

FILED

JUL 21 2022

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

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NONA TOBIN, AN INDIVIDUAL,
APPELLANT,

vs.

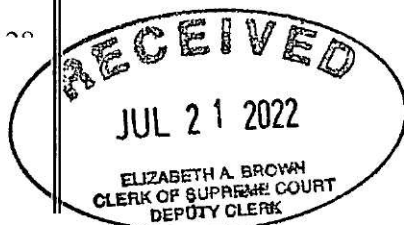
BRIAN CHIESI, AN INDIVIDUAL,
DEBORA CHIESI, AN
INDIVIDUAL; QUICKEN LOANS,
INC.; JOEL A. STOKES, AN
INDIVIDUAL; JOEL A. STOKES
AND SANDRA F. STOKES, AS
TRUSTEES OF JIMI JACK
IRREVOCABLE TRUST;
JIMI JACK IRREVOCABLE
TRUST; NATIONSTAR
MORTGAGE LLC; AND RED
ROCK FINANCIAL SERVICES,
RESPONDENTS

Court of Appeal Case No. 82294-COA

Appellant's motion for an order to refer the
this matter to the Nevada Attorney General
or other legal authority, for civil and/or
criminal investigation pursuant to:

NCJC 2.9 (ex parte communications);
NRS 104.330 (falsely claiming entitlement to
enforce a promissory note);
NRS 205 330 (fraudulent conveyance);
NRS 205 360 (knowingly accepting fraudulent
conveyance);
NRS 205 377 (multiple transactions involving
deceit in enterprise);
NRS 205 395 (executing, acknowledging, or
recording false claims to title);
NRS 205.405 (falsifying accounts);
NRS 205.450 (personating another in a false
claim to title);
NRS 205 455 (personating another is same as
stealing);
NRS 207.360 Racketeering defined as
(9) Taking property when not a robbery
(28) Taking property by false pretenses
(30) Presenting false evidence;
(35) Violations of NRS 205 377(multiple
transactions involving deceit),
NRS 207.470(1)&(4) Treble damages as
civil penalty for damages caused by
racketeering.

Comes now, Appellant Nona Tobin, In Proper Person, to respectfully
petition this Court for an order to grant Appellant's motion for an order to refer



1 the parties in this dispute to the Nevada Attorney General, or, if the Court deems
2 appropriate, to another administrative or law enforcement agency, for civil and/or
3 criminal investigation. The State Bar of Nevada has declined to investigate on
4 3/4/21 and 3/16/22 absent a court order with findings of attorney misconduct. (22-
5 08163, 460-461). The A-21-828840-C (Ex.12) court (refused to hear any
6 complaints of criminal conduct, fraud or fraud on the court (84371 vol (35) 22-
7 08200 (36) 22-08200.
8
9

10 Both Metro and the City of Henderson Police have refused to initiate
11 criminal investigations after the matter has been filed in civil court.
12

13 This motion requests the Courts of Appeal grant Appellant's motion by
14 considering that Appellant alleges that systemic problem exists in the civil courts,
15 i.e., tolerating criminal activity that is damaging to many more victims than Tobin.
16

17 **I. Statement of the Facts**

18 The detailed statement of facts is presented in Appellant Nona Tobin's
19 attached Declaration under penalty of perjury supported by 14 exhibits and in the
20 36-volume appendix of related case 84371, both of which are referenced herein.
21

22 **II. Jurisdiction**

23 This motion is properly before the Court of Appeals as a companion motion
24 to Appellant's petition to rehear the case 82294 Order of Affirmance that was
25 issued on 6/30/22, and Nona Tobin's Amended Petition for Writs of Mandamus
26
27
28

1 For The Enforcement of The Judicial and Professional Codes of Conduct, (case
2 84371) filed on 5/18/22 as 22-15670 (**Ex. 8**), are both currently before this Court.

3 4 5 **III. Allegations**

6 A. Ex parte communications **that obstructed the administration of justice on**
7 **4/23/19 by Joseph Hong, esq. (SBN 5995), Melanie Morgan (SBN 8215),**
8 **Judge Joanna Kishner**

9 NCJC 2.9 & NRPC 8.4 violations that rise to the level of ABA standard for
10 lawyer sanctions 6.31(b) are documented explicitly in 84371 volumes 5 to 15, 22-
11 08164, 22-08165, 22-08167, 22-08168, 22-08169, 22-08170, 22-08171, 22-
12 08172, 22-08173, 22-08174, 22-08175.

13
14 B. NRS 104.3301 (entitlement to enforce a promissory note) **implicates** NRS
15 205.377, NRS 205.395, NRS 207.360 (**Ex. 13**)

16 BANA and Nationstar false claims of entitlement to enforce the Hansen
17 7/15/04 promissory note is documented in the same eleven 84371 volumes listed
18 above as well as in volumes (27) 22-08189, (28) 22-08190. Hyperlinks are also
19 provided below to specific evidence, some annotated as to how the document is
20 flawed. The full text of most implicated laws is quoted in **Ex. 13**.

21
22 1. Nationstar Mortgage (V-P A. J. Loll on 2/15/19; Litigation Resolution
23 Analyst Edward Hyne 3/27/17 DECL, Mohammed Hameed on 3/8/19);

24 2. Bank of America (Youda Crain and notary Teresa D. Williams on 4/12/12
25 and by Rock K. Jung, Esq (SBN 10906) of the defunct Miles, Bauer, Bergstrom
26 & Winters, LLP on 4/8/13 and on 5/8/13, acting as BANA's agent) Jung is now
27 with Wright, Finlay, Zak, LLP;
28

1 3. Nationstar recorded false claims to title on 12/1/14, 1/22/15, 8/17/15,
2 1/13/16, 6/7/16, 3/8/19 rescind and 3/8/19 assign, and 6/3/19. (NRS 205.395).

3 4. Dana Johnson Nitz (SBN 0050), Michael Kelly (SBN 10101), Edgar Smith
4 (SBN 5506) of Wright, Finlay Zak, LLP, on 1/11/16, 4/12/16 DECL, 4/12/16,
5 5/10/16, 6/2/16, 6/3/16, 6/10/16, 3/27/17 DECL, 3/27/17, 11/9/17, 2/9/18,

6 5. Melanie Morgan (NV Bar #8215) who supervised Karen Whelan (SBN
7 10466), Donna Wittig (SBN 11015); Thera Cooper (SBN 13468) for Akerman
8 LLP materially misrepresented to court its standing to enforce the promissory note
9 on 5/15/18, 2/7/19, 2/12/19, 2/12/19, 2/20/19, 2/21/19, 2/21/19, 2/27/19, 2/28/19,
10 2/28/19, 3/7/19, 3/12/19, 3/12/19, 3/18/19, 3/21/19, 3/26/19 RTRAN, 4/12/19,
11 4/15/19, 4/19/19, 4/23/19, 4/23/19 RTRAN, 4/25/19 RTRAN, 5/3/19, 5/21/19
12 RTRAN, 5/29/19 RTRAN, 5/31/19, 6/24/19, 6/24/19, 6/25/19, 7/1/19, 7/22/19.

13 C. NRS 205.330 (fraudulent conveyance), **also implicates** NRS 111.175, NRS.
14 111.180, NRS 111.345, NRS 205.377, NRS 205.395, NRS 207.360 (Ex. 13)

15 Joel A. and Sandra F. Stokes as trustees of Jimijack Irrevocable Trust, Joel
16 A. Stokes as an Individual, Joseph Hong (SBN 5995), and/or their agent Robert
17 Goldsmith knowingly recorded fraudulent conveyances of title on 6/9/15, (AA 19,
18 3849); 6/9/15, (AA 19, 3853); 5/1/19, (AA 19, 3853); 12/27/19, (intentionally
19 omitted from 7/6/20 Chiesi RFJN); and 12/27/19 (AA 19,); (Ex. 9, 84371
20 appendix vol.(4) 22-08163)(Bar complaints vs. Hong & Wood)
21

22 D. NRS 205.360 (knowingly accepting fraudulent conveyance) on 12/27/19; (Ex.
23 **9, 84371 appendix volume (4) 22-08163**)

24 Brittany Wood (SBN 7562) of Maurice Wood, Brian & Debora Chiesi
25 (24224 16th Pl SE, Bothell WA 98021), and/or Driggs Title Agency, Inc., 7900
26

1 W Sahara #100 89117, escrow No. 19-1-120779JH) knew that Tobin's 1/31/17
2 Jimijack's deed was legally insufficient to transfer title per NRS 111.345

3 E. **NRS 205.377 (multiple transactions involving deceit in enterprise)**

4 F. **NRS 205.395** (executing, acknowledging, or recording false claims to title);

- 5
6 1. Nationstar on 12/1/14, 1/22/15, 8/17/15, 1/13/16, 6/7/16, 3/8/19 rescind
7 and 3/8/19 assign, and 6/3/19
8 2. Hong, Stokes et al on 6/9/15, 6/9/15, 12/1/15, 5/1/19, 5/23/19, 5/28/19,
9 7/24/19, 12/3/19, 12/27/19, and 12/27/19 and aided and abetted false
10 claims to be recorded on 6/3/19, 6/4/19, 7/10/19, 7/17/19, 12/27/19,
2/6/20, 2/6/20, and 12/4/20

11 G. **NRS 205.405 (falsifying accounts) and/or: NRS 207.360 (30) Presenting**
12 **false evidence; And/or NRS 207.360 (35) Violations of NRS 205.377;**
13 **(multiple transactions involving deceit in enterprise); NRS 207.360 (9)**
14 **Racketeering Taking property when not a robbery &/ or (28) Taking**
15 **property by false pretenses (Ex 13 – full text of legal authorities).**

16 Specific allegations and supporting evidence vs. Red Rock Financial
17 Services (EIN 88-0358132) and Steven Scow (SBN 9906) are found in 84371
18 appendix volumes **(29) 22-08191, (30) 22-08192, (31) 22-08194.**

19 Specific allegations and supporting evidence vs. David Ochoa (SBN
20 10414), Lipson, Neilson, Cole, Seltzer & Garin, P.C. and Adam Clarkson (SBN
21 10003) are found in 84371 appendix volumes **(32) 22-08195, (33.1) 22-08196,**
22 **(33.2) 22-08198, (34) 22-08199** and additional complaint against Clarkson is
23 found in volume (3) 22-08162.

24 Specific allegations and supporting evidence vs. Nationstar, Akerman LLP;
25 and Wright, Finlay Zak, LLP are found in 84371 appendix volumes 5 to 15, 22-
26
27
28

1 08164, 22-08165, 22-08167, 22-08168, 22-08169, 22-08170, 22-08171, 22-
2 08172, 22-08173, 22-08174, 22-08175 and volumes **(27) 22-08189, (Akerman**
3 **LLP)**, and in volume **(28) 22-08190** (Wright Finlay Zak LLP). Appellant has
4 addressed attorneys separately from their client Nationstar as they use the same
5 gambit with lenders other than Nationstar who are alleging to be owed debts they
6 are not owed. (See as an example: case 80111, SATICOY BAY, LLC SER. 34
7 INNISBROOK VS. THORNBURG MORTG. SEC. TR. 2007-3) where they
8 make no claim for the excess proceeds, arguably because they have no standing
9 and/or because of the limitations of the PUD Rider Remedies provision.
10
11

12
13 H. **NRS 205.450 (personating another in a false claim to title) and NRS**
14 **205.455 (personating another is same as stealing):**

15 Nationstar, Akerman LLP; Wright, Finlay Zak, LLP falsely claimed to act
16 as Wells Fargo's attorney-in-act or Bank of America's attorney-in-fact without
17 disclosing or recording a power of attorney and without legal authority, assigned
18 the beneficial interest to a \$389,000 debt (left outstanding when the borrower
19 died) to itself.
20

21 By falsely claiming to have both BANA's and Wells Fargo's undisclosed,
22 unrecorded powers of attorney, NSM claimed it was owed the \$389,000 left
23 outstanding on the 7/22/04 1st deed of trust when, in fact, NSM was owed nothing,
24 and Tobin owed no lender anything and so NSM in effect stole that money from
25 Tobin.
26
27

1 **I. NRS 207.470(1)&(4) Treble damages as civil penalty for damages caused**
2 **by racketeering.**

3 Appellant believes she needs a court order or an Attorney General finding
4 that these allegations are true in order to qualify for three times the damages she
5 suffered (currently over One Million Dollars) due to criminal racketeering by
6 Nationstar, Red Rock, Jimijack, Stokes, Hong, and others.
7

8 **IV. Legal Authority and Argument**

9 **A. Authority to Govern the Legal Profession**

10 The Nevada Supreme Court has the authority to govern the legal profession,
11 and the State Bar of Nevada is a public corporation with a statutorily defined duty
12 to assist the Supreme Court in this mission.
13

14 Agwara v. State Bar of Nev., 406 P.3d 488, 491 (Nev. 2017) ("this court
15 has inherent supervisory authority over the State Bar of Nevada, and" has
16 "the power to fashion an appropriate remedy" to ensure that "all members
17 of the State Bar of Nevada, and all its functionaries, perform their duties
18 properly,"

19 However, this situation may be well beyond what the State Bar sees as its
20 role, given that Appellant is alleging that the some of the attorneys' unethical
21 conduct has aided and abetted their clients' large-scale criminal activity that has
22 lasted for years in the aftermath of the market melt-down in 2008, and other
23 attorneys have misled and usurped the authority of HOA Boards to serious
24 detriment of a large portion of the households in Nevada and throughout the
25 country.
26
27
28

1 **B. The Attorney General is the State's chief law enforcement officer, and**
2 **now has new powers to investigate "patterns and practices".**

3 The Attorney General's Office may be the appropriate investigative agency
4
5 since the Appellant's complaint is that attorney and judicial misconduct are much
6 bigger than her individual case.

7 In the last legislative session, the Nevada Legislature adopted AB 58 that
8
9 granted the Office of the Attorney General the authority:

10 "to investigate whether a state governmental authority, any agent thereof or any person
11 acting on behalf of a state governmental authority has engaged in certain patterns or
12 practices that deprive persons of certain rights, privileges or immunities and file a civil
13 action to eliminate such an identified pattern or practice in certain circumstances;
14 establishing provisions relating to such an investigation, requiring the Attorney General
15 to participate and cooperate in any investigation by the United States Department of
Justice regarding whether the Office of the Attorney General has engaged in certain
patterns or practices that deprive persons of certain rights, privileges or immunities,
and providing other matters properly relating thereto."

16 The Courts are part of the State government, and judges and their office
17
18 staff are employees of the State.

19 In this case, three judges failed to make title decisions based on evidence
20 (NRS 40.110(1)), issued orders that falsely claimed the judges did look at the
21 evidence, issued orders that said the evidence meant the exact opposite of what is
22 actually showed after refusing to hear and decide Appellant's filed claims, and
23 then declared that the Appellant was precluded from making any future claims.
24

25 This could certainly be construed as "patterns or practices that deprive
26 persons of certain rights, privileges or immunities" as this inappropriate judicial
27
28

1 conduct has prevented a fair evidence-based adjudication of claims by a
2 competent and neutral tribunal.

3 **C. Conclusion**

4 Appellant respectfully requests that the Court refer this matter to the
5 Nevada Attorney General for civil or criminal investigation.

6 There is ample verified evidence to support the veracity of these allegations
7 and to indicate that this is not an isolated case.

8 It is a detriment to the people of Nevada if they cannot hope to get a fair
9 trial in a court system that is rigged against them, where attorneys can lie to the
10 court with impunity, banks and debt collectors can demand payment of debts they
11 are not owed, and victims can be precluded from defending their property because
12 the judges believe whatever the crooks say without requiring proof, and the victim
13 is not allowed to speak.

14 Dated this 18th day of July 2022,

15 

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20
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Certificate of Compliance

1. 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 (motion for a referral for criminal investigation) has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14-point font.
2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 2,073 words.
3. Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e) (1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 18th day of July 2022,