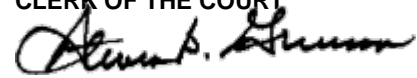


DENNIS K. BAHAM
6017 GUILD CT
LAS VEGAS, NV 89131
GREENSKIES87@GMAIL.COM
TELEPHONE: 702-303-1263
PLAINTIFF IN PRO PER

Electronically Filed
3/10/2021 5:24 PM
Steven D. Grierson
CLERK OF THE COURT



Electronically Filed
Mar 15 2021 09:18 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

DENNIS BAHAM, an individual,

Plaintiff

v.

BAYVIEW LOAN SERVICING, LLC, a
Foreign Limited Liability Company; FIRST
AMERICAN TRUSTEE SERVICING
SOLUTIONS, L.L.C., a Foreign Limited
Liability Company; and BANK OF NEW
YORK MELLON f/k/a THE BANK OF
NEW YORK AS TRUSTEE FOR THE
CERTIFICATE HOLDERS OF CWALT,
INC., ALTERNATIVE LOAN TRUST 2005-
2, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-2,

Defendants.

Case No.: A-19-795762-C
A-20-810458-C

Dept No.: IV

NOTICE OF APPEAL

Notice is hereby given that DENNIS BAHAM, Plaintiff, Pro per in the above named,
hereby appeals to the Supreme Court of Nevada from the Order Granting Defendant's Motion
To Dismiss Complaints and Denying Countermotion To Amend, filed and Noticed on
February 10, 2021.

Dated this 10th day of March, 2021

By: /s/Dennis Baham
Dennis Baham
6017 Guild Court
Las Vegas, Nevada 89131
Plaintiff in Pro per

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of March , 2021 and pursuant to NRCP 5, I caused a true and correct copy of the foregoing **NOTICE OF APPEAL** in the following manner: **(ELECTRONIC SERVICE)** Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof & served through the Notice Of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's contact list.

Jamie Combs jamie.combs@akerman.com

Natalie Winslow natile.winslow@akerman.com

Ariel Stern ariel.stern@akerman.com

Darren Brenner dbrenner@wrightlegal.net

/s/Dennis Baham
Plaintiff Pro per


CLERK OF THE COURT

ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

DENNIS BAHAM,

Plaintiff(s),

vs.

BAYVIEW LOAN SERVICING, LLC; FIRST
AMERICAN TRUSTEE SERVICING
SOLUTIONS, L.L.C.; BANK OF NEW YORK
MELLON fka THE BANK OF NEW YORK AS
TRUSTEE FOR THE CERTIFICATE HOLDERS
OF CWALT, INC., ALTERNATIVE LOAN
TRUST 2005-2, MORTGAGE PASS-THROUGH
CERTIFICATE, SERIES 2005-2,

Defendant(s),

Case No: A-19-795762-C

Consolidated with A-20-810458-C

Dept No: IV

CASE APPEAL STATEMENT

1. Appellant(s): Dennis Baham

2. Judge: Nadia Krall

3. Appellant(s): Dennis Baham

Counsel:

Dennis Baham
6017 Guild Ct.
Las Vegas, NV 89131

4. Respondent (s): Bayview Loan Servicing, LLC

1 Counsel:

2 Darren T. Brenner, Esq.
3 7785 W. Sahara Ave., Suite 200
4 Las Vegas, NV 89117

5 Respondent (s): First American Trustee Servicing Solutions, L.L.C.

6 Counsel:

7 Aaron R. Maurice, Esq.
8 400 S. Rampart Blvd., Suite 400
9 Las Vegas, NV 89145

10 Respondent (s): Bank of New York Mellon fka The Bank of New York as Trustee for the
11 Certificate Holders of CWALT, Inc., Alternative Loan Trust 2005-2, Mortgage Pass-Through
12 Certificates, Series 2005-2

13 Counsel:

14 Natalie L. Winslow, Esq.
15 1635 Village Center Cir., Suite 200
16 Las Vegas, NV 89134

17 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
18 Permission Granted: N/A

19 Respondent(s)'s Attorney Licensed in Nevada: Yes
20 Permission Granted: N/A

21 Respondent(s)'s Attorney Licensed in Nevada: Yes
22 Permission Granted: N/A

23 Respondent(s)'s Attorney Licensed in Nevada: Yes
24 Permission Granted: N/A

25 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

26 7. Appellant Represented by Appointed Counsel On Appeal: N/A

27 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
28 **Expires 1 year from date filed

Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: May 30, 2019

10. Brief Description of the Nature of the Action: REAL PROPERTY - Other

Type of Judgment or Order Being Appealed: Dismissal

1 11. Previous Appeal: No

2 Supreme Court Docket Number(s): N/A

3 12. Child Custody or Visitation: N/A

4 13. Possibility of Settlement: Unknown

5 Dated This 11 day of March 2021.

6 Steven D. Grierson, Clerk of the Court

7
8 /s/ Heather Ungermann

9 Heather Ungermann, Deputy Clerk

10 200 Lewis Ave

11 PO Box 551601

12 Las Vegas, Nevada 89155-1601

13 (702) 671-0512

14
15 cc: Dennis Baham

CASE SUMMARY**CASE NO. A-19-795762-C****Dennis Baham, Plaintiff(s)****vs.****Bayview Loan Servicing, LLC, Defendant(s)**§
§
§
§
§Location: **Department 4**
Judicial Officer: **Krall, Nadia**
Filed on: **05/30/2019**
Case Number History:
Cross-Reference Case Number: **A795762****CASE INFORMATION****Related Cases**

A-20-810458-C (Consolidated)

Case Type: **Other Title to Property**Case Status: **05/30/2019 Open****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number A-19-795762-C
Court Department 4
Date Assigned 01/04/2021
Judicial Officer Krall, Nadia**PARTY INFORMATION***Lead Attorneys***Plaintiff****Baham, Dennis****Defendant****Bank of New York Mellon**Removed: 02/10/2021
Dismissed**Brenner, Darren T.**
Retained
702-634-5000(W)**Bank of New York Mellon****Bayview Loan Servicing, LLC****Brenner, Darren T.**
Retained
702-634-5000(W)**First American Trustee Servicing Solutions, L.L.C.**Removed: 02/10/2021
Dismissed**Maurice, Aaron R.**
Retained
702-463-7616(W)**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

05/30/2019

Complaint
Complaint

05/30/2019

Initial Appearance Fee Disclosure
Initial Appearance Fee Disclosure

05/30/2019

Ex Parte Motion
Plaintiff's Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction

05/30/2019

Summons Electronically Issued - Service Pending
Summons

05/30/2019



Summons Electronically Issued - Service Pending

CASE SUMMARY

CASE NO. A-19-795762-C

Summons

05/30/2019



Summons Electronically Issued - Service Pending

Summons

06/03/2019



Order Granting

Order Granting Temporary Restraining Order and Setting Preliminary Injunction Hearing

06/11/2019



Summons

Summons

06/11/2019



Summons

Summons

06/18/2019



Declaration

Filed By: Defendant First American Trustee Servicing Solutions, L.L.C.

Declaration of Nonmonetary Status of First American Trustee Servicing Solutions, LLC

Pursuant to NRS 107.029

06/18/2019



Notice of Posting of Cost Bond

Notice of Posting Cost Bond

06/19/2019



Summons

Summons

06/27/2019



Stipulation and Order

Filed by: Defendant Bayview Loan Servicing, LLC

Stipulation and Order to Extend Briefing on Preliminary Injunction Motion and Continue Hearing

06/27/2019



Opposition to Motion

Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon

Opposition to Motion for Preliminary Injunction

06/27/2019



Initial Appearance Fee Disclosure

Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon

Initial Appearance Fee Disclosure

07/01/2019



Stipulation and Order

Filed by: Defendant Bayview Loan Servicing, LLC

Stipulation And Order To Extend Briefing On Preliminary Injunction Motion And Continue Hearing

07/01/2019



Notice of Entry of Stipulation and Order

Filed By: Defendant Bayview Loan Servicing, LLC

Notice Of Entry Of Stipulation And Order To Extend Briefing On Preliminary Injunction Motion And Continue Hearing

07/03/2019



Reply in Support

Reply in Support of Plaintiff's Motion for Preliminary Injunction

07/03/2019



Motion to Amend Complaint

Motion to Amend Complaint

CASE SUMMARY

CASE NO. A-19-795762-C

07/03/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
10/15/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
06/15/2020	 Notice Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon <i>Notice of Firm Transfer</i>
06/26/2020	 Motion to Dismiss Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon <i>Motion to Consolidate and Motion to Dismiss</i>
06/26/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/10/2020	 Order Shortening Time <i>Order - Motion to Withdraw</i>
07/23/2020	 Stipulation and Order Filed by: Plaintiff Baham, Dennis <i>Stipulation and order to continue Hearing and Related Deadlines</i>
08/03/2020	 Notice of Appearance Party: Plaintiff Baham, Dennis <i>Notice of Appearance</i>
08/06/2020	 Stipulation and Order Filed by: Plaintiff Baham, Dennis <i>Amended Stipulation and Order to Continue Hearing and Related Deadline (Correction made. Hearing date 8/25 at 9A)</i>
08/07/2020	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
08/24/2020	 Order Granting Motion Filed By: Plaintiff Baham, Dennis <i>Order Granting Motion to Withdraw as Counsel of Record</i>
08/28/2020	 Opposition and Countermotion Filed By: Plaintiff Baham, Dennis <i>Opposition to Motion to Dismiss and Countermotion for Leave to Amend Complaint</i>
09/17/2020	 Stipulation and Order Filed by: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon <i>Stipulation and Order to Continue Hearing and Extend Briefing Schedule</i>
09/17/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Bank of New York Mellon <i>Notice of Entry of Stipulation and Order to Continue Hearing and Extend Briefing Schedule</i>
09/25/2020	 Reply in Support

CASE SUMMARY

CASE NO. A-19-795762-C

Filed By: Defendant Bayview Loan Servicing, LLC
*Reply in Support of Motion to Consolidate and Motion to Dismiss and Opposition to
 Countermotion for Leave to Amend Complaint*

10/12/2020



Supplement

Filed by: Defendant Bank of New York Mellon
*Supplement to BoNYM's Reply in Support of its Motion to Dismiss and Response to Plaintiff's
 Countermotion to Amend*

01/04/2021

Administrative Reassignment - Judicial Officer Change
Judicial Reassignment to Judge Nadia Krall

02/10/2021



Order

Filed By: Defendant Bank of New York Mellon
*Order Granting Defendants' Motion to Dismiss Complaints and Denying Countermotion to
 Amend*

02/10/2021



Notice of Entry of Order

Filed By: Defendant Bank of New York Mellon
*Notice of Entry of Order Granting Defendants' Motion to Dismiss Complaints and Denying
 Countermotion to Amend*

02/11/2021



Notice of Withdrawal

Filed by: Plaintiff Baham, Dennis
Notice of Withdrawal of Mortenson & Rafie, LLP

02/16/2021



Memorandum of Costs and Disbursements

Filed By: Defendant Bank of New York Mellon
*The Bank of New York Mellon, as Trustee for the Certificateholders of CWALT, Inc.,
 Alternative Loan Trust 2005-2, Mortgage Pass-Through Certificates, Series 2005-2's
 Memorandum of Costs*

02/19/2021



Opposition

Filed By: Plaintiff Baham, Dennis
Opposition to Memorandum of Costs

02/24/2021



Notice of Entry of Order

Filed By: Defendant Bank of New York Mellon
Notice of Entry of Order Granting Defendants' Motion to Consolidate

02/26/2021



Default

Default

03/10/2021



Opposition to Motion

Filed By: Defendant Bank of New York Mellon
BoNYM's Opposition to Plaintiff's Motion for Reconsideration

03/10/2021



Notice of Appeal

Filed By: Plaintiff Baham, Dennis
Notice of Appeal

03/11/2021



Case Appeal Statement

DISPOSITIONS

02/10/2021

Order of Dismissal With Prejudice (Judicial Officer: Krall, Nadia)
 Debtors: Dennis Baham (Plaintiff)

CASE SUMMARY

CASE NO. A-19-795762-C

Creditors: Bayview Loan Servicing, LLC (Defendant), First American Trustee Servicing Solutions, L.L.C. (Defendant), Bank of New York Mellon (Defendant)
Judgment: 02/10/2021, Docketed: 02/11/2021

HEARINGS

07/09/2019



Preliminary Injunction Hearing (10:30 AM) (Judicial Officer: Miley, Stefany)

Matter Heard;

Journal Entry Details:

Argument by Mr. fox noting Bank of New York Mellon are investors. Colloquy regarding re-filing and Plaintiff being in the same position. Mr. Fox stated the action is in process with Supreme Court which involves this property and pointed out they would be unable to re-file at this time, thus, requested to amend pleadings. Argument by Mr. Brenner pointing out that allowing the amendment would delay the process, stated case history and further argued bond. Court disclosed Jamie Cogburn had done some legal work for the Court. No objection by either party with the Court continuing to preside over the case. Court inquired why party had not brought the issue before Judge Bell. Argument by Mr. Fox regarding forum shopping. Court stated parties would need to wait for Supreme Court decision and place the matter before Judge Bell. Further argument by Mr. Fox regarding removing to Federal Court. Court stated parties should agree to stay any sales pending decision from other Court and reiterated issue should before Judge Bell. Statement by Mr. Brenner. Court noted it was unsure what Judge Gordon or the Supreme Court were going to decide and requested possible solutions. Argument by Mr. Brenner. Court inquired how Plaintiff could seek relief as currently postured in front of Judge bell. Arguments by counsel. Mr. Brenner noted sale date is tomorrow, July 10, 2019 which had been continued several times. Court stated it could not make any preliminary findings and ORDERED, TRO extended for two weeks (expiration date being July 23, 2019 at 5:00 p.m.) and directed parties to place matter before Judge Bell. FURTHER, bond STANDS. Mr. Fox to provide an order to opposing counsel for review prior to submitting to the Court for signature.;

08/13/2019

CANCELED Motion to Amend Complaint (9:30 AM) (Judicial Officer: Miley, Stefany)

Vacated

Plaintiff's Motion to Amend Complaint

10/15/2019



Minute Order (3:00 PM) (Judicial Officer: Miley, Stefany)

Minute Order Re: Department 23 Recusal

Minute Order - No Hearing Held; Minute Order Re: Department 23 Recusal

Journal Entry Details:

Previous professional and legal services have been provided to the Court by Mr. Jamie S. Cogburn, Esq. Although the COURT does not believe these services will affect its ability to be fair and impartial, in order to avoid the appearance of impropriety and implied bias, the COURT hereby recuses itself. This matter will be reassigned at random. IT IS SO ORDERED.;

08/03/2020

Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Earley, Kerry)

09/17/2020

CANCELED Motion to Consolidate (9:00 AM) (Judicial Officer: Earley, Kerry)

Vacated

Defendant's Motion to Consolidate and Motion to Dismiss

01/15/2021



Minute Order (3:00 AM) (Judicial Officer: Krall, Nadia)

Minute Order - No Hearing Held;

Journal Entry Details:

The Court notes that a Motion to Consolidate and Motion to Dismiss was set for hearing on the oral civil motion calendar for January 19, 2021 at 9:00 a.m. The Court hereby RESETS the Motion to Consolidate and Motion to Dismiss to be heard on January 19, 2021 at 10:00 a.m. CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (1/15/21 np). ;

01/19/2021



Motion to Consolidate (10:00 AM) (Judicial Officer: Krall, Nadia)

Motion to Consolidate and Motion to Dismiss

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-795762-C

04/08/2021	<p>Granted; Journal Entry Details: <i>Parties present via Bluejeans, including Christina Miller, Esq. Court reviewed the case and noted Defendant's motion to consolidate is unopposed therefore COURT ORDERED, motion to consolidate is GRANTED. Court noted as to Defendant's motion to dismiss the Court of Appeals already heard this case. Court reviewed findings. Following arguments by counsel, Court stated its findings and ORDERED, motion to dismiss both cases GRANTED. FURTHER ORDERED, Jamie Combs, Esq. to prepare the order and submit to counsel for approval as to form and content.;</i></p> <p>Motion For Reconsideration (9:00 AM) (Judicial Officer: Krall, Nadia) <i>Plaintiff's Motion for Reconsideration and Memorandum of Points and Authorities [Rescheduled From Sub Case Due to Consolidation]</i></p>	
------------	---	--

DATE	FINANCIAL INFORMATION	
	<p>Defendant Bayview Loan Servicing, LLC</p> <p>Total Charges 253.00</p> <p>Total Payments and Credits 253.00</p> <p>Balance Due as of 3/11/2021 0.00</p> <p>Plaintiff Baham, Dennis</p> <p>Total Charges 294.00</p> <p>Total Payments and Credits 294.00</p> <p>Balance Due as of 3/11/2021 0.00</p> <p>Plaintiff Baham, Dennis</p> <p>Temporary Restraining Order Balance as of 3/11/2021 500.00</p>	

DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada

Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-19-795762-C
Department 23

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):
Dennis Baham

Attorney (name/address/phone):
Erik W. Fox, Esq. (NV Bar No. 8804)
Cogburn Law Offices
2580 St. Rose Parkway, Suite 330
Henderson, Nevada 89074
(702) 748-7777

Defendant(s) (name/address/phone):
Bayview Loan Servicing, LLC; First American Trustee
Servicing Solutions, L.L.C.; and Bank of New York
Mellon

Attorney (name/address/phone):
unknown

II. Nature of Controversy (Please select the one most applicable filing type below)

Civil Case Filing Types

Real Property	Torts	
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input checked="" 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	Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
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 <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 <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		Other Civil Filing
Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

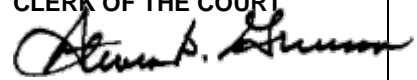
Business Court filings should be filed using the Business Court civil coversheet.

5/30/2019

Date

/s/Erik W. Fox

Signature of initiating party or representative



ORDR

NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
JAMIE K. COMBS, ESQ.
Nevada Bar No. 13088
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: natalie.winslow@akerman.com
Email: jamie.combs@akerman.com

*Attorneys for The Bank of New York Mellon, as
Trustee for the Certificateholders of CWALT, Inc.,
Alternative Loan Trust 2005-2, Mortgage Pass-
Through Certificates, Series 2005-2*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

DENNIS BAHAM, an individual,

Plaintiff,

v.

BAYVIEW LOAN SERVICING, LLC, a Foreign
Limited Liability Company; FIRST AMERICAN
TRUSTEE SERVICING SOLUTIONS, LLC, a
Foreign Limited Liability Company; and BANK
OF NEW YORK MELLON f/k/a THE BANK
OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT, INC.,
ALTERNATIVE LOAN TRUST 2005-2,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-2,

Defendants.

Case No.: A-20-810458-C
Dept.: XI

AND

Case No.: A-19-795762-C
Dept. No.: IV

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS COMPLAINTS
AND DENYING COUNTERMOTION TO
AMEND**

Defendants The Bank of New York Mellon, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-2, Mortgage Pass-Through Certificates, Series 2005-2 (**BoNYM**) and Bayview Loan Servicing, LLC filed a motion to dismiss the complaints filed by plaintiff in case A-19-795762-C and A-20-810458-C, which this Court ordered consolidated. Plaintiff Dennis Baham filed an opposition and counter motion to amend and defendants filed replies and responses to Baham's counter motion. This Court held a hearing on January 19, 2021 and heard argument of

counsel. Having considered the motion, opposition, countermotion, response, replies, as well as the pleadings and papers on file and the arguments of counsel,

IT IS ORDERED that defendants' motion to dismiss is **GRANTED**. Plaintiff's complaints are **DISMISSED** with prejudice.

Both of plaintiff's complaints allege a single claim for injunctive relief seeking to stop BoNYM from foreclosing on the subject property. The claims are based on the allegation that BoNYM's servicer Bayview lacked authority because it did not hold a debt-collectors license at the time the notice of default was recorded.

Plaintiff's claims are barred by claim preclusion. Claim preclusion applies where "(1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claim or any part of them that were or could have been brought in the first case." *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008) *holding modified by Weddell v. Sharp*, 131 Nev. Adv. Op. 28, 350 P.3d 80 (2015). Claim preclusion "embraces all grounds of recovery that were asserted in a suit, as well as those that could have been asserted." *Five Star*, 194 P.3d at 715.

Plaintiff litigated the issue of BoNYM's authority to foreclosure through the foreclosure mediation action, case no. A-18-775019-FM, appeal no. 78491. Plaintiff also litigated the issue of Bayview's licensure in federal court as case no. 2:19-cv-01125-APG-VCF. The parties or their privies were the same in those actions as they are here. Both actions resulted in final valid judgments. Plaintiff's sole remedy to challenge conduct related to the foreclosure mediation was through the foreclosure mediation action. *See Tobler v. Sables, LLC*, 968 F.3d 1010, 1012 (9th Cir. 2020). The foreclosure mediation action resulted in a final order concluding BoNYM was entitled to a foreclosure certificate, which the Nevada Supreme Court affirmed. The federal court action resulted in an order of dismissal of plaintiff's claims with prejudice, from which plaintiff did not appeal. Plaintiff is barred from raising the same issues he brought, or could have brought, in either of the two prior actions.

Plaintiff's claims also fail because injunctive relief is a remedy rather than a cause of action, and because the claims are moot as BoNYM has already foreclosed. *See, e.g., In re Wal-Mart Wage*

& Hour Employment Practices Litig., 490 F. Supp. 2d 1091, 1130 (D. Nev. 2007) (claim for injunctive relief was "not a separate cause of action" and "not an independent ground for relief"); see also *In re Mann*, 907 F.2d 923, 926 (9th Cir. 1990) (party's failure to obtain stay of foreclosure sale pending appeal rendered moot appeal of court's ruling on foreclosure action).

Plaintiff's claim cannot be characterized as one for wrongful foreclosure, as plaintiff does not allege he fully performed under the loan agreement. See *Collins v. Union Fed. Sav. & Loan Ass'n*, 99 Nev. 284, 304, 662 P.2d 610, 623 (1983) (A claim for wrongful foreclosure requires the plaintiff to show (1) the defendant exercised a power of sale or foreclosed on the property, and (2) at the time the power of sale was exercised, there was no breach of condition or failure of performance by the mortgagor that would have authorized the foreclosure.) Plaintiff admits he has not paid the mortgage loan since 2011. Plaintiff's allegations regarding Bayview's licensure status are also irrelevant to a wrongful foreclosure action as it was BoNYM, not Bayview, who foreclosed. Plaintiff's allegations do not satisfy the elements of a wrongful foreclosure claim.

IT IS FURTHER ORDERED that plaintiff's countermotion to amend is **DENIED**. The Court finds that plaintiff's proposed amended complaint will not cure the deficiencies in the complaint, and therefore amendment would be futile. *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011).

Dated this 10th day of February, 2021



Respectfully submitted by:

AKERMAN LLP

**28B 679 6DD8 403B
Nadia Krall
District Court Judge**

/s/ Jamie K. Combs
ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
JAMIE K. COMBS, ESQ.
Nevada Bar No. 13088
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Attorneys for BoNYM

Approved as to form and content by:

1 **WRIGHT, FINLAY & ZAK, LLP**

2 /s/ Darren T. Brenner

3 DARREN T. BRENNER, ESQ.

4 Nevada Bar No. 8386

5 7785 W. Sahara Avenue, Suite 200

6 Las Vegas, Nevada 89117

7 Attorneys for Bayview Loan Servicing, LLC

8 **MORTENSEN & RAFIE, LLP**

9 /s/ No Response

10 PETER B. MORTENSEN, ESQ.

11 Nevada Bar No. 5725

12 RICHARD R. K. WALTJEN, ESQ.

13 Nevada Bar No. 13416

14 10781 W. Twain Avenue

15 Las Vegas, Nevada 89135

16 Attorneys for Dennis Baham

Llarena, Carla (LAA-Las)

From: Darren T. Brenner <dbrenner@wrightlegal.net>
Sent: Tuesday, February 9, 2021 9:56 AM
To: Combs, Jamie (Assoc-Las)
Cc: Llarena, Carla (LAA-Las); Larsen, Patricia (LAA-Las); Winslow, Natalie (Ptnr-Las)
Subject: RE: Baham orders

Approved.

Darren T. Brenner, Esq.

Partner – Nevada Office



7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
(702) 608-1871 Direct
(702) 475-7964 Main, Ext. 7014
(702) 946-1345 Fax

dbrenner@wrightlegal.net

**Wright, Finlay & Zak, LLP: Your Counsel for
California, Nevada, Arizona, Washington,
Oregon, Utah, New Mexico, Hawaii,
Montana and South Dakota**



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telephone immediately at (949) 477-5050 and arrangements will
be made for the return of this material. Thank You.

From: jamie.combs@akerman.com [mailto:jamie.combs@akerman.com]
Sent: Tuesday, February 9, 2021 9:48 AM
To: Darren T. Brenner
Cc: carla.llarena@akerman.com; patricia.larsen@akerman.com; natalie.winslow@akerman.com
Subject: Baham orders

Hi Darren,

You previously approved the draft orders, but please confirm we have approval to attach your electronic signature to both orders for submission.

Thanks!

Jamie Katherine Combs

Akerman LLP | 1635 Village Center Circle, Suite 200 | Las Vegas, NV 89134

D: 702 634 5007

Admitted in Nevada and Washington

jamie.combs@akerman.com

[vCard | Profile](#)



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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Dennis Baham, Plaintiff(s)

CASE NO: A-20-810458-C

7 vs.

DEPT. NO. Department 11

8 Bayview Loan Servicing LLC,
9 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 was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/10/2021

15 Natalie Winslow

natalie.winslow@akerman.com

16 Ariel Stern

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17 Jamie Combs

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18 DEFAULT ACCOUNT

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19 Jason Craig

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20 Akerman LLP

AkermanLAS@akerman.com

21 Jamie Combs

jamie.combs@akerman.com

22 Dennis Baham

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23 Darren Brenner

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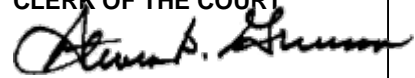
24

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26

27

28



NEOJ

NATALIE L. WINSLOW, ESQ.

Nevada Bar No. 12125

JAMIE K. COMBS, ESQ.

Nevada Bar No. 13088

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Facsimile: (702) 380-8572

Email: natalie.winslow@akerman.com

Email: jamie.combs@akerman.com

*Attorneys for The Bank of New York Mellon, as
Trustee for the Certificateholders of CWALT, Inc.,
Alternative Loan Trust 2005-2, Mortgage Pass-
Through Certificates, Series 2005-2*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

DENNIS BAHAM, an individual,

Plaintiff,

v.

BAYVIEW LOAN SERVICING, LLC, a Foreign
Limited Liability Company; FIRST AMERICAN
TRUSTEE SERVICING SOLUTIONS, LLC, a
Foreign Limited Liability Company; and BANK
OF NEW YORK MELLON f/k/a THE BANK
OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT, INC.,
ALTERNATIVE LOAN TRUST 2005-2,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-2,

Defendants.

Case No.: A-19-795762-C

Dept.: IV

**NOTICE OF ENTRY OF ORDER
GRANTING DEFENDANTS' MOTION TO
DISMISS COMPLAINTS AND DENYING
COUNTERMOTION TO AMEND**

///

///

///

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///

///

{54636715}

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that an **ORDER GRANTING DEFENDANTS' MOTION TO**
3 **DISMISS COMPLAINTS AND DENYING COUNTERMOTION TO AMEND** has been
4 entered by this Court on the 10th day of February, 2021, in the above-captioned matter. A copy of
5 said Order is attached hereto as **Exhibit A**.

6 Dated this 10th day of February, 2021.

7 **AKERMAN LLP**

8 /s/ Jamie K. Combs

9 NATALIE L. WINSLOW, ESQ.

10 Nevada Bar No. 12125

11 JAMIE K. COMBS, ESQ.

12 Nevada Bar No. 13088

13 1635 Village Center Circle, Suite 200

14 Las Vegas, Nevada 89134

15 *Attorneys for The Bank of New York Mellon, as*
16 *Trustee for the Certificateholders of CWALT, Inc.,*
17 *Alternative Loan Trust 2005-2, Mortgage Pass-*
18 *Through Certificates, Series 2005-2*
19
20
21
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of AKERMAN LLP, and that on this 10th day of February, 2021, and pursuant to NRCP 5.1, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS COMPLAINTS AND DENYING COUNTERMOTION TO AMEND**, in the following manner:

(ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof and served through the Notice of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List as follows:

WRIGHT FINLAY & ZAK LLP

DEFAULT ACCOUNT	NVefile@wrightlegal.net
Darren Brenner	dbrenner@wrightlegal.net
Jason Craig	jcraig@wrightlegal.net

DENNIS BAHAM - PLAINTIFF

Kevin Chan	kchan@nvlaw.us
Felipe Villa	fvilla@nvlaw.us
Richard Waltjen, Esq.	rwaltjen@nvlaw.us

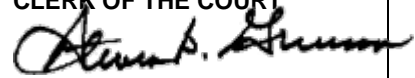
I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Patricia Larsen

An employee of AKERMAN LLP

EXHIBIT A

EXHIBIT A



ORDR

NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
JAMIE K. COMBS, ESQ.
Nevada Bar No. 13088
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1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
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Email: natalie.winslow@akerman.com
Email: jamie.combs@akerman.com

*Attorneys for The Bank of New York Mellon, as
Trustee for the Certificateholders of CWALT, Inc.,
Alternative Loan Trust 2005-2, Mortgage Pass-
Through Certificates, Series 2005-2*

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

DENNIS BAHAM, an individual,

Plaintiff,

v.

BAYVIEW LOAN SERVICING, LLC, a Foreign
Limited Liability Company; FIRST AMERICAN
TRUSTEE SERVICING SOLUTIONS, LLC, a
Foreign Limited Liability Company; and BANK
OF NEW YORK MELLON f/k/a THE BANK
OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT, INC.,
ALTERNATIVE LOAN TRUST 2005-2,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-2,

Defendants.

Case No.: A-20-810458-C
Dept.: XI

AND

Case No.: A-19-795762-C
Dept. No.: IV

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS COMPLAINTS
AND DENYING COUNTERMOTION TO
AMEND**

Defendants The Bank of New York Mellon, as Trustee for the Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-2, Mortgage Pass-Through Certificates, Series 2005-2 (**BoNYM**) and Bayview Loan Servicing, LLC filed a motion to dismiss the complaints filed by plaintiff in case A-19-795762-C and A-20-810458-C, which this Court ordered consolidated. Plaintiff Dennis Baham filed an opposition and counter motion to amend and defendants filed replies and responses to Baham's counter motion. This Court held a hearing on January 19, 2021 and heard argument of

counsel. Having considered the motion, opposition, countermotion, response, replies, as well as the pleadings and papers on file and the arguments of counsel,

IT IS ORDERED that defendants' motion to dismiss is **GRANTED**. Plaintiff's complaints are **DISMISSED** with prejudice.

Both of plaintiff's complaints allege a single claim for injunctive relief seeking to stop BoNYM from foreclosing on the subject property. The claims are based on the allegation that BoNYM's servicer Bayview lacked authority because it did not hold a debt-collectors license at the time the notice of default was recorded.

Plaintiff's claims are barred by claim preclusion. Claim preclusion applies where "(1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claim or any part of them that were or could have been brought in the first case." *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008) *holding modified by Weddell v. Sharp*, 131 Nev. Adv. Op. 28, 350 P.3d 80 (2015). Claim preclusion "embraces all grounds of recovery that were asserted in a suit, as well as those that could have been asserted." *Five Star*, 194 P.3d at 715.

Plaintiff litigated the issue of BoNYM's authority to foreclosure through the foreclosure mediation action, case no. A-18-775019-FM, appeal no. 78491. Plaintiff also litigated the issue of Bayview's licensure in federal court as case no. 2:19-cv-01125-APG-VCF. The parties or their privies were the same in those actions as they are here. Both actions resulted in final valid judgments. Plaintiff's sole remedy to challenge conduct related to the foreclosure mediation was through the foreclosure mediation action. *See Tobler v. Sables, LLC*, 968 F.3d 1010, 1012 (9th Cir. 2020). The foreclosure mediation action resulted in a final order concluding BoNYM was entitled to a foreclosure certificate, which the Nevada Supreme Court affirmed. The federal court action resulted in an order of dismissal of plaintiff's claims with prejudice, from which plaintiff did not appeal. Plaintiff is barred from raising the same issues he brought, or could have brought, in either of the two prior actions.

Plaintiff's claims also fail because injunctive relief is a remedy rather than a cause of action, and because the claims are moot as BoNYM has already foreclosed. *See, e.g., In re Wal-Mart Wage*

& Hour Employment Practices Litig., 490 F. Supp. 2d 1091, 1130 (D. Nev. 2007) (claim for injunctive relief was "not a separate cause of action" and "not an independent ground for relief"); see also *In re Mann*, 907 F.2d 923, 926 (9th Cir. 1990) (party's failure to obtain stay of foreclosure sale pending appeal rendered moot appeal of court's ruling on foreclosure action).

Plaintiff's claim cannot be characterized as one for wrongful foreclosure, as plaintiff does not allege he fully performed under the loan agreement. See *Collins v. Union Fed. Sav. & Loan Ass'n*, 99 Nev. 284, 304, 662 P.2d 610, 623 (1983) (A claim for wrongful foreclosure requires the plaintiff to show (1) the defendant exercised a power of sale or foreclosed on the property, and (2) at the time the power of sale was exercised, there was no breach of condition or failure of performance by the mortgagor that would have authorized the foreclosure.) Plaintiff admits he has not paid the mortgage loan since 2011. Plaintiff's allegations regarding Bayview's licensure status are also irrelevant to a wrongful foreclosure action as it was BoNYM, not Bayview, who foreclosed. Plaintiff's allegations do not satisfy the elements of a wrongful foreclosure claim.

IT IS FURTHER ORDERED that plaintiff's countermotion to amend is **DENIED**. The Court finds that plaintiff's proposed amended complaint will not cure the deficiencies in the complaint, and therefore amendment would be futile. *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011).

Dated this 10th day of February, 2021



Respectfully submitted by:

AKERMAN LLP

28B 679 6DD8 403B
Nadia Krall
District Court Judge

/s/ Jamie K. Combs
ARIEL E. STERN, ESQ.
Nevada Bar No. 8276
NATALIE L. WINSLOW, ESQ.
Nevada Bar No. 12125
JAMIE K. COMBS, ESQ.
Nevada Bar No. 13088
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134
Attorneys for BoNYM

Approved as to form and content by:

1 **WRIGHT, FINLAY & ZAK, LLP**

2 /s/ Darren T. Brenner

3 DARREN T. BRENNER, ESQ.

4 Nevada Bar No. 8386

5 7785 W. Sahara Avenue, Suite 200

6 Las Vegas, Nevada 89117

7 Attorneys for Bayview Loan Servicing, LLC

8 **MORTENSEN & RAFIE, LLP**

9 /s/ No Response

10 PETER B. MORTENSEN, ESQ.

11 Nevada Bar No. 5725

12 RICHARD R. K. WALTJEN, ESQ.

13 Nevada Bar No. 13416

14 10781 W. Twain Avenue

15 Las Vegas, Nevada 89135

16 Attorneys for Dennis Baham

Llarena, Carla (LAA-Las)

From: Darren T. Brenner <dbrenner@wrightlegal.net>
Sent: Tuesday, February 9, 2021 9:56 AM
To: Combs, Jamie (Assoc-Las)
Cc: Llarena, Carla (LAA-Las); Larsen, Patricia (LAA-Las); Winslow, Natalie (Ptnr-Las)
Subject: RE: Baham orders

Approved.

Darren T. Brenner, Esq.

Partner – Nevada Office



7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
(702) 608-1871 Direct
(702) 475-7964 Main, Ext. 7014
(702) 946-1345 Fax

dbrenner@wrightlegal.net

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Subject: Baham orders

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Thanks!

Jamie Katherine Combs

Akerman LLP | 1635 Village Center Circle, Suite 200 | Las Vegas, NV 89134

D: 702 634 5007

Admitted in Nevada and Washington

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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Dennis Baham, Plaintiff(s)

CASE NO: A-20-810458-C

7 vs.

DEPT. NO. Department 11

8 Bayview Loan Servicing LLC,
9 Defendant(s)

10
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20 Akerman LLP

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21 Jamie Combs

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22 Dennis Baham

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23 Darren Brenner

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28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****July 09, 2019**

A-19-795762-C Dennis Baham, Plaintiff(s)
 vs.
 Bayview Loan Servicing, LLC, Defendant(s)

**July 09, 2019 10:30 AM Preliminary Injunction
 Hearing**

HEARD BY: Miley, Stefany**COURTROOM:** RJC Courtroom 12C**COURT CLERK:** Katherine Streuber**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

PRESENT: Brenner, Darren T. Attorney
 Fox, Erik W. Attorney

JOURNAL ENTRIES

- Argument by Mr. fox noting Bank of New York Mellon are investors. Colloquy regarding re-filing and Plaintiff being in the same position. Mr. Fox stated the action is in process with Supreme Court which involves this property and pointed out they would be unable to re-file at this time, thus, requested to amend pleadings. Argument by Mr. Brenner pointing out that allowing the amendment would delay the process, stated case history and further argued bond. Court disclosed Jamie Cogburn had done some legal work for the Court. No objection by either party with the Court continuing to preside over the case. Court inquired why party had not brought the issue before Judge Bell. Argument by Mr. Fox regarding forum shopping. Court stated parties would need to wait for Supreme Court decision and place the matter before Judge Bell. Further argument by Mr. Fox regarding removing to Federal Court. Court stated parties should agree to stay any sales pending decision from other Court and reiterated issue should before Judge Bell. Statement by Mr. Brenner. Court noted it was unsure what Judge Gordon or the Supreme Court were going to decide and requested possible solutions. Argument by Mr. Brenner. Court inquired how Plaintiff could seek relief as currently postured in front of Judge bell. Arguments by counsel. Mr. Brenner noted sale date is tomorrow, July 10, 2019 which had been continued several times. Court stated it could not make any preliminary findings and ORDERED, TRO extended for two weeks (expiration date

being July 23, 2019 at 5:00 p.m.) and directed parties to place matter before Judge Bell. FURTHER, bond STANDS. Mr. Fox to provide an order to opposing counsel for review prior to submitting to the Court for signature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 15, 2019

A-19-795762-C Dennis Baham, Plaintiff(s)
vs.
Bayview Loan Servicing, LLC, Defendant(s)

October 15, 2019

3:00 PM

Minute Order

**Minute Order Re:
Department 23
Recusal**

HEARD BY: Miley, Stefany

COURTROOM: Chambers

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Previous professional and legal services have been provided to the Court by Mr. Jamie S. Cogburn, Esq. Although the COURT does not believe these services will affect its ability to be fair and impartial, in order to avoid the appearance of impropriety and implied bias, the COURT hereby recuses itself. This matter will be reassigned at random.

IT IS SO ORDERED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 15, 2021

A-19-795762-C	Dennis Baham, Plaintiff(s)
	vs.
	Bayview Loan Servicing, LLC, Defendant(s)

January 15, 2021 3:00 AM Minute Order

HEARD BY: Krall, Nadia **COURTROOM:** Chambers

COURT CLERK: Nylasia Packer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court notes that a Motion to Consolidate and Motion to Dismiss was set for hearing on the oral civil motion calendar for January 19, 2021 at 9:00 a.m.

The Court hereby RESETS the Motion to Consolidate and Motion to Dismiss to be heard on January 19, 2021 at 10:00 a.m.

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (1/15/21 np).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 19, 2021

A-19-795762-C	Dennis Baham, Plaintiff(s)
	vs.
	Bayview Loan Servicing, LLC, Defendant(s)

January 19, 2021 10:00 AM Motion to Consolidate

HEARD BY: Krall, Nadia **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Nylasia Packer

RECORDER: Stacey Ray

REPORTER:

PARTIES

PRESENT:	Combs, Jamie	Attorney
	Mortenson, Peter B	Attorney

JOURNAL ENTRIES

- Parties present via Bluejeans, including Christina Miller, Esq.

Court reviewed the case and noted Defendant's motion to consolidate is unopposed therefore COURT ORDERED, motion to consolidate is GRANTED. Court noted as to Defendant's motion to dismiss the Court of Appeals already heard this case. Court reviewed findings. Following arguments by counsel, Court stated its findings and ORDERED, motion to dismiss both cases GRANTED. FURTHER ORDERED, Jamie Combs, Esq. to prepare the order and submit to counsel for approval as to form and content.



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

DENNIS BAHAM
6017 GUILD CT.
LAS VEGAS, NV 89131

DATE: March 11, 2021
CASE: A-19-795762-C
C/W A-20-810458-C

RE CASE: DENNIS BAHAM vs. BAYVIEW LOAN SERVICING, LLC; FIRST AMERICAN TRUSTEE SERVICING SOLUTIONS, L.L.C.; BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2

NOTICE OF APPEAL FILED: March 10, 2021

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 District 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; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS' MOTION TO DISMISS COMPLAINTS AND DENYING COUNTERMOTION TO AMEND; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS COMPLAINTS AND DENYING COUNTERMOTION TO AMEND; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

DENNIS BAHAM,

Plaintiff(s),

vs.

BAYVIEW LOAN SERVICING, LLC; FIRST AMERICAN TRUSTEE SERVICING SOLUTIONS, L.L.C.; BANK OF NEW YORK MELLON fka THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-2, MORTGAGE PASS-THROUGH CERTIFICATE, SERIES 2005-2,

Defendant(s),

Case No: A-19-795762-C

Consolidated with A-20-810458-C

Dept No: IV

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 11 day of March 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk