

Electronically Filed
Oct 15 2020 09:46 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS

BRANDON L. PHILLIPS, ESQ
Nevada Bar No. 12264
BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC
1455 E. Tropicana Ave., Suite 750
Las Vegas, NV 89119
P: (702) 795-0097; F: (702) 795-0098
blp@abetterlegalpractice.com
Attorney for Plaintiff, Curtis Wilson

DISTRICT COURT

* * *

CLARK COUNTY, NEVADA

CURTIS WILSON, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a governmental agency,
POLICE OFFICER E. VONJAGAN, Badge
No. 16098, an employee of the Metropolitan
Police Department; POLICE OFFICER
TENNANT, Badge No. 9817, an employee of
the Metropolitan Police Department, and
DOES I through X,

Defendant(s).

CASE NO.: A-19-805368-C

DEPT. NO.: XXVI

NOTICE OF APPEAL

Please take notice that Plaintiff, CURTIS WILSON, (hereinafter referred to as "Plaintiff") by and through his attorney, BRANDON L. PHILLIPS, ESQ., of the law firm of BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC hereby appeals to the Supreme Court of Nevada and/or the Appeals Court of the State of Nevada from:

1. The Court's ORDER GRANTING DEFENDANTS' MOTION TO DISMISS (Exhibit 1 – Order entered September 14, 2020).

///

1 2. All rulings and interlocutory orders made appealable by any of the foregoing, including any
2 subsequent award of attorneys' fees.

3 DATED this 12th day of October, 2020.

4 **BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC**

5 /s/ Brandon L. Phillips, Esq.
6 BRANDON L. PHILLIPS, ESQ
7 Nevada Bar No. 12264
8 1455 E. Tropicana Ave., Suite 750
9 Las Vegas, NV 89119
10 P: (702) 795-0097; F: (702) 795-0098
11 blp@abetterlegalpractice.com
12 *Attorney for Plaintiff, Curtis Wilson*
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of October, 2020, the undersigned, employee of
Brandon L. Phillips, Attorney at Law, PLLC, served a true and correct copy of the **NOTICE OF**
APPEAL via the District Court's electric filing system through Odyssey and by depositing a copy of
the same in the United States Mail in an addressed sealed envelope, postage prepaid, to the following
addresses:

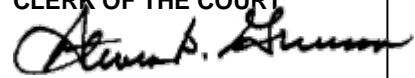
LYSSA S. ANDERSON
Nevada Bar No. 5781
RYAN W. DANIELS
Nevada Bar No. 13094
KAEMPFER CROWELL
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Fax: (702) 796-7181
landerson@kcnvlaw.com
rdaniels@kcnvlaw.com
Attorneys for Defendants
Las Vegas Metropolitan Police Department,
Officer E. Vojagan and Officer Tennant

/s/Robin Tucker
An employee of,
Brandon L. Phillips, Attorney at Law, PLLC

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Exhibit 1

Exhibit 1



NODP

LYSSA S. ANDERSON

Nevada Bar No. 5781

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Attorneys for Defendants

Las Vegas Metropolitan Police Department,

Officer E. Vojagan and Officer Tennant

DISTRICT COURT

CLARK COUNTY, NEVADA

CURTIS WILSON, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a governmental agency,
POLICE OFFICER E. VONJAGAN, Badge No.
16098, an employee of the Metropolitan Police
Department; POLICE OFFICER TENNANT,
Badge No. 9817, an employee of the
Metropolitan Police Department, and DOES I
through X,

Defendant.

Case No.: A-19-805368-C

Dept. No.: 26

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS MOTION
TO DISMISS [WITH PREJUDICE]**

PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANTS' MOTION
TO DISMISS [WITH PREJUDICE]** was entered by the Court in the above-referenced matter

///

///

///

1 on September 13, 2020, a true and correct copy of which is attached hereto.

2 DATED this 14th day of September, 2020.

3 KAEMPFER CROWELL

4
5 BY: /s/ Lyssa S. Anderson

6 LYSSA S. ANDERSON (Nevada Bar No. 5781)

7 RYAN W. DANIELS (Nevada Bar No. 13094)

8 1980 Festival Plaza Drive, Suite 650

9 Las Vegas, Nevada 89135

10 *Attorneys for Defendants*

11 *Las Vegas Metropolitan Police Department,*

12 *Officer E. Vojagan, and Officer Tennant*

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that service of the foregoing **NOTICE OF ENTRY OF ORDER**
3 **GRANTING DEFENDANTS MOTION TO DISMISS [WITH PREJUDICE]** was made this
4 date via the Eighth Judicial District Court's Odyssey E-File & Serve website, and to the
5 following via service as stated below:

6 Brandon L. Phillips, No. 12264
7 BRANDON L. PHILLIPS, ATTORNEY AT LAW
8 1455 E. Tropicana Ave., Suite 750
9 Las Vegas, Nevada 89119

10 *Attorneys for Plaintiff*

11 DATED this 14th day of September, 2020.

12 */s/ Bonnie Jacobs*

13 _____
14 an employee of Kaempfer Crowell
15
16
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1 **OGM**

2 LYSSA S. ANDERSON

3 Nevada Bar No. 5781

4 RYAN W. DANIELS

5 Nevada Bar No. 13094

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11 landerson@kcnvlaw.com

12 rdaniels@kcnvlaw.com

13 *Attorneys for Defendants*

14 *Las Vegas Metropolitan Police Department,*

15 *Officer E. Vojagan and Officer Tennant*

DISTRICT COURT

CLARK COUNTY, NEVADA

16 CURTIS WILSON, an individual,

17 Plaintiff,

18 vs.

19 LAS VEGAS METROPOLITAN POLICE

20 DEPARTMENT, a governmental agency,

21 POLICE OFFICER E. VONJAGAN, Badge No.
16098, an employee of the Metropolitan Police

22 Department; POLICE OFFICER TENNANT,
Badge No. 9817, an employee of the

23 Metropolitan Police Department, and DOES I
through X,

24 Defendant.

Case No.: A-19-805368-C

Dept. No.: 26

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS**

Hrg date: August 4, 2020

Hrg time: 9:30 a.m.

25 The Court heard oral arguments on Defendants' motion to dismiss under NRCP 12(b)(5)
26 and NRS 11.190 on August 4, 2020 at 9:30 a.m. Ryan Daniels argued on behalf of the LVMPD
27 Defendants and Brandon Phillips argued on behalf of the Plaintiff. Having reviewed the papers
28 and pleadings on file, the various points and authorities in support of the motion, and oral
29 argument by counsel for Defendants and Plaintiff, the Court makes the following Findings of

Fact and Conclusions of Law:

FINDINGS OF FACT

1. Plaintiff Curtis Wilson’s First Amended Complaint (“FAC”) is based upon an August 22, 2017 interaction with LVMPD Officers Vonjagen and Tennant following Wilson’s improper lane change. FAC at ¶¶ 15-16.

2. The FAC states that after his interaction with Officers Vonjagen and Tennant, Wilson “filed a Complaint with the Las Vegas Metropolitan Police Department” on October 5, 2017. FAC at ¶40.

3. Wilson filed his initial complaint on November 13, 2019.

CONCLUSIONS OF LAW

1. Each of Wilson’s three claims against the LVMPD defendants—battery, false imprisonment, and negligence—are subject to a two year statute of limitations period. *See* NRS 11.190(4)(c)&(e).

2. “Statutes of limitation foreclose suits after a fixed period of time following occurrence or discovery of an injury.” *Allstate Ins. Co. v. Furgerson*, 104 Nev. 772, 766 P.2d 904 at FN. 2 (1988).

3. Wilson’s claims accrued on August 22, 2017 and the statute of limitations began to run on that date.

4. Since Wilson did not file his initial complaint until November 13, 2019—several months after the two year statute of limitations had run—his claims are barred by the statute of limitations.

5. Wilson argues that the statute of limitations was tolled while Wilson pursued the complaint process with the Citizen’s Review Board (CRB). However, the statute was not tolled for the following reasons:

1 6. First, tolling does not apply where administrative action is not required.

2 7. In *Siragusa v. Brown*, 114 Nev. 1384, 971 P.2d 801 (1998), the Nevada Supreme Court
3 stated that “cases tolling the statutes of limitations during the pendency of other proceedings are
4 limited to their facts and have no broader application in the instant case.” *Id.* at 808 n.7.
5 Important to this case, the Supreme Court specifically referenced *State Department of Human*
6 *Resources v. Shively*, 110 Nev. 316, 871 P.2d 355 (1994) and stated that the decision in *Shively*
7 to toll the statute of limitations relied upon the fact that the state was “*required* to pursue
8 administrative action” and the “*law favored* resolution in that forum.” *Siragusa*, 971 P. 2d at 808.

9 8. The CRB is neither an administrative agency nor an administrative court. Instead, it
10 “act[s] as an advisory body to [the police department], and to inform the public of [the citizen
11 review board’s] recommendations to the extent permitted by law.” *Las Vegas Police Protective*
12 *Ass’n Metro, Inc. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 122 Nev. 230, 234, 130
13 P.3d 182, 186 (2006).

14 9. The CRB’s review only pertains to whether an LVMPD employee engaged in a violation
15 of a LVMPD policy. If such a policy violation is found, the CRB can make recommendations to
16 LVMPD about potential discipline, additional training, or potential policy changes.

17 10. The CRB does not and cannot make a determination that the law was violated, that a
18 complainant is entitled to legal damages, or provide any type of legal remedy to a complainant.
19 In other words, nothing the CRB could do would be a legal resolution or remedy which could
20 have any bearing on a civil law suit.

21 11. Second, tolling in this case is inconsistent with the legislative intent for the CRB.

22 12. NRS 289 governs the creation of advisory review boards in the State of Nevada. *See e.g.*,
23 NRS 298.380; NRS 298.383. Advisory review boards, such as the Citizen Review Board, cannot
24 “abridge the rights of a peace officer, school police officer, constable or deputy of a constable

1 that are granted pursuant to a collective bargaining agreement, a contract or any federal or state
2 statute or regulation.” NRS 289.385(2).

3 13. The advisory boards of this state may not abridge the rights of LVMPD (or its officers) to
4 assert the applicable statute of limitation nor does it modify, toll, or otherwise impact the
5 application of the statute of limitations.

6 14. Further, nothing in the Clark County Code of Ordinances Chapter 2.62 indicates that
7 tolling of the statute of limitations was contemplated. *See* Clark County Code of Ordinances
8 Chapter 2.62.

9 15. In addition, Las Vegas Municipal Code Chapter 2.64 likewise fails to include any
10 indication that the statute of limitations for a civil action against LVMPD or an officer be tolled.
11 *See* Las Vegas Municipal Code Chapter 2.64.

12 16. Allowing tolling of the statute of limitations while an advisory board considers possible
13 policy violations would abridge the rights of LVMPD and its police officers.

14 17. Third, Wilson did not act reasonably when he delayed filing his lawsuit.

15 18. The CRB website has information concerning its operations, its jurisdiction, and other
16 resources to explain what it does¹. The website contains a link to a video which describes its
17 complaint process.

18 19. In the video, the CRB specifically advises potential complainants that pursuing a
19 complaint with the CRB is not the same as exercising their legal rights in a court of law and that
20 the legal process is not affected by the filing at the CRB.

21 ///

22 ///

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24 ¹ <https://citizenreviewboard.com>

1 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the
2 LVMPD Defendants' Motion to Dismiss is **GRANTED** in its entirety and all claims against the
3 LVMPD Defendants are dismissed with prejudice.

4 **IT IS SO ORDERED.**

5 DATED this ____ day of _____, 2020.

Dated this 13th day of September, 2020



DISTRICT COURT JUDGE
C4A 8A4 F7BB 26D5
Gloria Sturman
District Court Judge

7 Respectfully Submitted,
8
9 KAEMPFER CROWELL

/s/ Ryan Daniels

10 _____
11 LYSSA S. ANDERSON (Nevada Bar No. 5781)
12 RYAN W. DANIELS (Nevada Bar No. 13094)
13 1980 Festival Plaza Drive, Suite 650
14 Las Vegas, Nevada 89135
15 Attorneys for Defendant
16 *Attorneys for Defendants*
17 *Las Vegas Metropolitan Police Department,*
18 *Officer E. Vojagan and Officer Tennant*

15 Approved as to form and content,

16 /s/ Brandon L. Phillips

17 _____
18 Brandon L. Phillips, No. 12264
19 BRANDON L. PHILLIPS, ATTORNEY AT LAW
20 1455 E. Tropicana Ave., Suite 750
21 Las Vegas, Nevada 89119

Attorneys for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Curtis Wilson, Plaintiff(s)

CASE NO: A-19-805368-C

7 vs.

DEPT. NO. Department 26

8 Las Vegas Metropolitan Police
9 Department, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order of Dismissal and Order Closing Case was served via the court's
14 electronic eFile system to all recipients registered for e-Service on the above entitled case as
listed below:

15 Service Date: 9/13/2020

16 Lyssa Anderson

landerson@kcnvlaw.com

17 Ryan Daniels

rdaniels@kcnvlaw.com

18 Wendy Applegate

wapplegate@kcnvlaw.com

19 Brandon Phillips

blp@abetterlegalpractice.com

20 Kenia Gutierrez

kgutierrez@abetterlegalpractice.com

21 Keith Grimes

keith@kagrimes.com

22 Bonnie Jacobs

bjacobs@kcnvlaw.com

23 Robin Tucker

rtucker@abetterlegalpractice.com

24 Kristopher Kalkowski

kkalkowski@kcnvlaw.com

25
26
27
28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-19-805368-C****Curtis Wilson, Plaintiff(s)****vs.****Las Vegas Metropolitan Police Department, Defendant(s)**§
§
§
§
§Location: **Department 26**Judicial Officer: **Sturman, Gloria**Filed on: **11/13/2019**Cross-Reference Case **A805368**

Number:

CASE INFORMATION**Statistical Closures**

09/13/2020 Motion to Dismiss by the Defendant(s)

Case Type: **Intentional Misconduct**Case Status: **09/13/2020 Dismissed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-19-805368-C
Court	Department 26
Date Assigned	11/13/2019
Judicial Officer	Sturman, Gloria

PARTY INFORMATION**Plaintiff****Wilson, Curtis***Lead Attorneys***Phillips, Brandon L***Retained*

702-795-0097(W)

Defendant**Las Vegas Metropolitan Police Department****Daniels, Ryan W.***Retained*

702-952-5200(W)

Police Officer E. Vojagan Badge No 16098

Removed: 09/13/2020

Dismissed

Daniels, Ryan W.*Retained*

702-952-5200(W)

TENNANT Badge No. 9817 Police Officer

Removed: 09/13/2020

Dismissed

Daniels, Ryan W.*Retained*

702-952-5200(W)

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

11/13/2019



Initial Appearance Fee Disclosure

Filed By: Plaintiff Wilson, Curtis

Initial Appearance Fee Disclosure

11/13/2019



Complaint

Filed By: Plaintiff Wilson, Curtis

Complaint

11/14/2019



Summons Electronically Issued - Service Pending

Party: Plaintiff Wilson, Curtis

Summons

11/27/2019
















Summons

Filed by: Plaintiff Wilson, Curtis

SUMMONS

CASE SUMMARY

CASE NO. A-19-805368-C

12/27/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS</i>
12/27/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS</i>
12/27/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS</i>
04/30/2020	 First Amended Complaint Filed By: Plaintiff Wilson, Curtis <i>First Amended Complaint</i>
06/01/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS - LVMPD</i>
06/01/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS - Vojagan</i>
06/01/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS - Tennant</i>
06/02/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS - Tennant</i>
06/02/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS - Vojagan</i>
06/02/2020	 Summons Electronically Issued - Service Pending Party: Plaintiff Wilson, Curtis <i>SUMMONS - LVMPD</i>
06/04/2020	 Summons Filed by: Plaintiff Wilson, Curtis <i>SUMMONS - LVMPD</i>
06/04/2020	 Summons Filed by: Plaintiff Wilson, Curtis <i>SUMMONS - VOJAGAN</i>
06/04/2020	 Summons Filed by: Plaintiff Wilson, Curtis <i>SUMMONS - TENNANT</i>
06/25/2020	

CASE SUMMARY


CASE NO. A-19-805368-C

	 Motion to Dismiss Filed By: Defendant Las Vegas Metropolitan Police Department; Defendant Police Officer E. Vojagan Badge No 16098; Defendant TENNANT Badge No. 9817 Police Officer <i>Defendants' Motion to Dismiss</i>
06/26/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/21/2020	 Opposition to Motion to Dismiss Filed By: Plaintiff Wilson, Curtis <i>Opposition to Motion to Dismiss</i>
07/28/2020	 Reply in Support Filed By: Defendant Las Vegas Metropolitan Police Department; Defendant Police Officer E. Vojagan Badge No 16098; Defendant TENNANT Badge No. 9817 Police Officer <i>Reply in Support of Defendants' Motion to Dismiss</i>
07/29/2020	 Notice of Hearing <i>Instructions for Bluejeans Videoconference</i>
07/31/2020	 Notice of Telephonic Hearing Filed by: Plaintiff Wilson, Curtis <i>Notice of Telephonic Hearing</i>
08/04/2020	 Notice of Hearing <i>Instructions for Bluejeans Videoconference</i>
09/13/2020	 Order of Dismissal and Order Closing Case <i>ORDER GRANTING DEFENDANTS' MOTION TO DISMISS</i>
09/14/2020	 Notice of Entry of Order for Dismissal With Prejudice Filed By: Defendant Las Vegas Metropolitan Police Department <i>Notice of Entry of Order (for Dismissal [With Prejudice])</i>
10/12/2020	 Notice of Appeal Filed By: Plaintiff Wilson, Curtis <i>NOTICE OF APPEAL</i>

DISPOSITIONS

09/13/2020 **Order of Dismissal With Prejudice** (Judicial Officer: Sturman, Gloria)
Debtors: Curtis Wilson (Plaintiff)
Creditors: Las Vegas Metropolitan Police Department (Defendant), Police Officer E. Vojagan Badge No 16098 (Defendant), TENNANT Badge No. 9817 Police Officer (Defendant)
Judgment: 09/13/2020, Docketed: 09/14/2020

HEARINGS


07/30/2020  **Minute Order** (3:00 AM) (Judicial Officer: Sturman, Gloria)
Minute Order - No Hearing Held;
Journal Entry Details:

On June 16, 2020 Plaintiff submitted an Ex Parte Order Shortening Time to the Department s Order In Box. As requests to extend time for service can be considered ex parte the OST was not signed with the intention that it was to be returned with a request to re-file as an Ex Parte Request with a Proposed Order Granting the Motion. Under the Covid-19 procedures outlined in Administrative Order 20- 10, superseded by Administrative Order 20-17, this Department has liberally applied NRCP 4(e)(3) and considered the factors outlined in Saavedara-Sandoval

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-805368-C

	<p><i>v Walmart Stores 245 P.3d 1198 (2010) to grant extensions of time; the original Order Shortening Time was inadvertently not returned as intended. THEREFORE, the COURT will consider the Order Shortening Time submitted on June 16, 2020 to have been an Ex Parte request to extend time for service of process, AND FINDS that good cause has been established under Saavedra-Sandoval in light of the conditions and procedures outlined in Administrative Orders 20-10 and 20-17, AND ORDERED, Ex Parte Motion to Extend Time for Service of Process is GRANTED, time for service is extended 120 days from the date of the request, to October 12, 2020 based on the forgoing. CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls 07-30-20 ;</i></p>
08/04/2020	<p> Motion to Dismiss (9:30 AM) (Judicial Officer: Sturman, Gloria)</p> <p><i>Defendants' Motion to Dismiss</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Arguments by counsel regarding Defendant's Motion to Dismiss. COURT ORDERED, motion GRANTED; COURT FINDS the statute of limitations was a two year statute of limitation. COURT DOES NOT FIND it was tolled in any way by this procedure. Further, it was not a requirement to exhaust the procedure to perfect a cause of action for personal injury damages. Pursuing disciplinary action through the CRV was total unrelated to a cause of action for personal injury damages. COURT DIRECTED Mr. Daniels to prepare the order and circulate to opposing counsel prior to submitting the order to the Court. ;</i></p>
09/25/2020	<p>CANCELED Status Check: Settlement Documents (3:00 AM) (Judicial Officer: Sturman, Gloria)</p> <p><i>Vacated - per Order</i></p> <p><i>Order of Dismissal</i></p>

DATE

FINANCIAL INFORMATION

Plaintiff Wilson, Curtis	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 10/13/2020	0.00

DISTRICT COURT CIVIL COVER SHEET

CASE NO: A-19-805368-C
Department 26

County, Nevada

Case No. _____
(Assigned by Clerk's Office)**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): CURTIS WILSON	Defendant(s) (name/address/phone): LAS VEGAS METROPOLITAN POLICE DEPARTMENT a governmental agency, POLICE OFFICER E. VOJAGAN Badge No 16098 an employee of the Metropolitan Police Department POLICE OFFICER TENNANT, Badge No. 9817 an employee of the Metropolitan Police Department, and Does I through X,
Attorney (name/address/phone): Brandon L. Phillips, Esq. BRANDON L. PHILLIPS, ATTORNEY AT LAW, PLLC 1455 E Tropicana Ave Suite 750 Las Vegas, NV 89119 702-795-0097	Attorney (name/address/phone):

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

11/13/2019

Date

/s/ Brandon L. Phillips

Signature of initiating party or representative

See other side for family-related case filings.

Heather S. Smith

CLERK OF THE COURT

OGM

LYSSA S. ANDERSON

Nevada Bar No. 5781

RYAN W. DANIELS

Nevada Bar No. 13094

KAEMPFER CROWELL

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rdaniels@kcnvlaw.com

Attorneys for Defendants

Las Vegas Metropolitan Police Department,

Officer E. Vojagan and Officer Tennant

DISTRICT COURT

CLARK COUNTY, NEVADA

CURTIS WILSON, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
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Department; POLICE OFFICER TENNANT,
Badge No. 9817, an employee of the
Metropolitan Police Department, and DOES I
through X,

Defendant.

Case No.: A-19-805368-C

Dept. No.: 26

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS**

Hrg date: August 4, 2020

Hrg time: 9:30 a.m.

The Court heard oral arguments on Defendants' motion to dismiss under NRCP 12(b)(5) and NRS 11.190 on August 4, 2020 at 9:30 a.m. Ryan Daniels argued on behalf of the LVMPD Defendants and Brandon Phillips argued on behalf of the Plaintiff. Having reviewed the papers and pleadings on file, the various points and authorities in support of the motion, and oral argument by counsel for Defendants and Plaintiff, the Court makes the following Findings of

Fact and Conclusions of Law:

FINDINGS OF FACT

1. Plaintiff Curtis Wilson’s First Amended Complaint (“FAC”) is based upon an August 22, 2017 interaction with LVMPD Officers Vonjagen and Tennant following Wilson’s improper lane change. FAC at ¶¶ 15-16.

2. The FAC states that after his interaction with Officers Vonjagen and Tennant, Wilson “filed a Complaint with the Las Vegas Metropolitan Police Department” on October 5, 2017. FAC at ¶40.

3. Wilson filed his initial complaint on November 13, 2019.

CONCLUSIONS OF LAW

1. Each of Wilson’s three claims against the LVMPD defendants—battery, false imprisonment, and negligence—are subject to a two year statute of limitations period. *See* NRS 11.190(4)(c)&(e).

2. “Statutes of limitation foreclose suits after a fixed period of time following occurrence or discovery of an injury.” *Allstate Ins. Co. v. Furgerson*, 104 Nev. 772, 766 P.2d 904 at FN. 2 (1988).

3. Wilson’s claims accrued on August 22, 2017 and the statute of limitations began to run on that date.

4. Since Wilson did not file his initial complaint until November 13, 2019—several months after the two year statute of limitations had run—his claims are barred by the statute of limitations.

5. Wilson argues that the statute of limitations was tolled while Wilson pursued the complaint process with the Citizen’s Review Board (CRB). However, the statute was not tolled for the following reasons:

1 6. First, tolling does not apply where administrative action is not required.

2 7. In *Siragusa v. Brown*, 114 Nev. 1384, 971 P.2d 801 (1998), the Nevada Supreme Court
3 stated that “cases tolling the statutes of limitations during the pendency of other proceedings are
4 limited to their facts and have no broader application in the instant case.” *Id.* at 808 n.7.
5 Important to this case, the Supreme Court specifically referenced *State Department of Human*
6 *Resources v. Shively*, 110 Nev. 316, 871 P.2d 355 (1994) and stated that the decision in *Shively*
7 to toll the statute of limitations relied upon the fact that the state was “*required* to pursue
8 administrative action” and the “*law favored* resolution in that forum.” *Siragusa*, 971 P. 2d at 808.

9 8. The CRB is neither an administrative agency nor an administrative court. Instead, it
10 “act[s] as an advisory body to [the police department], and to inform the public of [the citizen
11 review board’s] recommendations to the extent permitted by law.” *Las Vegas Police Protective*
12 *Ass’n Metro, Inc. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 122 Nev. 230, 234, 130
13 P.3d 182, 186 (2006).

14 9. The CRB’s review only pertains to whether an LVMPD employee engaged in a violation
15 of a LVMPD policy. If such a policy violation is found, the CRB can make recommendations to
16 LVMPD about potential discipline, additional training, or potential policy changes.

17 10. The CRB does not and cannot make a determination that the law was violated, that a
18 complainant is entitled to legal damages, or provide any type of legal remedy to a complainant.
19 In other words, nothing the CRB could do would be a legal resolution or remedy which could
20 have any bearing on a civil law suit.

21 11. Second, tolling in this case is inconsistent with the legislative intent for the CRB.

22 12. NRS 289 governs the creation of advisory review boards in the State of Nevada. *See e.g.*,
23 NRS 298.380; NRS 298.383. Advisory review boards, such as the Citizen Review Board, cannot
24 “abridge the rights of a peace officer, school police officer, constable or deputy of a constable

1 that are granted pursuant to a collective bargaining agreement, a contract or any federal or state
2 statute or regulation.” NRS 289.385(2).

3 13. The advisory boards of this state may not abridge the rights of LVMPD (or its officers) to
4 assert the applicable statute of limitation nor does it modify, toll, or otherwise impact the
5 application of the statute of limitations.

6 14. Further, nothing in the Clark County Code of Ordinances Chapter 2.62 indicates that
7 tolling of the statute of limitations was contemplated. *See* Clark County Code of Ordinances
8 Chapter 2.62.

9 15. In addition, Las Vegas Municipal Code Chapter 2.64 likewise fails to include any
10 indication that the statute of limitations for a civil action against LVMPD or an officer be tolled.
11 *See* Las Vegas Municipal Code Chapter 2.64.

12 16. Allowing tolling of the statute of limitations while an advisory board considers possible
13 policy violations would abridge the rights of LVMPD and its police officers.

14 17. Third, Wilson did not act reasonably when he delayed filing his lawsuit.

15 18. The CRB website has information concerning its operations, its jurisdiction, and other
16 resources to explain what it does¹. The website contains a link to a video which describes its
17 complaint process.

18 19. In the video, the CRB specifically advises potential complainants that pursuing a
19 complaint with the CRB is not the same as exercising their legal rights in a court of law and that
20 the legal process is not affected by the filing at the CRB.

21 ///

22 ///

23
24 ¹ <https://citizenreviewboard.com>

1 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the
2 LVMPD Defendants' Motion to Dismiss is **GRANTED** in its entirety and all claims against the
3 LVMPD Defendants are dismissed with prejudice.

4 **IT IS SO ORDERED.**

5 DATED this ____ day of _____, 2020.

Dated this 13th day of September, 2020



DISTRICT COURT JUDGE
C4A 8A4 F7BB 26D5
Gloria Sturman
District Court Judge

7 Respectfully Submitted,
8
9 KAEMPFER CROWELL

/s/ Ryan Daniels

10 _____
11 LYSSA S. ANDERSON (Nevada Bar No. 5781)
12 RYAN W. DANIELS (Nevada Bar No. 13094)
13 1980 Festival Plaza Drive, Suite 650
14 Las Vegas, Nevada 89135
15 Attorneys for Defendant
16 *Attorneys for Defendants*
17 *Las Vegas Metropolitan Police Department,*
18 *Officer E. Vojagan and Officer Tennant*

15 Approved as to form and content,

16 /s/ Brandon L. Phillips

17 _____
18 Brandon L. Phillips, No. 12264
19 BRANDON L. PHILLIPS, ATTORNEY AT LAW
20 1455 E. Tropicana Ave., Suite 750
21 Las Vegas, Nevada 89119

Attorneys for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Curtis Wilson, Plaintiff(s)

CASE NO: A-19-805368-C

7 vs.

DEPT. NO. Department 26

8 Las Vegas Metropolitan Police
9 Department, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order of Dismissal and Order Closing Case was served via the court's
14 electronic eFile system to all recipients registered for e-Service on the above entitled case as
15 listed below:

Service Date: 9/13/2020

16 Lyssa Anderson

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19 Brandon Phillips

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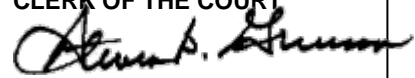
23 Robin Tucker

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NODP

LYSSA S. ANDERSON

Nevada Bar No. 5781

RYAN W. DANIELS

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Las Vegas, Nevada 89135

Telephone: (702) 792-7000

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landerson@kcnvlaw.com

rdaniels@kcnvlaw.com

Attorneys for Defendants

Las Vegas Metropolitan Police Department,

Officer E. Vojagan and Officer Tennant

DISTRICT COURT

CLARK COUNTY, NEVADA

CURTIS WILSON, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a governmental agency,
POLICE OFFICER E. VONJAGAN, Badge No.
16098, an employee of the Metropolitan Police
Department; POLICE OFFICER TENNANT,
Badge No. 9817, an employee of the
Metropolitan Police Department, and DOES I
through X,

Defendant.

Case No.: A-19-805368-C

Dept. No.: 26

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS MOTION
TO DISMISS [WITH PREJUDICE]**

PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANTS' MOTION
TO DISMISS [WITH PREJUDICE]** was entered by the Court in the above-referenced matter

///

///

///

1 on September 13, 2020, a true and correct copy of which is attached hereto.

2 DATED this 14th day of September, 2020.

3 KAEMPFER CROWELL

4
5 BY: /s/ Lyssa S. Anderson

6 LYSSA S. ANDERSON (Nevada Bar No. 5781)

7 RYAN W. DANIELS (Nevada Bar No. 13094)

8 1980 Festival Plaza Drive, Suite 650

9 Las Vegas, Nevada 89135

10 *Attorneys for Defendants*

11 *Las Vegas Metropolitan Police Department,*

12 *Officer E. Vojagan, and Officer Tennant*

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Attorneys for Plaintiff

/s/ *Bonnie Jacobs*

Page 3 of 3

1 **OGM**

2 LYSSA S. ANDERSON

3 Nevada Bar No. 5781

4 RYAN W. DANIELS

5 Nevada Bar No. 13094

6 KAEMPFER CROWELL

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9 Telephone: (702) 792-7000

10 Fax: (702) 796-7181

11 landerson@kcnvlaw.com

12 rdaniels@kcnvlaw.com

13 *Attorneys for Defendants*

14 *Las Vegas Metropolitan Police Department,*

15 *Officer E. Vojagan and Officer Tennant*

DISTRICT COURT

CLARK COUNTY, NEVADA

16 CURTIS WILSON, an individual,

17 Plaintiff,

18 vs.

19 LAS VEGAS METROPOLITAN POLICE

20 DEPARTMENT, a governmental agency,

21 POLICE OFFICER E. VONJAGAN, Badge No.
16098, an employee of the Metropolitan Police

22 Department; POLICE OFFICER TENNANT,
Badge No. 9817, an employee of the

23 Metropolitan Police Department, and DOES I
through X,

24 Defendant.

Case No.: A-19-805368-C

Dept. No.: 26

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS**

Hrg date: August 4, 2020

Hrg time: 9:30 a.m.

25 The Court heard oral arguments on Defendants' motion to dismiss under NRCP 12(b)(5)
26 and NRS 11.190 on August 4, 2020 at 9:30 a.m. Ryan Daniels argued on behalf of the LVMPD
27 Defendants and Brandon Phillips argued on behalf of the Plaintiff. Having reviewed the papers
28 and pleadings on file, the various points and authorities in support of the motion, and oral
29 argument by counsel for Defendants and Plaintiff, the Court makes the following Findings of

Fact and Conclusions of Law:

FINDINGS OF FACT

1. Plaintiff Curtis Wilson’s First Amended Complaint (“FAC”) is based upon an August 22, 2017 interaction with LVMPD Officers Vonjagen and Tennant following Wilson’s improper lane change. FAC at ¶¶ 15-16.

2. The FAC states that after his interaction with Officers Vonjagen and Tennant, Wilson “filed a Complaint with the Las Vegas Metropolitan Police Department” on October 5, 2017. FAC at ¶40.

3. Wilson filed his initial complaint on November 13, 2019.

CONCLUSIONS OF LAW

1. Each of Wilson’s three claims against the LVMPD defendants—battery, false imprisonment, and negligence—are subject to a two year statute of limitations period. *See* NRS 11.190(4)(c)&(e).

2. “Statutes of limitation foreclose suits after a fixed period of time following occurrence or discovery of an injury.” *Allstate Ins. Co. v. Furgerson*, 104 Nev. 772, 766 P.2d 904 at FN. 2 (1988).

3. Wilson’s claims accrued on August 22, 2017 and the statute of limitations began to run on that date.

4. Since Wilson did not file his initial complaint until November 13, 2019—several months after the two year statute of limitations had run—his claims are barred by the statute of limitations.

5. Wilson argues that the statute of limitations was tolled while Wilson pursued the complaint process with the Citizen’s Review Board (CRB). However, the statute was not tolled for the following reasons:

1 6. First, tolling does not apply where administrative action is not required.

2 7. In *Siragusa v. Brown*, 114 Nev. 1384, 971 P.2d 801 (1998), the Nevada Supreme Court
3 stated that “cases tolling the statutes of limitations during the pendency of other proceedings are
4 limited to their facts and have no broader application in the instant case.” *Id.* at 808 n.7.
5 Important to this case, the Supreme Court specifically referenced *State Department of Human*
6 *Resources v. Shively*, 110 Nev. 316, 871 P.2d 355 (1994) and stated that the decision in *Shively*
7 to toll the statute of limitations relied upon the fact that the state was “*required* to pursue
8 administrative action” and the “*law favored* resolution in that forum.” *Siragusa*, 971 P. 2d at 808.

9 8. The CRB is neither an administrative agency nor an administrative court. Instead, it
10 “act[s] as an advisory body to [the police department], and to inform the public of [the citizen
11 review board’s] recommendations to the extent permitted by law.” *Las Vegas Police Protective*
12 *Ass’n Metro, Inc. v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 122 Nev. 230, 234, 130
13 P.3d 182, 186 (2006).

14 9. The CRB’s review only pertains to whether an LVMPD employee engaged in a violation
15 of a LVMPD policy. If such a policy violation is found, the CRB can make recommendations to
16 LVMPD about potential discipline, additional training, or potential policy changes.

17 10. The CRB does not and cannot make a determination that the law was violated, that a
18 complainant is entitled to legal damages, or provide any type of legal remedy to a complainant.
19 In other words, nothing the CRB could do would be a legal resolution or remedy which could
20 have any bearing on a civil law suit.

21 11. Second, tolling in this case is inconsistent with the legislative intent for the CRB.

22 12. NRS 289 governs the creation of advisory review boards in the State of Nevada. *See e.g.*,
23 NRS 298.380; NRS 298.383. Advisory review boards, such as the Citizen Review Board, cannot
24 “abridge the rights of a peace officer, school police officer, constable or deputy of a constable

1 that are granted pursuant to a collective bargaining agreement, a contract or any federal or state
2 statute or regulation.” NRS 289.385(2).

3 13. The advisory boards of this state may not abridge the rights of LVMPD (or its officers) to
4 assert the applicable statute of limitation nor does it modify, toll, or otherwise impact the
5 application of the statute of limitations.

6 14. Further, nothing in the Clark County Code of Ordinances Chapter 2.62 indicates that
7 tolling of the statute of limitations was contemplated. *See* Clark County Code of Ordinances
8 Chapter 2.62.

9 15. In addition, Las Vegas Municipal Code Chapter 2.64 likewise fails to include any
10 indication that the statute of limitations for a civil action against LVMPD or an officer be tolled.
11 *See* Las Vegas Municipal Code Chapter 2.64.

12 16. Allowing tolling of the statute of limitations while an advisory board considers possible
13 policy violations would abridge the rights of LVMPD and its police officers.

14 17. Third, Wilson did not act reasonably when he delayed filing his lawsuit.

15 18. The CRB website has information concerning its operations, its jurisdiction, and other
16 resources to explain what it does¹. The website contains a link to a video which describes its
17 complaint process.

18 19. In the video, the CRB specifically advises potential complainants that pursuing a
19 complaint with the CRB is not the same as exercising their legal rights in a court of law and that
20 the legal process is not affected by the filing at the CRB.

21 ///

22 ///

23
24 ¹ <https://citizenreviewboard.com>

1 **THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the
2 LVMPD Defendants' Motion to Dismiss is **GRANTED** in its entirety and all claims against the
3 LVMPD Defendants are dismissed with prejudice.

4 **IT IS SO ORDERED.**

5 DATED this ____ day of _____, 2020.

Dated this 13th day of September, 2020



DISTRICT COURT JUDGE
C4A 8A4 F7BB 26D5
Gloria Sturman
District Court Judge

7 Respectfully Submitted,
8
9 KAEMPFER CROWELL

/s/ Ryan Daniels

10 _____
11 LYSSA S. ANDERSON (Nevada Bar No. 5781)
12 RYAN W. DANIELS (Nevada Bar No. 13094)
13 1980 Festival Plaza Drive, Suite 650
14 Las Vegas, Nevada 89135
15 Attorneys for Defendant
16 *Attorneys for Defendants*
17 *Las Vegas Metropolitan Police Department,*
18 *Officer E. Vojagan and Officer Tennant*

15 Approved as to form and content,

16 /s/ Brandon L. Phillips

17 _____
18 Brandon L. Phillips, No. 12264
19 BRANDON L. PHILLIPS, ATTORNEY AT LAW
20 1455 E. Tropicana Ave., Suite 750
21 Las Vegas, Nevada 89119

Attorneys for Plaintiff

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Curtis Wilson, Plaintiff(s)

CASE NO: A-19-805368-C

7 vs.

DEPT. NO. Department 26

8 Las Vegas Metropolitan Police
9 Department, Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order of Dismissal and Order Closing Case was served via the court's
14 electronic eFile system to all recipients registered for e-Service on the above entitled case as
15 listed below:

Service Date: 9/13/2020

16 Lyssa Anderson

landerson@kcnvlaw.com

17 Ryan Daniels

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24 Kristopher Kalkowski

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26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

July 30, 2020

A-19-805368-C	Curtis Wilson, Plaintiff(s)
	vs.
	Las Vegas Metropolitan Police Department, Defendant(s)

July 30, 2020	3:00 AM	Minute Order
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HEARD BY: Sturman, Gloria	COURTROOM: RJC Courtroom 10D
----------------------------------	-------------------------------------

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On June 16, 2020 Plaintiff submitted an Ex Parte Order Shortening Time to the Department's Order In Box. As requests to extend time for service can be considered ex parte the OST was not signed with the intention that it was to be returned with a request to re-file as an Ex Parte Request with a Proposed Order Granting the Motion. Under the Covid-19 procedures outlined in Administrative Order 20- 10, superseded by Administrative Order 20-17, this Department has liberally applied NRCP 4(e)(3) and considered the factors outlined in Saavedra-Sandoval v Walmart Stores 245 P.3d 1198 (2010) to grant extensions of time; the original Order Shortening Time was inadvertently not returned as intended. THEREFORE, the COURT will consider the Order Shortening Time submitted on June 16, 2020 to have been an Ex Parte request to extend time for service of process, AND FINDS that good cause has been established under Saavedra-Sandoval in light of the conditions and procedures outlined in Administrative Orders 20-10 and 20-17, AND ORDERED, Ex Parte Motion to Extend Time for Service of Process is GRANTED, time for service is extended 120 days from the date of the request, to October 12, 2020 based on the foregoing.

CLERK'S NOTE: A copy of this minute order has been electronically served to all registered parties for Odyssey File & Serve./ls 07-30-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Intentional Misconduct

COURT MINUTES

August 04, 2020

A-19-805368-C Curtis Wilson, Plaintiff(s)
vs.
Las Vegas Metropolitan Police Department, Defendant(s)

August 04, 2020 9:30 AM Motion to Dismiss

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Natalie Ortega

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Daniels, Ryan W. Attorney
 Phillips, Brandon L Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding Defendant's Motion to Dismiss. COURT ORDERED, motion GRANTED; COURT FINDS the statute of limitations was a two year statute of limitation. COURT DOES NOT FIND it was tolled in any way by this procedure. Further, it was not a requirement to exhaust the procedure to perfect a cause of action for personal injury damages. Pursuing disciplinary action through the CRV was total unrelated to a cause of action for personal injury damages. COURT DIRECTED Mr. Daniels to prepare the order and circulate to opposing counsel prior to submitting the order to the Court.



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

BRANDON L. PHILLIPS, ESQ.
1455 E. TROPICANA AVE., SUITE 750
LAS VEGAS, NV 89119

DATE: October 13, 2020
CASE: A-19-805368-C

RE CASE: CURTIS WILSON vs. LAS VEGAS METROPOLITAN POLICE DEPARTMENT, a government agency; POLICE OFFICER E. VONJAGAN, Badge No. 16098, an employee of the Metropolitan Police Department; POLICE OFFICER TENNANT, Badge No. 9817, an employee of the Metropolitan Police Department

NOTICE OF APPEAL FILED: October 12, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS MOTION TO DISMISS [WITH PREJUDICE]; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

CURTIS WILSON,

Plaintiff(s),

vs.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT, a government agency; POLICE OFFICER E. VONJAGAN, Badge No. 16098, an employee of the Metropolitan Police Department; POLICE OFFICER TENNANT, Badge No. 9817, an employee of the Metropolitan Police Department,

Defendant(s),

Case No: A-19-805368-C

Dept No: XXVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 13 day of October 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk