAN, 2014

**\*\*YOU MAY FILE THIS FORM ONLINE AT [www.nvsos.gov](http://www.nvsos.gov)\*\***

The entity's duly appointed registered agent in the State of Nevada upon whom process can be served is:

\*110406\*

L. LANCE GILMAN  
5 WILD HORSE CANYON DRIVE  
SPARKS, NV 89434

A FORM TO CHANGE REGISTERED AGENT INFORMATION IS FOUND AT: [www.nvsos.gov](http://www.nvsos.gov)

Filed in the office of

Ross Miller  
Secretary of State  
State of Nevada

Document Number

20130061421-60

Filing Date and Time

01/29/2013 7:33 PM

Entity Number

LLC1096-2004

USE BLACK INK ONLY - DO NOT HIGHLIGHT

☐ Return one file stamped copy. (If filing not accompanied by order instructions, file stamped copy will be sent to registered agent.)

**IMPORTANT:** Read instructions before completing and returning this form.

1. Print or type names and addresses, either residence or business, for all manager or managing members. A Manager, or if none, a Managing Member of the LLC must sign the form. **FORM WILL BE RETURNED IF UNSIGNED.**
2. If there are additional managers or managing members, attach a list of them to this form.
3. Return completed form with the fee of \$125.00. A \$75.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 90 days before its due date shall be deemed an amended list for the previous year.
4. State business license fee is \$200.00. Effective 2/1/2010, \$100.00 must be added for failure to file form by deadline.
5. Make your check payable to the Secretary of State.
6. **Ordering Copies:** If requested above, one file stamped copy will be returned at no additional charge. To receive a certified copy, enclose an additional \$30.00 per certification. A copy fee of \$2.00 per page is required for each additional copy generated when ordering 2 or more file stamped or certified copies. Appropriate instructions must accompany your order.
7. Return the completed form to: Secretary of State, 202 North Carson Street, Carson City, Nevada 89701-4201, (775) 684-5708.
8. Form must be in the possession of the Secretary of State on or before the last day of the month in which it is due. (Postmark date is not accepted as receipt date.) Forms received after due date will be returned for additional fees and penalties. Failure to include annual list and business license fees will result in rejection of filing.

ANNUAL LIST FILING FEE: \$125.00 LATE PENALTY: \$75.00 BUSINESS LICENSE FEE: \$200.00 LATE PENALTY: \$100.00

**CHECK ONLY IF APPLICABLE AND ENTER EXEMPTION CODE IN BOX BELOW**

**NRS 76.020 Exemption Codes**

☐ Pursuant to NRS Chapter 76, this entity is exempt from the business license fee. Exemption code:

001 - Governmental Entity

005 - Motion Picture Company

006 - NRS 680B.020 Insurance Co.

**NOTE:** If claiming an exemption, a notarized Declaration of Eligibility form must be attached. Failure to attach the Declaration of Eligibility form will result in rejection, which could result in late fees.

NAME

L. LANCE GILMAN

(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)

☐ MANAGER

☒ MANAGING MEMBER

ADDRESS

6 WILD HORSE CANYON DRIVE, USA

CITY

SPARKS

STATE

NV

ZIP CODE

89434

NAME

(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)

☐ MANAGER

☐ MANAGING MEMBER

ADDRESS

CITY

STATE

ZIP CODE

NAME

(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)

☐ MANAGER

☐ MANAGING MEMBER

ADDRESS

CITY

STATE

ZIP CODE

NAME

(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)

☐ MANAGER

☐ MANAGING MEMBER

ADDRESS

CITY

STATE

ZIP CODE

I declare, to the best of my knowledge under penalty of perjury, that the above mentioned entity has complied with the provisions of NRS Chapter 76 and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

**X** TERRI TAYLOR

Title

CONTROLLER

Date

1/29/2013 7:33:29 PM

Signature of Manager or Managing Member

Nevada Secretary of State Annual List Man/Mem  
Revised: 3-9-12



# ANNUAL LIST OF MANAGERS OR MANAGING MEMBERS AND REGISTERED AGENT AND STATE BUSINESS LICENSE APPLICATION OF:

WILD HORSE SALOON, LLC, A NEVADA LIMITED LIABILITY COMPANY

NAME OF LIMITED-LIABILITY COMPANY

FILE NUMBER

LLC4967-2003

FOR THE FILING PERIOD OF APR, 2013 TO APR, 2014

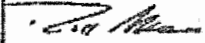
"YOU MAY FILE THIS FORM ONLINE AT [www.nvsos.gov](http://www.nvsos.gov)"

The entity's duly appointed registered agent in the State of Nevada upon whom process can be served is:

\*110405\*

L. LANCE GILMAN  
5 WILD HORSE CANYON DRIVE  
SPARKS, NV 89434

A FORM TO CHANGE REGISTERED AGENT INFORMATION IS FOUND AT: [www.nvsos.gov](http://www.nvsos.gov)

Filed in the office of  Ross Miller Secretary of State State of Nevada	Document Number <b>20130293163-40</b> Filing Date and Time <b>04/30/2013 6:31 PM</b> Entity Number <b>LLC4967-2003</b>
--	---

THIS DOCUMENT WILL BE REJECTED IF THE ABOVE SPACE IS FOR OFFICE USE ONLY

USE BLACK INK ONLY - DO NOT HIGHLIGHT

☐ Return one file stamped copy. (If filing not accompanied by order instructions, file stamped copy will be sent to registered agent.)

**IMPORTANT:** Read instructions before completing and returning this form.

- Print or type names and addresses, either residence or business, for all manager or managing members. A Manager, or if none, a Managing Member of the LLC must sign the form. **FORM WILL BE RETURNED IF UNSIGNED.**
- If there are additional managers or managing members, attach a list of them to this form.
- Return completed form with the fee of \$125.00. A \$75.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 90 days before its due date shall be deemed an amended list for the previous year.
- State business license fee is \$200.00. Effective 2/1/2010, \$100.00 must be added for failure to file form by deadline.
- Make your check payable to the Secretary of State.
- Ordering Copies:** If requested above, one file stamped copy will be returned at no additional charge. To receive a certified copy, enclose an additional \$30.00 per certification. A copy fee of \$2.00 per page is required for each additional copy generated when ordering 2 or more file stamped or certified copies. Appropriate instructions must accompany your order.
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ANNUAL LIST FILING FEE: \$125.00 LATE PENALTY: \$75.00 BUSINESS LICENSE FEE: \$200.00 LATE PENALTY: \$100.00

CHECK ONLY IF APPLICABLE AND ENTER EXEMPTION CODE IN BOX BELOW

☐ Pursuant to NRS Chapter 76, this entity is exempt from the business license fee. Exemption code:

NRS 76.020 Exemption Codes

- 001 - Governmental Entity
- 005 - Motion Picture Company
- 006 - NRS 680B.020 Insurance Co.

NOTE: If claiming an exemption, a notarized Declaration of Eligibility form must be attached. Failure to attach the Declaration of Eligibility form will result in rejection, which could result in late fees.

NAME L. LANCE GILMAN	(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)		
	<input checked="" type="checkbox"/> MANAGER	<input type="checkbox"/> MANAGING MEMBER	
ADDRESS 5 WILD HORSE CANYON DRIVE, USA	CITY SPARKS	STATE NV	ZIP CODE 89434
NAME	(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)		
	<input type="checkbox"/> MANAGER	<input type="checkbox"/> MANAGING MEMBER	
ADDRESS	CITY	STATE	ZIP CODE
NAME	(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)		
	<input type="checkbox"/> MANAGER	<input type="checkbox"/> MANAGING MEMBER	
ADDRESS	CITY	STATE	ZIP CODE
NAME	(DOCUMENT WILL BE REJECTED IF TITLE NOT INDICATED)		
	<input type="checkbox"/> MANAGER	<input type="checkbox"/> MANAGING MEMBER	
ADDRESS	CITY	STATE	ZIP CODE

I declare, to the best of my knowledge under penalty of perjury, that the above mentioned entity has complied with the provisions of NRS Chapter 76 and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X TERRI TAYLOR

Title

CONTROLLER

Date

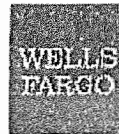
4/30/2013 6:30:48 PM

Signature of Manager or Managing Member

Nevada Secretary of State Annual List Manager/Member  
Revised: 3-9-12

# Wells Fargo Combined Statement of Accounts

Primary account number: 9473350990 ■ December 8, 2011 - January 9, 2012 ■ Page 1 of 5



L LANCE GILMAN  
6 WILD HORSE DR  
SPARKS NV 89434-9701

## Questions?

Available by phone 24 hours a day, 7 days a week:

**1-800-TO-WELLS** (1-800-868-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2832

TTY 1-800-268-2288 (6 am to 7 pm PT, M-F)

Online: [wellsfargo.com](http://wellsfargo.com)

Write: Wells Fargo Bank, N.A. (825)  
P.O. Box 6995  
Portland, OR 97228-6995

## You and Wells Fargo

Move money easily between your Wells Fargo accounts anytime via Wells Fargo Online Banking. Send money to another Wells Fargo customer's account. Even transfer money to or from your account at another U.S. bank\*. Go to [wellsfargo.com](http://wellsfargo.com) to sign up for Online Banking or sign on today.

\*Transfer subject to daily dollar limits. Fees may apply for transfers of funds from Wells Fargo to other financial institutions.

## Account options

A check mark in the box indicates you have these convenient services with your account. Go to [wellsfargo.com](http://wellsfargo.com) or call the number above if you have questions or if you would like to add new services.

Online Banking	<input checked="" type="checkbox"/>	Direct Deposit	<input type="checkbox"/>
Online Bill Pay	<input type="checkbox"/>	Rewards Program	<input type="checkbox"/>
Online Statements	<input checked="" type="checkbox"/>	Auto Transfer/Payment	<input type="checkbox"/>
Mobile Banking	<input type="checkbox"/>	Overdraft Protection	<input type="checkbox"/>
My Spending Report	<input checked="" type="checkbox"/>	Debit Card	<input type="checkbox"/>
		Overdraft Service	<input type="checkbox"/>

## Summary of accounts

### Checking and Savings

Account	Pago	Account number	Ending balance last statement	Ending balance this statement
Wells Fargo® Basic Checking	2	██████████	██████████	██████████
Wells Fargo® Basic Checking	3	██████████	██████████	██████████
Wells Fargo Value™ Checking	3	██████████	██████████	██████████
Total deposit accounts			██████████	██████████

# Wells Fargo Combined Statement of Accounts

Primary account number: 9473350990 ■ April 7, 2012 - May 7, 2012 ■ Page 1 of 5



L LANCE GILMAN  
5 WILD HORSE DR  
SPARKS NV 89434-9701

## Questions?

Available by phone 24 hours a day, 7 days a week:

**1-800-TO-WELLS** (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2932

華語 1-800-268-2288 (6 am to 7 pm PT, M-F)

Online: [wellsfargo.com](http://wellsfargo.com)

Write: Wells Fargo Bank, N.A. (825)  
P.O. Box 6995  
Portland, OR 97228-6995

## You and Wells Fargo

Thank you for being a Wells Fargo customer. We appreciate your business and understand that you are entrusting us with your banking needs. Let us assist you in finding the right accounts and services to help you reach your financial goals. Please visit us online at [wellsfargo.com](http://wellsfargo.com), call us at the number at the top of your statement, or visit any Wells Fargo store - we'd love to hear from you!

## Account options

A check mark in the box indicates you have these convenient services with your account. Go to [wellsfargo.com](http://wellsfargo.com) or call the number above if you have questions or if you would like to add new services.

Online Banking	<input checked="" type="checkbox"/>	Direct Deposit	<input type="checkbox"/>
Online Bill Pay	<input type="checkbox"/>	Rewards Program	<input type="checkbox"/>
Online Statements	<input checked="" type="checkbox"/>	Auto Transfer/Payment	<input type="checkbox"/>
Mobile Banking	<input type="checkbox"/>	Overdraft Protection	<input type="checkbox"/>
My Spending Report	<input checked="" type="checkbox"/>	Debit Card	<input type="checkbox"/>
		Overdraft Service	<input type="checkbox"/>

## Summary of accounts

### Checking and Savings

Account	Pago	Account number	Ending balance last statement	Ending balance this statement
Wells Fargo® Basic Checking	2	██████████	██████████	██████████
Wells Fargo® Basic Checking	3	██████████	██████████	██████████
Wells Fargo Value™ Checking	4	██████████	██████████	██████████
Total deposit accounts			██████████	██████████

# NEVADA STATE BANK

THE DOOR TO YOUR FUTURE

P.O. Box 990 • Las Vegas, NV 89125-0990 | www.nsbank.com

## Statement of Accounts

Page 1 of 4

This Statement: April 4, 2012

Last Statement: March 5, 2012

0004312 01 AT 0.371 \*\*AUTO T3 0 2296 89434-970105

L LANCE GILMAN  
5 WILD HORSE DR  
SPARKS NV 89434-9701



### DIRECT INQUIRIES TO:

Redd Response  
24-hour Account Information:  
Las Vegas: 471-5600  
Reno: 337-2811  
1 (800) 462-3555 (outside local areas)

### Loan By Phone

Las Vegas: 399-Loan (5626)  
Reno: 851-8811  
1 (800) 789-4671 (outside local areas)



Fee Change Notice Effective 03/01/2012: Paper Statement fee: \$2.50 for each account not online or by e-mail. ATM Transfer fee for using an ATM other than a Nevada State Bank ATM: \$2.50. Deposited Item Return Fee: \$12.00. Telephone Transfer fee for transfers made by phone with a representative: \$5.00. Please visit a branch for more details.

### SUMMARY OF ACCOUNT BALANCES

Account Type	Account Number	Checking/Savings Ending Balance	Outstanding Balances Owed
Money Market Account			
Silver Advantage			
Total			

### MONEY MARKET ACCOUNT 540047308

Previous Balance	Deposits/Credits	Charges/Debits	Checks Processed	Ending Balance

### 2 DEPOSITS/CREDITS

Date	Amount	Description
03/12		
04/02		

### 3 CHARGES/DEBITS

Date	Amount	Description
03/12		
04/02		
04/04		

### 0 CHECKS PROCESSED

There were no transactions this period.

### AGGREGATE OVERDRAFT AND RETURNED ITEM FEES

	Total for This Period	Total Year-to-Date
Total Overdraft Fees		
Total Returned Item Fees		

To learn more about our other products and services that may lower the cost of managing account overdrafts or to discuss removing overdraft coverage from your account, please contact Customer Service or visit your local branch.



# Wells Fargo Value<sup>SM</sup> Checking

Account number: 7319984972 ■ July 9, 2013 - August 7, 2013 ■ Page 1 of 3



000334 1 AV 0.360 732946



L LANCE GILMAN  
5 WILD HORSE DR  
SPARKS NV 89434-9701

## Questions?

Available by phone 24 hours a day, 7 days a week:

**1-800-TO-WELLS** (1-800-869-3557)

TTY: 1-800-877-4833

En español: 1-877-727-2932

華語 1-800-288-2288 (6 am to 7 pm PT, M-F)

Online: wells Fargo.com

Write: Wells Fargo Bank, N.A. (825)  
P.O. Box 6995  
Portland, OR 97228-6995

## You and Wells Fargo

Thank you for being a loyal Wells Fargo customer. We value your trust in our company and look forward to continuing to serve you with your financial needs.

## Account options

A check mark in the box indicates you have these convenient services with your account. Go to wells Fargo.com or call the number above if you have questions or if you would like to add new services.

Online Banking	<input checked="" type="checkbox"/>	Direct Deposit	<input type="checkbox"/>
Online Bill Pay	<input checked="" type="checkbox"/>	Auto Transfer/Payment	<input type="checkbox"/>
Online Statements	<input type="checkbox"/>	Overdraft Protection	<input type="checkbox"/>
Mobile Banking	<input type="checkbox"/>	Debit Card	<input type="checkbox"/>
My Spending Report	<input checked="" type="checkbox"/>	Overdraft Service	<input type="checkbox"/>

## Activity summary

Beginning balance on 7/9  
Deposits/Additions  
Withdrawals/Subtractions  
Closing balance on 8/6

Account number: [REDACTED]

L LANCE GILMAN

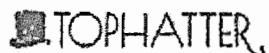
Nevada account terms and conditions apply

For Direct Deposit and Automatic Payments use  
Routing Number (RTN): [REDACTED]

## Overdraft Protection

This account is not currently covered by Overdraft Protection. If you would like more information regarding Overdraft Protection and eligibility requirements please call the number listed on your statement or visit your Wells Fargo store.

DDCAT1UTFT 000334 NNNNNNNNNN NNN NNN 001 002 825 001785 10641497.2

**Order Details:**

Order #: 18675800

Unique ID: AT-CF-DALA-PPL-K

Payment Date: November 20, 2016

Estimated Shipping Date: November 22, 2016

**Order Summary:**

Item #: 26031352

Item: 7 Piece Dala Tree Branch Print &

Embroidery Purple/Grey Comforter Set

Size: King, Color: Purple

Customer #: [REDACTED]

Customer: lance gilman

Price: [REDACTED]

Shipping: [REDACTED]

Total: [REDACTED]

**Shipping Information:**

lance Gilman

5 Wild Horse Canyon Drive

Sparks, NV 89434, USA

Your feedback is greatly appreciated!

Please review this product after you receive it here: <https://tophatter.com/invoices/18675800>.

Thanks again for your purchase,

Jimmy



P.O. Box 30006  
Reno, NV. 89520

RETURN SERVICE REQUESTED

Stmt Date: 08/15/18  
Admit Date: 08/06/18  
Discharge Date: 08/06/18

Responsible Party's Name: Leonard Lance Gilman  
Responsible Party's Phone: [REDACTED]

Patient Name: Gilman, Leonard Lance  
Medical Record #: [REDACTED]  
Patient Type: Outpatient  
Insurance: HOMETOWN HEALTH



114898-388

Account #: [REDACTED]  
Total Charges: [REDACTED]



LEONARD LANCE GILMAN  
5 WILD HORSE CYN  
SPARKS NV 89434-9701

INFORMATIONAL ONLY - THIS IS NOT A BILL

—Thank you for choosing Renown Regional Medical Center for your healthcare services.

A summary of charges for your recent service at Renown Regional Medical Center is noted below. You do not need to pay anything at this time on these charges.

Please validate the information listed in the top right corner of this letter. If corrections are needed, contact our business office at (775) 982-4130 or toll-free at (866) 691-0284 as soon as possible.

Important information to guide you through the billing process is noted on the back of this page.

SUMMARY OF CURRENT CHARGES

	Quantity	Charges
[REDACTED]	1	[REDACTED]
Total Charges		[REDACTED]





# Hawaiian Airlines® World Elite™ Mastercard® Statement

LEONARD L GILMAN

| Account Ending [REDACTED] | Statement Period 11/17/18-12/16/18 Page 1 of 6

## Account Activity

Previous Balance as of 11/17/18 [REDACTED]  
Payments [REDACTED]  
Fees Charged + [REDACTED]  
Interest Charged + [REDACTED]  
Statement Balance as of 12/16/18 = [REDACTED]

APR Details begin on page 3 in the Interest Charge Calculation section.

Transaction details begin on page 3.

## Credit Line

Total Revolving Credit Line [REDACTED]  
Includes \$600.00 cash advance line  
Available Revolving Credit Line [REDACTED]  
as of 12/16/18  
Available for cash advances \$600.00

## HawaiianMiles Summary

Total HawaiianMiles Sent to Hawaiian Airlines 0

For details see page 5

## Payment Information

Statement Balance: [REDACTED]  
Minimum Payment Due: None  
Payment Due Date: 01/13/19

Late Payment Warning: If we do not receive your minimum payment by the date listed above, you may have to pay a late fee of up to \$37.00.

Minimum Payment Warning: If you make only the minimum payment each period, you will pay more in interest and it will take you longer to pay off your balance. For example:

If you make no additional charges using this card and each month you pay...	You will pay off the balance shown on this statement in about...	And you will end up paying an estimated total of...
Only the minimum payment	0 months	[REDACTED]

If you would like information about credit counseling services, please call 800-570-1392.

Repayment information based on activity and APR's on your account as of the closing date.

**SEE INSIDE:** You may have additional important messages inside.

NOTICE: SEE REVERSE SIDE OR END OF STATEMENT FOR IMPORTANT INFORMATION.

## Payment Coupon

Ways to pay: HawaiianCreditCard.com Barclays Mobile App 866-250-2878 PAYMENT DUE BY 7 PM PHONE & ONLINE

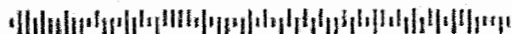
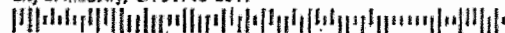


Statement Balance as of 12/16/18: (account ending [REDACTED])  
Minimum Payment Due: [REDACTED]  
Payment Due Date: 01/13/19

Amount Enclosed: \$ [REDACTED]  
Make check payable to Barclays. Allow 7-10 days for USPS delivery.

MB 01 007122 89481 B 01 B  
LEONARD L GILMAN  
5 WILD HORSE CYN  
SPARKS NV 89434-9701

Barclays  
P.O. Box 60517  
City of Industry, CA 91716-0517



Check for address, email and phone changes. Complete form on the back.

53780000005337140000000000000000



□ +

000355


DEAR LANCE GILMAN  
**JCPenney**  
**Order Summary**

LANCE GILMAN  
 5 WILD HORSE CYN  
 SPARKS NV 89434

**jcp.com**  
 1-800-322-1189

Thank you for shopping JCPenney.

Invoice No. [REDACTED] Date Invoiced July 11, 2018 Shipped via UPS JCPenney Store 0478-8

Qty	Item Number	Item Description	Price	Tax	For Office Use Only:
		Merchandise total	[REDACTED]		
		Tax on mdse 8.26%	[REDACTED]		
		Invoice total	[REDACTED]		
					

\$378.87 has been charged to your VISA account.

PAGE 2

**Exchanges & Returns**

We hope everything is 100% satisfactory. If something is not right, please use this form for Exchanges or Returns. Instructions and Reason Codes are on the other side.

Invoice No. [REDACTED] Date Invoiced July 11, 2018 Shipped via UPS JCPenney Store 0478-8

Return Code	Qty	Item Number	Item Description	Price	Tax	For Office Use Only:
			Merchandise total	[REDACTED]		
			Tax on mdse 8.28%	[REDACTED]		
			Invoice total	[REDACTED]		

775-412-5999

Terms VISA 3208

1Z8861540362763089

PAGE 2

Americas Auction Channel is now on Fios Channel 179



**AACTV**  
2560 5th Ave N  
Saint Petersburg, FL 33713

Dish\_Network  
paid [REDACTED] Visa  
[REDACTED]  
Print

**FREE  
SHIPPING**

REPRINT (3)

Shipping Address

Billing Address  
LANCE L GILMAN  
5 WILD HORSE CANYON DR  
SPARKS NV 89434  
US

LANCE L GILMAN  
5 WILD HORSE CANYON DR  
SPARKS NV 89434  
US

1 727-220-2205

Items are attached to the invoice



\*18102719011244\*

Invoice Number [REDACTED]

Invoice Date Saturday Oct-27-2018

Customer ID [REDACTED]

\*\*\*\*\* Please include gift boxes for all purchases \*\*\*\*\*

Itemnumber	Item Detail (Summary Only Full Descriptions on subsequent pages)	Qty	Price	Premium	Total
317447	18KY Estate Tiffany & Company Cuff Links	1	[REDACTED]	0.00	[REDACTED]

Payment History (Jeremiahs International Merchant #434836517889)

2018-10-31 VISA \$1,405.20 APPROVED Successful. The street address and postal code matched. [Y] ☐  
AU\_00863D

Order Subtotal: [REDACTED]  
Shipping/Handling: \$4.70  
FL Sales Tax \$0.00  
Coupons -\$0.00  
Grand Total [REDACTED]  
Payments [REDACTED]



Dan Dexter Ins Agcy  
1111 Steamboat #450  
Reno NV 89521

Information as of November 21, 2018

Policyholder(s)

Page 1 of 2

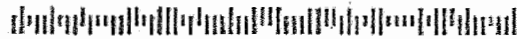
Lance Gilman

Policy number

Your Allstate agency is

(775) 851-0101

DanDexter@allstate.com



LANCE GILMAN  
5 WILD HORSE CANYON DR  
SPARKS NV 89434-9701

**Thank you for being a loyal Allstate customer—we're happy to have you with us!**

Here's your Landlords Package insurance renewal offer for the next 12 months. We've also included a guide to what's in this package and answers to some common questions.

**Renewing your policy is easy**

Keep an eye out for your bill, which should arrive in a couple of weeks. Just send your payment by the due date on your bill. If you're enrolled in the Allstate® Easy Pay Plan, you won't receive a bill—we'll send you a statement with your payment withdrawal schedule. You also won't receive a bill if a mortgage company or lienholder pays your insurance premium for you.

**How to contact us**

Give your Allstate Agent a call at (775) 851-0101 if you have any questions. It's our job to make sure you're in good hands.

Sincerely,

Julie Parsons  
President, Allstate Indemnity Company


RP378-4



Form **872**  
(Rev. July 2014)

Department of the Treasury-Internal Revenue Service

**Consent to Extend the Time to Assess Tax**

In reply refer to:  
**SBSE**  
TIN 

**L LANCE GILMAN**

(Name(s))

taxpayer(s) of **5 WILD HORSE CANYON DRIVE, SPARKS NV 89434-9701**

(Address)

and the Commissioner of Internal Revenue consent and agree to the following:

(1) The amount of any Federal **INCOME** tax due on any return(s) made by or  
(Kind of tax)

for the above taxpayer(s) for the period(s) ended

**DECEMBER 31, 2014**

may be assessed at any time on or before **February 28, 2019** If a provision  
(Expiration date)

of the Internal Revenue Code suspends the running of the period of limitations to assess such tax, then, when, under the Internal Revenue Code, the running of the period resumes, the extended period to assess will include the number of days remaining in the extended period immediately before the suspension began.

(2) The taxpayer(s) may file a claim for credit or refund and the Service may credit or refund the tax within 6 months after this agreement ends, except with respect to the items in paragraph (4).

(3) Paragraph (4) applies only to any taxpayer who holds an interest, either directly or indirectly, in any partnership subject to subchapter C of chapter 63 of the Internal Revenue Code.

(4) Without otherwise limiting the applicability of this agreement, this agreement also extends the period of limitations for assessing any tax (including penalties, additions to tax and interest) attributable to any partnership items (see section 6231 (a)(3)), affected items (see section 6231 (a)(5)), computational adjustments (see section 6231 (a)(6)), and partnership items converted to nonpartnership items (see section 6231 (b)). Additionally, this agreement extends the period of limitations for assessing any tax (including penalties, additions to tax, and interest) relating to any amounts carried over from the taxable year specified in paragraph (1) to any other taxable year(s). This agreement extends the period for filing a petition for adjustment under section 6228 (b) but only if a timely request for administrative adjustment is filed under section 6227. For partnership items which have converted to nonpartnership items, this agreement extends the period for filing a suit for refund or credit under section 6532, but only if a timely claim for refund is filed for such items.

(5) This Form contains the entire terms of the Consent to Extend the Time to Assess Tax. There are no representations, promises, or agreements between the parties except those found or referenced on this Form.

**INTERNAL REVENUE SERVICE  
RECEIVED**

**JUL 09 2018**

**SB/SE WESTERN AREA EXAMINATION  
RENO NEVADA**

**Your Rights as a Taxpayer**

You have the right to refuse to extend the period of limitations or limit this extension to a mutually agreed-upon issue(s) or mutually agreed-upon period of time. *Publication 1035, Extending the Tax Assessment Period*, provides a more detailed explanation of your rights and the consequences of the choices you may make. If you have not already received a Publication 1035, the publication can be obtained, free of charge, from the IRS official who requested that you sign this consent or from the IRS' web site at [www.irs.gov](http://www.irs.gov) or by calling toll free at 1-800-TAX-FORM (1-800-829-3676). Signing this consent will not deprive you of any appeal rights to which you would otherwise be entitled.

(Space for signature is on the back of this form and signature instructions are attached)



Department of the Treasury  
Internal Revenue Service  
Small Business and Self-Employed  
300 Booth St  
Reno NV 89509

L LANCE GILMAN  
5 WILD HORSE CANYON DRIVE  
SPARKS NV 89434-9701

Date: FEB 13 2019

Taxpayer ID number (last 4 digits):

Tax year:

December 31, 2014

December 31, 2015

December 31, 2016

Form number:

1040

Person to contact:



**EXHIBIT “4”**



## Basic Banking

Account Details - District Court Holdings Storey  
5053070644

Welcome Dore Nevin  
Group All Accounts  
Date Printed 31-Mar-2021, 01:23 PM PT

## Balances

Opening Day Balance 19,198.08 USD As of 03/31/2021  
Available Balance 19,198.08 USD  
Interest Earned This Period 2.53 USD  
Interest Paid Year to Date 4.86 USD

## Account Activity - All Transactions; All Available History

Date	Description	Amount USD
02/28/2021	INTEREST PAYMENT	2.32
02/17/2021	ONLINE TRANSFER APPEAL BOND FLANAGAS REF #BB09V4B4ZK	500.00

[Privacy, Security & Legal](#)

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**Thank you for your payment!**

This service has been provided by Storey County, NV and Point & Pay. We value your business. Please keep this receipt for future reference.

You have made a payment to Storey County, NV , your payment was processed at Clerk-Treasurer office . Storey County Thanks You for your payment.

**Name:** GUS W FLANGAS  
**Address:** 3275 S JONES BL STE 105, LAS VEGAS NV, US, 89146  
**Contact:** 7023079500  
**Comments:**

**Payment ID:** 87982651  
**Date:** 01/27/21 02:28 PM  
**Subtotal:** \$500.00  
**Fee:** \$15.00  
**Total:** \$515.00  
**Method:** Credit Card(\*\*\*\*\*5006)

Item Purchased	Transaction Description	Account	Amount
Clerk Fees	Storey Co Clerk	District Court	\$500.00

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_  
By signing this receipt you agree to the terms and conditions of this service.

You will see one line item on your credit or debit card statement indicating the amount you paid and will be identified as *Storey Co Clerk* . If you have any questions about the charges please call 1-888-891-6064.

[Print Receipt](#) [Close Window](#)

**EXHIBIT "5"**

IN THE SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK

LANCE GILMAN,  
Appellant,  
vs.  
SAM TOLL,  
Respondent.

**Supreme Court No. 81874**  
District Court Case No. 18TRT000011E

**NOTICE OF REFERRAL TO SETTLEMENT PROGRAM AND SUSPENSION  
OF RULES**

TO: Luke A. Busby  
John L. Marshall  
Flangas Dalacas Law Group, Inc. \ Gus W. Flangas, Jessica K. Peterson

This notice is to inform you that this appeal may be assigned to the court's Settlement Program. See NRAP 16(a). The issuance of this notice automatically stays the time for filing a request for transcripts under NRAP 9, and for filing briefs under NRAP 31. See NRAP 16(a)(1).

The docketing statement must be filed and served within 21 days of the date of this notice. This timeline is not stayed by this notice.

DATE: October 19, 2020

Elizabeth A. Brown, Clerk of Court

By: Sally Williams  
Settlement Program Administrative Coordinator

Notification List

Electronic  
Flangas Dalacas Law Group, Inc. \ Gus W. Flangas  
Flangas Dalacas Law Group, Inc. \ Jessica K. Peterson  
Luke A. Busby  
John L. Marshall

## IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

No. \_\_\_\_\_

### DOCKETING STATEMENT CIVIL APPEALS

#### GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

#### WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District \_\_\_\_\_ Department \_\_\_\_\_  
County \_\_\_\_\_ Judge \_\_\_\_\_  
District Ct. Case No. \_\_\_\_\_

**2. Attorney filing this docketing statement:**

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Client(s) \_\_\_\_\_

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Client(s) \_\_\_\_\_

Attorney \_\_\_\_\_ Telephone \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

Client(s) \_\_\_\_\_

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Judgment after bench trial         | <input type="checkbox"/> Dismissal:                                     |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction                           |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim                       |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute                           |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input type="checkbox"/> Other (specify): _____                         |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:                                |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify): _____             |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:



**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

**14. Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_

Was it a bench or jury trial? \_\_\_\_\_

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

## TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from \_\_\_\_\_

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59      Date of filing \_\_\_\_\_

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** \_\_\_\_\_

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

\_\_\_\_\_

**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

☐ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify) \_\_\_\_\_

(b) Explain how each authority provides a basis for appeal from the judgment or order:

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☐ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

\_\_\_\_\_  
Name of appellant

\_\_\_\_\_  
Name of counsel of record

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of counsel of record

\_\_\_\_\_  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature