

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 BETTY CHAN, et al.

3 Appellants,

4 v.

5 WAYNE WU, et al.

6 Appellees.

Case No. 82208

District Court Case: A-16-744109-C

7
8 **NRAP 26.1 DISCLOSURE**

9 The undersigned counsel of record for Appellees certifies that the following
10 are persons and entities as described in NRAP 26.1(a), and must be disclosed:

11
12 (1) BETTY CHAN - Appellant

13
14 (2) ASIAN AMERICAN REALTY & PROPERTY MANAGEMENT - Appellant

15
16 (Owned solely by Betty Chan)

17
18 (3) R. DUANE FRIZELL, ESQ. - FRIZELL LAW FIRM, PLLC (Current Counsel
19 for Appellants)
20

21
22 (4) AVECE M. HIGBEE, ESQ. - MARQUIS AURBACH COFFING (Former
23 counsel for Appellants)
24
25
26
27
28

1 (5) TODD E. KENNEDY, ESQ. - KENNEDY & COUVILLIER, PLLC (Former
2 counsel for Appellants)

3
4
5 (6) MAXIMILIANO D. COUVILLIER, ESQ. - KENNEDY & COUVILLIER,
6 PLLC (Former counsel for Appellants)

7
8
9 (7) MICHAEL V. CRISTALLI, ESQ. - GENTILE CRISTALLI MILLER
10 ARMENI SAVARESE (Former counsel for Appellants)

11
12
13 (8) JANIECE S. MARSHALL, ESQ. - GENTILE CRISTALLI MILLER
14 ARMENI SAVARESE (Former counsel for Appellants)

15
16
17 (9) JEFFREY R. HALL, ESQ. - HUTCHISON & STEFFEN (Former counsel for
18 Appellants)

19
20
21 (10) WAYNE WU – Respondent/ Cross-Appellant

22
23
24 (11) JUDITH SULLIVAN - Respondent/ Cross-Appellant

25
26 (12) NEVADA REAL ESTATE CORP. Respondent/ Cross-Appellant
27
28

1 (13) JERRIN CHIU - Respondent/ Cross-Appellant

2
3 (14) MICHAEL A. OLSEN, ESQ. - BLACKROCK LEGAL, LLC (Counsel for
4 Respondents)
5

6
7 (15) THOMAS R. GROVER, ESQ. - BLACKROCK LEGAL, LLC (Counsel for
8 Respondents)
9

10
11 (16) KEITH D. ROUTSONG, ESQ. - BLACKROCK LEGAL, LLC (Counsel for
12 Respondents)
13

14
15 (17) ROMAN C. HARPER, ESQ. - GOODSSELL & OLSEN, LLP (Counsel for
16 Respondents below)
17

18
19 These representations are made in order that the judges of this honorable court may
20 evaluate disqualification or recusal.
21

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 Betty Chan (hereafter “Chan”) initiated and maintained a frivolous and
4
5 vengeance-driven lawsuit for over six years and caused Cross-Appellants to incur
6 tens of thousands in legal fees. From the very beginning, this was her stated goal.
7
8 The district court case was not initiated for anything more than to stroke Chan’s
9 bruised ego. The amount of fees and costs incurred by both Chan and Cross-
10 Appellants has dwarfed the amount in controversy: ~ \$13,000.00. Only relatively
11 recently did Chan change her tone in this matter in an effort to morph her image
12 into a defender of realtors and a champion of fairness. This is a far cry from reality.
13
14 Chan’s motivation from the very beginning has been to punish another realtor for
15 stepping in and covering for her shortcomings.
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17 Chan abandoned her client (Chiu) in a time when he needed her to go to bat
18 for him. As has been explained in previous briefs, Chan ignored her client’s calls
19 during the holiday season. This left the client with no choice but to seek assistance
20 from another real estate agent (Wu), who simply did his job and accommodated the
21 client’s needs. When Chan found out about this, she felt disrespected and likely
22 embarrassed for her failure to act as a real estate agent. In response, she launched
23 this never-ending lawsuit to teach the client and the other real estate agent a lesson.
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25 In so doing, Chan acted with an ulterior motive, and she took deliberate steps to
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1 abuse the legal system to accomplish her ulterior motive. This is clear from her
2 own words as well as the fact that she has undoubtedly incurred ten-fold the
3 amount of attorney's fees and costs than the commission she believes she was
4 cheated out of. She has acted vexatiously and has clearly attempted to drive-up
5 costs in this matter. These actions cannot be rewarded. Cross-Appellants pray that
6 this Court sees through Chan's façade and finds that she has abused the legal
7 system to achieve unsavory goals.
8

9 **REPLY IN SUPPORT OF CROSS-APPEAL**

10 **I. ABUSE OF PROCESS**

11 The District Court erred in granting summary judgment on Cross-
12 Appellants' abuse of process claim as Chan clearly acted with an ulterior motive
13 and took improper and willful steps to accomplish her ulterior motive. As
14 previously explained, a valid abuse of process claim requires the establishment of
15 "(1) an ulterior purpose [...] other than resolving a legal dispute, and (2) a willful
16 act in the use of the legal process not proper in the regular conduct of the
17 proceeding."¹ Chan has readily admitted that she was acting solely to accomplish
18 her ulterior motive. She states that she "felt insulted and humiliated, another agent
19 dared challenge me and he really do not know who I am" and that she "liked to
20 teach them a lesson. Life is not about money. So happen i do have few hundred
21 thousand in hand that i can use. If they are willing to go along with me to spend
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23 ¹ LaMantia v. Redisi, 118 Nev. 27, 30, 38 P.3d 877, 879 (2002).
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1 equal amount of money, then I will be very happy to play their game.”² Since she
2 has spent at least ten times the original arbitration award in attorney’s fees trying to
3 overturn the arbitration results, she needed to change her image to that of a real
4 estate agent fighting against an unjust system. She even went as far as comparing
5 herself to Thurgood Marshall. In response to this outrageous claim by Ms. Chan,
6 the district court made it clear that Ms. Chan is no Thurgood Marshall stating that
7 “Ms. Chan represents the worst of litigation[.]”³ However, from the very outset
8 Chan has used her capital and stubbornness to try and bully Cross-Appellants by
9 means of this litigation. To accomplish this improper motive, Chan has taken
10 several purposeful steps, including fraudulently representing that she possessed a
11 broker registration card, filing this lawsuit in contravention of her responsibility to
12 seek arbitration through GLVAR, by breaching the *Agreement to Arbitrate*, in
13 which she agreed to abide by the arbitration award, by naming other parties in the
14 lawsuit but never intending to actually pursue those causes of action and initiating
15 a obviously frivolous and legally deficient appeal. All of this supports a finding of
16 abuse of process. However, the District Court dismissed the abuse of process
17 claim, stating that “[Chan] had a right to file a complaint, and her filing of the civil
18 complaint does not rise to the level of abuse of judicial process.”⁴ The District
19 Court was mistaken to grant summary judgment in favor of Chan in a case that so
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27 ² 3 Appx 671 – 72.

28 ³ 7 Appx 1456 - 64 at 2:20.

⁴ 7 Appx 1456 – 64 at 2:21-23.

1 clearly fits the definition of abuse of process. As such, Cross-Appellants request
2 that this Court reverse that decision and enter an order finding that Chan abused
3 the legal system to accomplish her ulterior purpose.

4
5 **i. Chan’s Ulterior Motive is Clear**

6 In support of her argument that she had no ulterior purpose, Chan cites to
7 Raphaelson v. Ashtonwood Stud Assocs., L.P. which states that there is “no
8 liability where the defendant has done nothing more than carry out the process to
9 its authorized conclusion, even though with bad intentions.⁵ In Raphaelson, the
10 district court did not make a determination as to whether the facts in that case were
11 ulterior motive. Instead, the court in Raphaelson found that there was no abuse of
12 process due to a lack of evidence of an improper and willful act.⁶ Raphaelson
13 makes no comment as to what constitutes ulterior motive, only hints that bad
14 intentions **may** not be enough to find an ulterior motive. Given the facts of this
15 case and conceded by Chan, she acted with bad intentions.

16
17 The Court in Raphaelson also cites to Laxalt v. McClatchy, in which the
18 District Court of the District of Nevada determined that to obtain a finding of
19 abuse of process, there must be allegations “of abusive measures taken after the
20 filing of the complaint, such as minimal settlement offers or huge batteries of
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26 ⁵ Raphaelson v. Ashtonwood Stud Assocs., L.P., 2009 U.S. Dist. LEXIS 66517, *8
(D. Nev. 2009) (quoting PROSSER ON TORTS, ABUSE OF PROCESS § 115, p. 877 (3rd
ed.1964)).

27 ⁶ See Raphaelson v. Ashtonwood Stud Assocs., L.P., 2009 U.S. Dist. LEXIS
28 66517, *8 (D. Nev. 2009).

1 motions filed solely for the purpose of coercing a settlement.”⁷ The logical
2 conclusion of Chan’s “bad intentions,” as she would have her motivation called,
3 would either be to coerce a settlement or to bully Cross-Appellants to fold under
4 expensive litigation. Why else would she mention the “few hundred thousand in
5 hand” that she could use to finance crippling litigation against Cross-Appellants?
6 Why did she get upset that KB homes was not willing to “work with [her] on [her]
7 plan” if her plan was not to bully Cross-Appellants through the legal system, either
8 to coerce a settlement or to cripple them financially?⁸ This is textbook improper
9 motive and Chan readily admits to it. Indeed, she has labeled her own actions as
10 bad intentions.
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14 Chan attempts to claim that the communication was taken out of context and
15 that she was “only venting,” however, the document she cites to that allegedly
16 clarifies her motive was authored in 2020, four years after this dispute began.⁹ Her
17 actions taken at the beginning and throughout the case, however, paint a very
18 different picture. Her improper and willful acts will be detailed later, however,
19 Chan does little to combat her own words that she had an ulterior motive for acting
20 the way that she has.
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24 She also cites to a string of cases holding that typical actionable ulterior
25 motives include malpractice claims without any basis, coercing a settlement of a
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27 ⁷ Laxalt v. McClatchy, 622 F. Supp. 737, 752 (D. Nev. 1985).

28 ⁸ 4 Appx 691 – 94.

⁹ See 6 Appx 1203-04.

1 nuisance claim or attaching property exceeding a debt to coerce payment.¹⁰ In
2 Georgiou, the Court was simply listing different examples of ulterior purposes that
3 have been found in other case law. However, the simple definition of an ulterior
4 purpose is given by the Georgiou Court: "An ulterior purpose is **any improper**
5 **motive underlying the issuance of legal process.**"¹¹ Chan, conveniently, fails to
6 quote this key provision from Georgiou. Under this simple definition, Chan has
7 clearly demonstrated an ulterior purpose to this litigation. The list in Georgiou is
8 by no means exhaustive. It is meant to illustrate examples of ulterior purpose. In
9 fact, a case out of California, Soukup v. Law Offices of Herbert Hafif refers to the
10 ulterior motive elements as "ill will or some improper ulterior motive."¹² Even ill
11 will could be an actionable claim for abuse of process. Chan's actions clearly
12 demonstrate, and even exceed, ill will toward Cross-Appellants. Chan initiated this
13 lawsuit for the sole reason of bulldozing the defendants through the legal system
14 with her bank account. Indeed, coercing a settlement or simply bankrupting
15 Defendants was her goal. As stated by the Court in Georgiou, a finding of abuse of
16 process is possible with "any improper motive underlying the issuance of legal
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24 ¹⁰ See Appellants' *Combined* Reply Brief on Appeal/Answering Brief on Cross-
Appeal at 45, citing to Georgiou Studio, Inc. v. Blvd. Invest, LLC, 663 F. Supp. 2d
973, 982 (D. Nev. 2009).

25 ¹¹ See Georgiou Studio, Inc. v. Blvd. Invest, LLC, 663 F. Supp. 2d 973, 982 (D.
Nev. 2009), citing to Posadas v. City of Reno, 109 Nev. at 457, 851 P.2d at 445
26 (1993), emphasis added.

27 ¹² Soukup v. Law Offices of Herbert Hafif, 46 Cal.Rptr.3d 638, 663 (2006), citing
to Downey Venture v. LMI Ins. Co., 66 Cal.App.4th 478, 494, 78 Cal.Rptr.2d 142
28 (1998).

process.”¹³ Her purpose clearly falls into this category and, as such, a finding of ulterior motive is appropriate.

ii. Chan took Multiple Willful and Improper Acts to Further her Ulterior Motive

Having established that Chan acted with an ulterior motive, the next element the Court must examine is whether Chan took improper and willful acts to further that motive. Chan claims that all she has done in this litigation is pursue her right to file a complaint. Indeed, “Nevada courts have held that the filing of a complaint alone cannot constitute the willful act necessary for the tort to lie.”¹⁴ However, as explained in the Laxalt case, other actions “such as minimal settlement offers or huge batteries of motions filed solely for the purpose of coercing a settlement” can constitute abuse of process.¹⁵ Other examples, discussed in Raphaelson, include using a complaint to “convince [an individual] to resign from his job” or to initiating a case to force a nuisance settlement, offering a minimal sum for settlement, failing to undertake adequate investigation into a case, or to prepare essential testimony required by a case.¹⁶ Clearly, there are a multitude of willful acts that a plaintiff could take that could constitute abuse of process.

¹³ See Georgiou Studio, Inc. v. Blvd. Invest, LLC, 663 F. Supp. 2d 973, 982 (D. Nev. 2009), citing to Posadas v. City of Reno, 109 Nev. at 457, 851 P.2d at 445 (1993).

¹⁴ Laxalt v. McClatchy, 622 F. Supp. 737, 752 (D. Nev. 1985).

¹⁵ Laxalt v. McClatchy, 622 F. Supp. 737, 752 (D. Nev. 1985).

¹⁶ See Raphaelson v. Ashtonwood Stud Assocs., L.P., 2009 U.S. Dist. LEXIS 66517, *8 (D. Nev. 2009), citing to Posadas v. City of Reno, 851 P.2d 438, 445 (Nev. 1993).

1 Cross-Appellants believe that Chan, by filing her Complaint prior to
2 initiating mandatory arbitration, used legal system to gain an advantage in the
3 eventual arbitration proceedings and to pressure Cross-Appellants into a
4 settlement. Chan was required to “submit the dispute to arbitration in accordance
5 with the policies of the Board rather than litigate the matter.”¹⁷ Chan argues that
6 she could not have forced non-agent defendants, like KB Homes, to arbitrate,
7 however, she could have easily initiated arbitration with the agents involved and
8 started an action against the buyers. More importantly, Chan added defendant KB
9 Homes for the sole purpose of avoiding arbitration, and then as further evidence of
10 her bad faith, failed to pursue KB homes in any fashion throughout the course of
11 this litigation. Chan never intended to pursue a claim against KB Homes, but
12 rather to use KB Homes as a strawman defendant in order to assert a district court
13 claim against Cross-Appellants. If such behavior does not constitute abuse of
14 process, it is difficult to imagine a set of circumstances that would satisfy the
15 elements of the claim.
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21 Instead of following through on her obligations under the National
22 Association of Realtors Code of Ethics and Standards of Practice, Chan
23 immediately turned to the Courts. Not only did this cause unnecessary hearings and
24 briefings, but it is also likely that Chan filed the Complaint first to gain an
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27 ¹⁷ National Association of Realtors, *Code of Ethics and Standards of Practice*,
28 Article 17 (January 1, 2017), see 2 Appx 398 – 459 [emphasis added].

1 advantage in arbitration, thus using the legal system to gain an advantage in a non-
2 judicial setting.

3 Another action taken by Chan was her insistence that the buyer registration
4 card was signed and either in her possession or in KB Homes' possession. She
5 made both representations. In fact, in the Amended Complaint, Chan states that she
6 "located a buyer registration card" and filled it out.¹⁸ Then she claims that "[n]o
7 KB Homes representative was found so [she] left the registration card on the table
8 in the KB Home front office."¹⁹ However, in a letter, Chan's counsel stated that
9 "Mr. Chiu signed a broker registration identifying Ms. Chan as his agent" yet,
10 when asked to produce the registration card, he was unable to locate it.²⁰ Counsel
11 then represented to Cross-Appellants that he "asked [his] client for the document
12 referred to. She's out of town and advised that she'd need a week to get back and
13 go through her files."²¹ Later, in a sworn Declaration, Chan attempts to correct
14 these false statements: "I never represented that I kept the Registration Card" and
15 that "[a]n attorney who represented me initially and whom I immediately fired,
16 incorrectly and without my prior knowledge stated in a letter that I had the
17 Registration Card in my possession."²² The registration card, if it ever existed, has
18 never been produced, though Chan relied upon its existence to try to gain an
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25 ¹⁸ See 1 Appx 11-18.

26 ¹⁹ See 1 Appx 11-18.

27 ²⁰ 3 Appx 536 – 38.

28 ²¹ 3 Appx 543.

²² See 4 Appx 731.

1 advantage in the litigation. Despite claiming it exists in a sworn declaration, Chan
2 has never been able to provide the card and, interestingly, she has never tried to
3 compel KB Homes to produce the card. Indeed, though she named KB Homes as a
4 party to the original litigation, she has done nothing to pursue her claims against
5 them. It is possible that Chan perjured herself in the sworn declaration claiming
6 that the card was signed and given to KB Homes.
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9 The fact that KB Homes has never had to answer the Amended Complaint
10 speaks volumes. Chan still operates as a real estate agent and likely wants to
11 maintain a positive relationship with the home builder. Though she says otherwise
12 in her pleadings, she clearly has no desire to pursue her claims against them. The
13 failure to seek any kind of written discovery from KB Homes in relation to the
14 registration card evidences this fact. If, as Chan asserts, she signed the registration
15 card and left it at KB Homes, attempting to obtain the card through written
16 discovery would be paramount to her case. Had she forced KB Homes to answer
17 her complaint and then served them with requests for production of documents, KB
18 Homes may have located and turned over the registration card, thus greatly
19 strengthening her claim to the commission. This was never done.
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23 This also shows that her motivation was to harm Cross-Appellants
24 financially. If she truly felt that KB Homes had liability, she would be pursuing the
25 claims against them as vigorously and stubbornly as she has done with Cross-
26 Appellants. However, she does not believe that KB Homes needs to be taught a
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1 lesson and thus, she has never tried to hold them accountable for allegedly
2 knowing that she was the broker yet allowing Cross-Appellant Wu to collect the
3 commission.
4

5 Cross-Appellant has argued, and Chan has not really disputed, that she also
6 filed an inappropriate appeal prior to obtaining a final order. In that appeal, she
7 attempted to bring in an order which was clearly past the appeal deadline. This
8 inappropriate appeal not only prolonged the litigation for an extra two years, it also
9 caused Cross-Appellants to incur even more attorney's fees. This Court, *sua*
10 *sponte*, issued a show cause order demanding that Chan demonstrate the
11 appropriateness of her first appeal. Chan failed to do so and this Court ended up
12 dismissing that appeal for the following reasons: 1) the March 22, 2019, Order
13 cannot be appealed under NRS 38.247(1)(c); 2) the March 22, 2019 Order was not
14 a final order, and 3) there is "no statute or court rule allow[ing] an appeal from an
15 order declaring someone to be a procuring cause."²³ The order she attempted to
16 challenge in that first appeal was entered on September 18, 2018. Her first appeal
17 did not begin until April 29, 2019, clearly beyond the statutory timeframe allowing
18 for appeals. Thus, she failed to take adequate investigation to justify the first
19 appeal.
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28 ²³ 5 Appx 1085 – 89.

1 In her *Appellants' Combined Reply Brief on Appeal/Answering Brief on*
2 *Cross-Appeal*, Chan makes no attempt to justify or refute the fact that her first
3 appeal was obviously frivolous and legally deficient. It not only wasted this
4 Court's valuable time, but it also prolonged the litigation two years and caused
5 even more fees to be piled on top of Cross-Appellants. Her only defense to this
6 argument is that she has a right to pursue this matter to its conclusion. However,
7 Cross-Appellants argue that she did not have the right to file such a legally
8 deficient appeal.

11 After having her first appeal dismissed, Chan was forced to return to the
12 District Court and litigate further to then be able to launch this second appeal. She
13 has filed multiple appeals, refused to fulfill her ethical obligations, failed to pursue
14 allegedly valid causes of action against other defendants, blatantly misrepresented
15 the existence of documents and admitted that her desire was to cause Cross-
16 Appellants to incur tens of thousands in legal fees fighting her in arbitration,
17 district court and twice before this honorable court. The matter has dragged on for
18 over six years due entirely to Chan's unwillingness to admit her own negligence
19 and cut her losses. Undoubtedly, she has utilized the "few hundred thousand"
20 dollars to play her litigation game.²⁴ She has taken multiple purposeful steps in this
21 litigation to justify an abuse of process claim. This Court should overturn the
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27 ²⁴ 3 Appx 671 – 72.

1 District Court's order granting summary judgment dismissing the abuse of process
2 claim.

3 CONCLUSION

4
5 Chan cannot hide her true intentions in this matter. It has driven her through
6 these past six years. Though she claims that she "is also working for a 'public
7 good,'" her actions and words tell a different story.²⁵ She misrepresented the
8 existence of a registration card and refused to seek its production through valid
9 legal channels. She filed her initial complaint to gain an advantage while going
10 into arbitration. This was also done in contravention to her express ethical duties as
11 a real estate agent. She filed an obviously frivolous appeal, wasting precious
12 judicial resources and driving up the costs of all associated with this never-ending
13 litigation. In her own words, whether venting or not, she made her motivation
14 clear: "[I] felt insulted and humiliated, another agent dared challenge me and he
15 really do not know who I am" and "I liked to teach them a lesson. Life is not about
16 money. So happen i do have few hundred thousand in hand that i can use. If they
17 are willing to go along with me to spend equal amount of money, then I will be
18 very happy to play their game."²⁶ This prophetic statement is not something that an
19 agent for public good would say or threaten. The District Court was not fooled by
20 Chan's feigned virtuousness. Though the District Court missed the mark on the
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27 ²⁵ Appellants' *Combined* Reply Brief on Appeal/Answering Brief on Cross-Appeal
at 48, citing to 5 Appx 1204.

28 ²⁶ 3 Appx 671 – 72.

1 abuse of process claim, the Court was correct in stating that “Ms. Chan represents
2 the worst of litigation[.]”²⁷ She has spent tens of thousands on her numerous
3 lawyers and now even owes much of the legal fees incurred by Cross-Appellants.
4 All to collect \$13,000.00 and stroke her ego. This Court should not allow Chan’s
5 actions to go unpunished, no matter how noble she tries to make herself out to be.
6 As such, Cross-Appellants request that this Court reverse the district court’s
7 determination that summary judgment was appropriate on the abuse of process
8 claim. This Court should remand to the District Court with instructions to enter an
9 order finding that Chan acted with an ulterior motive and took purposeful and
10 willful steps through the legal system to accomplish that motive and to determine
11 damages. Such an order will bring this litigation to a close and provide justice to
12 the Cross-Appellants.
13

14 **REQUEST FOR RELIEF**

15 WHEREFORE, Cross-Appellants hereby request the following from the Honorable
16 Court:
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- 18 1. Reversal of the District Court’s dismissal of Appellees’/ Cross-Appellants’
19 counterclaim for abuse of process by way of summary judgment and remand
20 with instructions to find in favor of Cross-Appellants;
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27 ²⁷ 7 Appx 1456 - 64 at 2:20.
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- 1 2. Reversal of the District Court Orders from March 22, 2019 awarding only a
2 portion of the attorney's fees and costs incurred by Cross-Appellants in the
3 amount of \$21,453.00 in fees and \$920.83 in costs, as well as the November
4 23, 2020 awarding \$35,630.00 in fees, insofar as they award only a portion
5 of the attorney's fees and costs actually incurred by Cross-Appellants, and
6 remand with instructions to enter an award of all fees and costs incurred
7 fighting the vexatious litigation asserted by Betty Chan and seeking a claim
8 for abuse of process;
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11 3. Instructions from the Court regarding a proper damage award for the abuse
12 of process claim or remand to the District Court for a determination of
13 damages; and
14
15 4. Any further relief as the honorable court determines is just and proper.
16

17 DATED May 9, 2022.

18 /s/Michael A. Olsen, Esq.
19 MICHAEL A. OLSEN, ESQ.
20 Nevada Bar No. 6076
THOMAS R. GROVER, ESQ.
21 Nevada Bar No. 12387
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5. I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type-style requirements of NRAP 32(a)(6) because:

[] This brief has been prepared in a monospaced typeface using [state name and version of word-processing program] with [state number of characters per inch and name of type style].

[] Proportionately spaced, has a typeface of 14 points or more, and contains 11,905 words; or

[X] Does not exceed 15 pages.

Dated May 9, 2022

/s/Michael A. Olsen, Esq.
MICHAEL A. OLSEN, ESQ.
Nevada Bar No. 6076
THOMAS R. GROVER, ESQ.
Nevada Bar No. 12387

CERTIFICATE OF SERVICE

I hereby certify pursuant to NRAP 25(c), that on May 9, 2022, I served a true and correct copy of the forgoing **CROSS-APPELLANT’S REPLY BRIEF** together with any and all exhibits and other attachments, via the Supreme Court’s Electronic Filing System to the following:

R. Duane Frizell, Esq.
FRIZELL LAW FIRM
400 N. Stephanie St., Suite 265
Henderson, NV 89014
Attorney for Appellants/Cross-Respondents

/s/ Christine Grihalva
An Employee of BLACKROCK LEGAL