

CASE NO. 27CV-TT12-2019-0178

Electronically Filed
Mar 25 2021 03:06 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF PERSHING

STEVEN KINFORD

Petitioner

vs

SOCIAL SECURITY ADMINISTRATION,
Respondent.

NOTICE OF APPEAL

Notice is hereby given that Steven Kinford, the Petitioner named above, hereby appeals to the Supreme Court of Nevada from the order dismissing the above-entitled case on the 9th day of March, 2021.

Dated this 15th day of March, 2021



Steven Kinford #64984

1200 Prison Rd.

Lovelock, NV 89419-5910

Plaintiff in Pro Se.

Certificate of Service.

I, Steven Kindorf, hereby certify, pursuant to NRCP 5(b), that on this 15th day of March, 2021, I mailed a true and correct copy of the foregoing "Notice of Appeal" by placing it in the hands of the Lovelock Correctional Center Law Library Supervisor, First class Postage, fully paid and addressed as follows:

Eleventh Judicial District Court

P.O. Box 11.

Lovelock, Nev.

894119

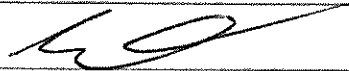
Nevada Attorney General

555 E. Washington Ave.

Las Vegas, Nev.

89101

Dated this 15th day of March, 2021



1 Case No. 27CV-TT12-2019-0178

2 Pursuant to NRS 239B.030, the undersigned affirms that this
3 Document does not contain social security numbers.
4
5

6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF PERSHING
8

9 Steven Kinford,

10 Petitioner,

11 vs.

12 Social Security Administration,

13 Respondent.
14

15 **CASE APPEAL STATEMENT**

16 1. Name of appellant filing this case appeal statement:

17 Steven Kinford

18 2. Identify the judge issuing the decision, judgment or order appealed from:

19 Honorable Jim C. Shirley

20 3. Identify each appellant and the name and address of counsel for each
21 appellant:

22 Steven Kinford #64984

23 Pro Per
1200 Prison Road
24 Lovelock Correctional Center
Lovelock, NV. 89419

- 1
- 2
- 3
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

4 Social Security Administration

5 Office of the Attorney General
100 North Carson Street
6 Carson City, NV. 89701-4717

- 7
- 8
- 9
5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

10 N/A

- 11
6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

12 No, Pro Per

- 13
- 14
7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

15 No

- 16
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

17 An Order to Proceed in Forma Pauperis was filed on 12/31/19.

- 18
- 19
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

20 A Petition for Request of Rehabilitation/Education Program was filed on 12/31/19.

- 21
- 22
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

23 Petitioner filed a Petition for Request of Rehabilitation/Education Program on 12/31/19. An Order Denying Tort Action for Request of

24

1 Rehabilitation/Education Program was filed on 03/09/21. A Notice of
2 Appeal was filed on 03/18/21, which resulted in this instant appeal.

- 3 11. Indicate whether the case has previously been the subject of an appeal to or
4 original writ proceeding in the Supreme Court and, if so, the caption and
Supreme Court docket number of the prior proceeding:

5 This case has not previously been appealed to the Supreme Court.

- 6 12. Indicate whether this appeal involves child custody or visitation: No

- 7 13. If this is a civil case, indicate whether this appeal involves the possibility of
8 settlement: No, an Order Denying Tort Action for Request of
Rehabilitation/Education Program was filed.

9 Dated this 22nd day of March 2021.

10
11 /s/ Carol Elerick
12 Carol Elerick
13 Senior Court Clerk
14 P.O. Box H
15 Lovelock, NV. 89419
16 (775) 273-2410
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Case Snapshot: Mon Mar 22 10:50:05 PDT 2021

Case Number: 27CV-TT12-2019-0178

Case Name: Steven Kinford vs Social Security Administration

Date Filed: 11-21-2019

Disposition: Closed

Parties:

RESP: SOCIAL SECURITY ADMINISTRATION

Atty: Christopher Guy

NEVADA ATTORNEY GENERAL'S OFFICE

PETR: Steven Kinford

Hearings:

Dockets:

03-22-2021Case Appeal Statement

03-22-2021 52.1 Case Appeal Statement

03-18-2021Notice of Appeal

03-18-2021 50.1 Notice of Appeal

03-09-2021Notice of Entry - Order Denying Tort Action for Request of Rehabilitation/Education Program

03-09-2021 48.1 Notice of Entry - Order Denying Tort Action for Request of Rehabilitation/Education Program

03-09-2021Order Denying Tort Action for Request of Rehabilitation/Education Program

03-09-2021 47.1 Order Denying Tort Action for Request of Rehabilitation/Education Program

03-03-2021Notice of Appearance

03-03-2021 46.1 Notice of Appearance

02-05-2021Notice of Entry - Order Directing Both Parties To Prepare a Proposed Order

02-05-2021 43.1 Notice of Entry - Order Directing Both Parties To Prepare a Proposed Order

02-05-2021Order Directing Both Parties To Prepare a Proposed Order

02-05-2021 42.1 Order Directing Both Parties To Prepare a Proposed Order

01-27-2021Request for Submission of Motion

01-27-2021 41.1 Request for Submission of Motion

01-21-2021Request for Submission of Motion

01-21-2021 39.1 Request for Submission of Motion

01-15-2021 Reply to Opposition to Motion for Reconsideration
 01-15-2021 36.1 Reply to Opposition to Motion for Reconsideration

01-07-2021 Request for Submission
 01-07-2021 34.1 Request for Submission

01-06-2021 Opposition to Motion for Reconsideration
 01-06-2021 33.1 Opposition to Motion for Reconsideration

12-28-2020 Motion for Reconsideration
 12-28-2020 32.1 Motion for Reconsideration

12-18-2020 Notice of Entry - Order Denying Tort Action for Request of Rehabilitation/Education Program
 12-18-2020 30.1 Notice of Entry - Order Denying Tort Action for Request of Rehabilitation/Education Program

12-17-2020 Order Order Denying Tort Action for Request of Rehabilitation/Education Program
 12-17-2020 29.1 Order Order Denying Tort Action for Request of Rehabilitation/Education Program

12-09-2020 Notice of Entry of Order Re: Order Denying Tort Action for Request of Rehabilitation/Education Program
 12-09-2020 28.1 Notice of Entry of Order Re: Order Denying Tort Action for Request of Rehabilitation/Education Program

12-09-2020 Order Denying Tort Action for Request of Rehabilitation/Education Program
 12-09-2020 27.1 Order Denying Tort Action for Request of Rehabilitation/Education Program

11-30-2020 Request for Submission of Order Granting Reinstatement of Social Security Benefits for Rehabilitation Purposes
 11-30-2020 26.1 Request for Submission of Order Granting Reinstatement of Social Security Benefits for Rehabilitation Purposes

10-22-2020 Notice to the Court
 10-22-2020 24.1 Notice to the Court

09-24-2020 Request for Submission
 09-24-2020 22.1 Request for Submission

09-18-2020 Request for Submission
 09-18-2020 20.1 Request for Submission

09-15-2020 Notice of Entry - Order Extending Time to Respond and Directing Preparation of Orders
 09-15-2020 19.1 Notice of Entry - Order Extending Time to Respond and Directing Preparation of Orders

09-11-2020 Order
09-11-2020 18.1 Order

09-10-2020 Reply to Response to Tort Action for Request of Rehabilitation/Education Program
09-10-2020 17.1 Reply to Response to Tort Action for Request of Rehabilitation/Education Program

09-08-2020 Request for Submission of Motion
09-08-2020 15.1 Request for Submission of Motion

08-28-2020 Motion for Extension of Time to Respond
08-28-2020 13.1 Motion for Extension of Time to Respond

08-20-2020 Other Filing RESPONSE TO TORT ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM
08-20-2020 11.1 Other Filing RESPONSE TO TORT ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM

07-09-2020 Notice of Entry - Order to Respond
07-09-2020 10.1 Notice of Entry - Order to Respond

07-02-2020 Order to Respond
07-02-2020 9.1 Order to Respond

04-24-2020 Request for Status Check
04-24-2020 8.1 Request for Status Check

03-13-2020 Request for Submission
03-13-2020 7.1 Request for Submission

12-31-2019 Petition for Request of Rehabilitation/Education Program
12-31-2019 6.1 Petition for Request of Rehabilitation/Education Program

12-31-2019 Other Filing Tort Action for Request of Rehabilitation Education Program
12-31-2019 5.1 Other Filing Tort Action for Request of Rehabilitation Education Program

12-31-2019 Order - Waiver for Fees and Costs Order to Proceed in Forma Pauperis
12-31-2019 4.1 Order - Waiver for Fees and Costs Order to Proceed in Forma Pauperis

12-18-2019 Order Transferring Matter to Eleventh Judicial District, Pershing County, Nevada
12-18-2019 3.1 Order Transferring Matter to Eleventh Judicial District, Pershing County, Nevada

11-21-2019 Certificate Financial Certificate
11-21-2019 2.1 Certificate Financial Certificate

11-21-2019Application to Proceed in Forma Pauperis

11-21-2019 1.1 Application to Proceed in Forma Pauperis

CASE NO. 27CV-TT12-2019-0178

DEPT. NO. 1

Affirmation pursuant to NRS 239B.039

The undersigned affirms that this
document does not contain the
personal information of any person

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

STEVEN KINFORD,

Petitioner,

vs.

SOCIAL SECURITY ADMINISTRATION,

Respondent.

**ORDER DENYING TORT ACTION FOR
REQUEST OF
REHABILITATION/EDUCATION PROGRAM**

Petitioner Steven Kinford's (Kinford), pro se, Motion for Reconsideration came before this Court, in chambers. After review of the papers, pleadings, on file herein, without any oral argument from the parties, the Court rules as follows:

I. RELEVANT PROCEDURAL HISTORY

1. On December 3, 2019, as the Eighth Judicial District Court found it did not have jurisdiction to adjudicate Kinford's Petition, it transferred the Petitioner Kinford's Petition to this Court.
2. The Kinford filed a Tort Action for request of Rehabilitation/Education Program (Petition) which requested this Court approve a college education program so that he could qualify for Social Security benefits.
3. Kinford, however did not serve the Petition on the Officer of the Attorney General of Nevada (OAG).
4. On July 9, 2020, this Court ordered the OAG to respond the Petition within 45 days.

- 1 5. The OAG field a timely response on August 20, 2020.
- 2 6. Kinford filed a reply on September 8, 2020.
- 3 7. On December 9, 2020, the Court denied Petitioner Kinford's Petition.
- 4 8. Notice of entry of order was filed the same day.
- 5 9. Kinford filed his Motion for Reconsideration (the "Motion") on December 23, 2020.
- 6 10. The OAG filed an Opposition (the "Opposition") Kinford's Motion on January 6, 2021.

7 **II. FINDING OF FACTS**

- 8 1. Kinford sought reconsideration on two points: that he was a level 1 inmate rather than
9 a level 2 inmate. Mot. At 1-2. And second, the institution he hopes to attend is Great
10 Basin College to receive his AA in business. Mot. At 3.
- 11 2. Kinford states that his Motion is written to try and "fix the errors" in his writings. Mot.
12 at 1.
- 13 3. Kinford states that he has not been a Level 2 inmate for "some time." Mot. At 1.
- 14 4. He goes on to claim that the college that he plans to re-enroll in will be Great Basin
15 College. There he will seek an AA degree in business. The Court presumes an AA
16 means an associate degree. Mot. at 3.
- 17 5. Kinford has not argued that any new controlling law has emerged after the Court's
18 December 9, 2020 Order.
- 19 6. Outside of an omission that he neglected to provide the Court with all relevant facts
20 that support his matter, Kinford has not explained why he was unable to raise these
21 facts in his original petition or in his reply.

22 **III. CONCLUSIONS OF LAW**

- 23 1. Under Nevada law, a district court may only "may reconsider a previously decided
24 issue if substantially different evidence is subsequently introduced or the decision is
25 clearly erroneous." *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley,*
26 *Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997).

- 1 2. "Only in very rare instances in which new issues of fact or law are raised supporting
2 a ruling contrary to the ruling already reached should a motion for rehearing be
3 granted. *Moore v. City of Las Vegas*, 551 P.2d 244, 246 (Nev. 1976).
- 4 3. "Rehearings are not granted as a matter of right and are not allowed for the purpose
5 of reargument...." *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974).
- 6 4. Although Kinford now claims that he is not a level 2 inmate, he did not provide the
7 Court with any evidence to support such a claim. Nor did he state his status as level
8 one inmate was a new development. And therefore, he was not able to claim level
9 one status in his Petition or reply. To the contrary, Kinford asserts that he has been
10 at level two status for "sometime now." See *Achrem v. Expressway Plaza Ltd. P'ship*,
11 112 Nev. 737, 742, 917 P.2d 447, 450 (1996) (Points or contentions not raised in the
12 first instance cannot be raised in a rehearing.)
- 13 5. Because Kinford has not presented new evidence that was not reasonably available
14 to him at the time of his Petition, the Court will not now consider these new
15 arguments. See *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974) ("Rehearings
16 are not granted as a matter of right and are not allowed for the purpose of
17 reargument....")
- 18 6. Kinford, next raises for the first time that he intends to re-enroll at Great Basin
19 College. Again however, Kinford does not explain why he was not able to assert this
20 intention in his Petition or reply. Further, Kinford does not state the has enrolled, but
21 rather that he might re-enroll at Great Basin College. Because Kinford has not
22 explained why he was unable to re-enroll at Great Basin College or why he was not
23 able to inform the Court of his intentions prior its ruling, the Court will not now consider
24 this revised argument. See *Geller v. McCowan*, 178 P.2d 380, 381 (Nev. 1974)
25 ("Rehearings are not granted as a matter of right and are not allowed for the purpose
26 of reargument....")
- 27 7. Finally, Kinford does not claim that new controlling law has been decided since this
28 Courts December 9, 2020 Order. Nor does Kinford explain why the Court's ruling is

1 clearly erroneous based on the facts and law the Court relied upon to make its ruling.
2 As there appears to be no new evidence or law that is substantially different from that
3 the Court relied on to makes it rule, the Court denies Kinford's Motion for
4 Reconsideration. See *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley,*
5 *Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997) (requiring substantially
6 different evidence or clear error in order to reconsider a previously decided issue).

7 **IV. ORDER**

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven Kinford's
9 Motion for Reconsideration is **denied**.

10 IT IS SO ORDERED.

11
12
13 Respectfully submitted by:

14 AARON D. FORD
15 Attorney General

16 By: /s/ Christopher M. Guy
17 Christopher M. Guy (Bar No. 15239)
18 Deputy Attorney General
19 Attorneys for Special Appearing Party
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration

Case Number: 27CV-TT12-2019-0178

Type: Order - Decision

It is so Ordered.

A handwritten signature in cursive script, appearing to read 'Shirley', is written in black ink.

Judge Shirley

1 CASE NO. 27CV-TT12-2019-0178

2 *Pursuant to NRS 239B.030, the undersigned affirms*
3 *that this document does not contain social security numbers.*

4
5
6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7
8 IN AND FOR THE COUNTY OF PERSHING

9 STEVEN KINFORD,

10 Petitioner,

NOTICE OF ENTRY
OF ORDER

11 vs.

12 SOCIAL SECURITY ADMINISTRATION,

13 Respondent.

14 PLEASE TAKE NOTICE that the Court entered the ORDER DENYING TORT
15 ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM on March
16 9, 2021, a true and correct copy of which is attached to this notice.

17 If this is a final order and if you wish to appeal to the Nevada Supreme Court, you
18 must file a Notice of Appeal with the Clerk of this Court within 33 days after the date this
19 notice is mailed/electronically served to you.

20 DATED this 9 day of March 2021.

21
22 KATRENA M. MARTIN
23 CLERK OF THE COURT

24 By *Adriana Ramos*
25 Deputy
26
27
28

1 **CERTIFICATE OF SERVICE**

2
3 Pursuant to NRCP 5(b), I certify that I am an employee of the Eleventh Judicial District
4 Court, and that on the date below, I caused to be served through the United States Postal Service,
5 hand delivery and/or by electronic mail, a true and correct copy of the ORDER DENYING
6 TORT ACTION FOR REQUEST OF REHABILITATION/EDUCATION PROGRAM in this
7 matter, on March 9, 2021 on the following:

8 Christopher M. Guy
9 Nevada Attorney General's Office
10 cguy@ag.nv.gov

11 Steven Kinford #64984
12 1200 Prison Road
13 Lovelock, NV 89419

14 DATED this 9 day of March 2021.

15 
16 Deputy Clerk

CASE NO. 27CV-TT12-2019-0178

DEPT. NO. 1

Affirmation pursuant to NRS 239B.039

The undersigned affirms that this
document does not contain the
personal information of any person

**IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF PERSHING**

STEVEN KINFORD,

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vs.

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**ORDER DENYING TORT ACTION FOR
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3. Kinford, however did not serve the Petition on the Officer of the Attorney General of Nevada (OAG).
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5. The OAG field a timely response on August 20, 2020.
6. Kinford filed a reply on September 8, 2020.
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10. The OAG filed an Opposition (the "Opposition") Kinford's Motion on January 6, 2021.

II. FINDING OF FACTS

1. Kinford sought reconsideration on two points: that he was a level 1 inmate rather than a level 2 inmate. Mot. At 1-2. And second, the institution he hopes to attend is Great Basin College to receive his AA in business. Mot. At 3.
2. Kinford states that his Motion is written to try and "fix the errors" in his writings. Mot. at 1.
3. Kinford states that he has not been a Level 2 inmate for "some time." Mot. At 1.
4. He goes on to claim that the college that he plans to re-enroll in will be Great Basin College. There he will seek an AA degree in business. The Court presumes an AA means an associate degree. Mot. at 3.
5. Kinford has not argued that any new controlling law has emerged after the Court's December 9, 2020 Order.
6. Outside of an omission that he neglected to provide the Court with all relevant facts that support his matter, Kinford has not explained why he was unable to raise these facts in his original petition or in his reply.

III. CONCLUSIONS OF LAW

1. Under Nevada law, a district court may only "may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous." *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997).

- 1 2. "Only in very rare instances in which new issues of fact or law are raised supporting
2 a ruling contrary to the ruling already reached should a motion for rehearing be
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7 Court with any evidence to support such a claim. Nor did he state his status as level
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- 27 7. Finally, Kinford does not claim that new controlling law has been decided since this
28 Courts December 9, 2020 Order. Nor does Kinford explain why the Court's ruling is

1 clearly erroneous based on the facts and law the Court relied upon to make its ruling.
2 As there appears to be no new evidence or law that is substantially different from that
3 the Court relied on to makes it rule, the Court denies Kinford's Motion for
4 Reconsideration. See *Masonry and Tile Contractors Ass'n of Southern Nev. v. Jolley,*
5 *Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997) (requiring substantially
6 different evidence or clear error in order to reconsider a previously decided issue).

7 **IV. ORDER**

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner Steven Kinford's
9 Motion for Reconsideration is **denied**.

10 IT IS SO ORDERED.

11
12
13 Respectfully submitted by:

14 AARON D. FORD
15 Attorney General

16 By: /s/ Christopher M. Guy
17 Christopher M. Guy (Bar No. 15239)
18 Deputy Attorney General
19 Attorneys for Special Appearing Party
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**ELEVENTH JUDICIAL
DISTRICT COURT**



Eleventh Judicial District Court

Case Title: Steven Kinford vs Social Security Administration
Case Number: 27CV-TT12-2019-0178
Type: Order - Decision

It is so Ordered.

A handwritten signature in cursive script, appearing to read "Shirley", is written in black ink.

Judge Shirley

1 Case No. 27CV-TT12-2019-0178

2 *Pursuant to NRS 239B.030, the undersigned affirms that this*
3 *Document does not contain social security numbers.*

4
5
6 IN THE ELEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF PERSHING

8 Steven Kinford,

9 Petitioner,

10 vs.

11 Social Security Administration,

12 Respondent.

CERTIFICATE

13 State of Nevada)
14 : ss.
County of Pershing)

15
16 I, Carol Elerick, Deputy Court Clerk, do hereby certify that the following are
17 true and correct copies of the original documents in the above-entitled case, which was
18 appealed to the Supreme Court.

19 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the
20 seal of said Court, at Lovelock, Nevada, this 22nd day of March 2021.

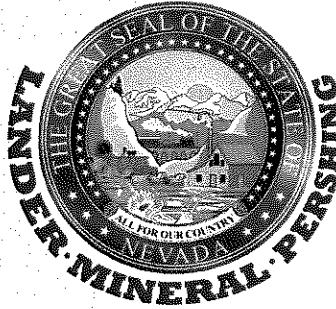
21 Kate Martin
Eleventh Judicial District Court Clerk

22 By: 

23 Deputy Clerk
24

ELEVENTH JUDICIAL DISTRICT COURT

Jim C. Shirley
District Judge



Judge's Chambers
P.O. Box H
Lovelock, NV 89419
Tel. (775) 273-2105
Fax: (775) 273-4921

March 22, 2021

Elizabeth Brown
Supreme Court Clerk
201 South Carson Street
Carson City, NV 89701-4702

Re: Eleventh Judicial District – Pershing County
Case No. 27CV-TT12-2019-0178
Steven Kinford vs. Social Security Administration

Enclosed, please find the following documents as it relates to an Appeal filed on
March 18, 2021:

- Certification
- Exhibit List (if applicable)
- Minutes (if applicable)
- Notice of Entry of Order (with Order)
- Judgment / Order
- District Court Docket
- Case Appeal Statement
- Notice of Appeal

Should you have any questions or require additional information, please do not
hesitate to contact the Court.

Kate Martin
Eleventh Judicial District Court Clerk

By: 
Deputy Clerk

ce
Encl.

☐ **Pershing County**
P.O. Box H
Lovelock, NV 89419
Tel. (775) 273-2410
Fax: (775) 273-2434

☐ **Lander County**
50 State Route 305
Battle Mountain, NV 89820
Tel. (775) 635-1332
Fax: (775) 635-0394

☐ **Mineral County**
P.O. Box 1450
Hawthorne, NV 89415-0400
Tel. (775) 945-0738
Fax: (775) 945-0706