

CASE NO: DC-CU-2 103  
DEPT NO: 1

IN THE FOURTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLATSOP

Electronically Filed  
Jun 30 2021 10:26 AM EKD  
Elizabeth A. Brown  
Clerk of Supreme Court

SHAWN DAVID MCCOY,  
Plaintiff,

v.

Aitor Navariza, Sheriff  
ELKO COUNTY JAIL

Medallus Medical

Cotton Doe, nurse

Rosina Doe, nurse

Bailey Doe, nurse

Josanna Doe, nurse

Rachet Ucharathone, director

John Doe, doctor and Jane Doe, doctor

Defendants

NOTICE OF  
APPEAL

2021 JUN 11 PM 4:14  
CLATSOP DISTRICT COURT  
CLERK DEPUTY EKD

Comes now plaintiff Shawn D. McCoy, in Pro-Se  
and hereby gives notice to Defendants Attorney  
Brent Rymann and to this Honorable Court.  
Plaintiff's motion for Notice of Appeal, to the  
Nevada Supreme Court. Based on all motions  
and pleadings filed in this Honorable Court

Comes now plaintiff Shannon D. McFar and asserts the right to appeal. This appeal is based off of Order Granting Motions to Dismiss and denying motions for extension of time and for default Judgement (Filed on 2021 May 20 at 2:58 pm); Order denying Ex Parte Motion (Filed on 2021 May 20 Am 2:57) And Summons and Service the Court Approved against Defendants on 2/18/2021 And Default Judgement, that was mailed out from Cottonwood Idaho on 5/4/2021

Plaintiff Prays this Honorable Court will get transcripts and documents in order to send to the Nevada Supreme Court for Plaintiffs Appeal.

Dated this 9<sup>th</sup> day of June, 2021

Shannon D. McFar  
Shannon D. McFar #157747  
236 Radar Rd  
Cottonwood Id. 83522

## Verification Under Penalty of Perjury

I do hereby under penalty of perjury that the above affidavit is true and correct and is stated to the best of my knowledge and is made without the benefit of a notary pursuant to NRS 208.165 and USC 528 USC 1746 as I'm incarcerated.

Dated this 8<sup>th</sup> day of June 2021  
~~Shannon D. McE~~  
Shannon D. McE #139747  
236 Radar Rd  
Cottonwood Id. 83522

Pursuant to NRCP 5(b) I certify that I am Shannon D. McE in Pro-Se and that on this day I caused to be served a true and correct copy of the attached documents by U.S. Mail (Notice of Appeal in Case # DC-CV-20-83, DC-CV-20-103 and DC-CV-20-115 to the following

District Court Clerk	Brent Rymann	Nevada Supreme
550 Court St. 3 <sup>rd</sup> Floor	99 W. Arago St.	Court
EIKD NV. 89801	Revs NV. 89509	201 S. Carson St
		Suite 201
		Carson City, NV 89702

DC-CV-20-103  
DEPARTMENT 1

FILED

2021 JUN 24 PM 3:13

ELKO CO DISTRICT COURT

CLERK DEPUTY *Am*

IN THE FOURTH JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

SHANNON D. MCCOY,  
APPELLANT,  
vs.

AITOR NARVAIZA, SHERIFF, ET AL  
RESPONDENT.

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CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:  
SHANNON D. MCCOY
2. Identify the judge issuing the decision, judgment or order  
appealed from:  
JUDGE KRISTON N. HILL
3. Identify each appellant and the name and address of counsel for each appellant:  
SHANNON D. MCCOY
4. Identify each respondent and the name and address of appellant 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):  
AITOR NARVAIZA, SHERIFF, ET AL

BRENT L. RYMAN  
ERICKSON, THORPE & SWAINSTON, LTD  
99 WEST ARROYO STREET  
RENO, NV 89509

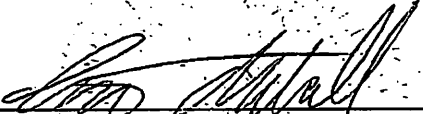
TYLER J. INGRAM, ESQ.  
ELKO COUNTY DISTRICT ATTORNEY  
540 COURT STREET, 2<sup>ND</sup> FLOOR  
ELKO, NV 89801

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): N/A
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: N/A
7. Indicate whether appellant is represented by appointed or retained counsel on appeal: NO
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: NO
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): OCTOBER 15, 2020
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:

Appellant has filed an appeal regarding:  
ORDER GRANTING MOTIONS TO DIMISS AND DENYING MOTIONS FOR  
EXTENSION OF TIME AND FOR DEFAULT JUDGMENT FILED MAY 205, 2021.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: NO
12. Indicate whether this appeal involves child custody or visitation: NO
13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: DOES NOT APPLY

KRISTINE JAKEMAN, Elko County Clerk

By:   
ANNETTE MARSHALL Deputy Clerk

## Case Summary

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### DC-CV-20-103 - MCCOY, SHANNON D VS. NARVAIZA, AITOR - ELKO COUNTY SHERIFF ET AL

Court: DC-CV-20-103

Agency: Elko County Clerk's Office

Type: Civil

CaselD: 20-74123

Status: Closed

Received Date: 10/15/2020

Status Date: 5/20/2021

Age: 252 days    Active Age: 252 days

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#### Involvements

HILL, KRISTON Judge -  
PORTER, NANCY Judge -  
MCCOY, SHANNON Plaintiff -  
DOE, COLTON Defendant -  
DOE, ROSINA Defendant -  
DOE, BAILEY Defendant -  
DOE, JOANNA Defendant -  
DOE, JOHN Defendant -  
DOE, JANE Defendant -  
ELKO COUNTY JAIL, Defendant -  
MEDALLUS MEDICAL, Defendant -  
NARVAIZA, AITOR - ELKO COUNTY SHERIFF, Defendant -  
VACHAROTHONE, RACHOT Defendant -

#### Name Attributes

For: ELKO COUNTY JAIL  
Name Record Source - Name Record Converted  
from JALAN - Court  
For: SHANNON DAVID MCCOY  
Name Record Source - Name Record Converted  
from JALAN - Court  
Occupation: UNEMPLOYED  
Place of Birth: SUPERIOR, MT  
For: NARVAIZA, AITOR - ELKO COUNTY SHERIFF  
Name Record Source - Name Record Converted  
from JALAN - Court

#### Issues

##### 1. CVC42 ~ Civil Writ - Writ of Habeas Corpus

Civil Writ - Writ of Habeas Corpus

#### Case History

Date	Event Type Desc	Status
	Awaiting Charging Decision - Case Status	
	Case Status Change	
	Closed - Case Status	
	Case Status Change	
	Pending - Case Status	
	Case Status Date Change	
	Pending - Case Status	
	Case Status Change	

## Case Summary

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Closed - Case Status

ORDER GRANTING MOTION TO DISMISS AND DENYING MOTION FOR EXTENSION TIME AND FOR  
DEFAULT JUDGMENT FILED

10/15/2020 PROPOSED MOTION TO PROCEED IN FORM  
OF PAUPERIS RECEIVED 10.15.2020 -  
Document

PLUS 2 COPIES  
PLACED IN DC1 P/U BOX @11:35

10/15/2020 PROPOSED COMPLAINT RECEIVED  
10.15.2020 - Document

PLUS 2 COPIES  
PLACED IN DC1 P/U BOX @11:35

10/15/2020 10 PROPOSED ORIGINAL SUMMONS -  
Document

NO COPIES PROVIDED  
PLACED IN DC1 P/U BOX @11:35

10/15/2020 PROPOSED VERIFICATION PAGE RECEIVED  
10.15.2020 - Document

NO COPIES PROVIDED  
PLACED IN DC1 P/U BOX @11:35

12/2/2020 LETTER FROM SHANNON MCCOY WANTING  
CASE SUMMARY SHEETS - Document

MAILED THEM TO HIM

12/15/2020 ORDER DISMISSING PRETRIAL MOTIONS,  
WRITS OF HABEAS CORPUS, AND  
COMPLAINTS - Document

FILE CHECKED OUT PLACED IN DC1 P/U BOX

12/16/2020 NOTICE OF ENTRY OF ORDER - Document

FILE CHECKED OUT PLACED IN DC1 P/U BOX

12/16/2020 COMPLAINT - Document

COPIES MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 MOTION TO PROCEED IN FORMA PAUPERIS  
- Document

COPIES MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (NARVAIZA) - Document

NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (ELKO COUNTY JAIL) -  
Document

NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (MEDALLUS) -  
Document

NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

## Case Summary

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12/16/2020 SUMMONS ISSUED (COLTON DOE) - Document  
NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (ROSINA DOE) - Document  
NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (BAILEY DOE) - Document  
NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (JOANNA DOE) - Document  
NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (RACHOT VACHANOTHONE) - Document  
NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (JOHN DOE) - Document  
NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (JANE DOE) - Document  
NO COPIES PROVIDED  
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

1/4/2021 SUBMISSION OF SUMMONS - Document  
ASKING THE COURT IF THEY SHOULD BE ISSUED.

1/15/2021 SECOND AMENDED ORDER DISMISSING PRETRIAL MOTIONS, WRITS OF HABEAS CORPUS AND COMPLAINTS - Document  
LEAVE CASE OPEN PER ORDER

1/20/2021 MAIL RETURNED 01.20.21 - Document  
COPY OF AMENDED ORDER (FILED 01/07/21) ADDRESSED TO SHANNON MCCOY RETURNED UNDELIVERABLE - RETURN TO SENDER  
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

1/21/2021 INMATE MAIL RECEIVED ON 01.21.2021 OF SUMMONSES - Document  
FORWARDED TO DC1 FOR FILING DETERMINATION  
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

2/12/2021 COPIES PREPARED FOR - Case Notes  
EMAILED DOCKET AND FILE STAMPED COMPLAINT COPY TO SHANNON AT JBOND@CO.JEFFERSON.ID.US

2/18/2021 SUMMONS ISSUED NARVAIZA - Document



## Case Summary

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SHERIFF NARVAIZA AITOR

2/18/2021	SUMMONS ISSUED ELKO COUNTY JAIL - Document ELKO COUNTY JAIL
2/18/2021	SUMMONS ISSUED MEDALLUS - Document MEDALLUS MEDICAL
2/18/2021	SUMMONS ISSUED COLTON DOE - Document COLTON DOE, NURSE
2/18/2021	SUMMONS ISSUED ROSINA DOE - Document ROSINA DOE, NURSE
2/18/2021	SUMMONS ISSUED BAILEY DOE - Document BAILEY DOE, NURSE
2/18/2021	SUMMONS ISSUED JOANNA DOE - Document JOANNA DOE, NURSE
2/18/2021	SUMMONS ISSUED RACHOT VACHAROTHONE - Document RACHOT VACHAROTHONE, DIRECTOR
2/18/2021	SUMMONS ISSUED JOHN DOE - Document JOHN DOE, DOCTOR
2/18/2021	SUMMONS ISSUED JANE DOE - Document JANE DOE, DOCTOR
2/18/2021	CERTIFICATE OF SERVICE - Document
2/18/2021	INMATE LETTER - Document APPROVED FOR FILING
3/8/2021	SERVICE OF SUMMONS ECJ - Document SERVED ON ELKO COUNTY JAIL COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS JANE DOE DR - Document SERVED ON JANE DOE DOCTOR COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS RACHOT VACHAROTHONE - Document

## Case Summary

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3/8/2021      SERVED ON RACHOT VACHAROTHONE  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
SERVICE OF SUMMONS ROSINA DOE -  
Document

3/8/2021      SERVED ON ROSINA DOE, NURSE  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
SERVICE OF SUMMONS JOANNE DOE -  
Document

3/8/2021      SERVED ON JOANNE DOE, NURSE  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
SERVICE OF SUMMONS BAILEY DOE,  
NURSE - Document

3/8/2021      SERVED ON BAILEY DOE, NURSE  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
SERVICE OF SUMMONS JOHN DOE -  
Document

3/8/2021      SERVED ON JOHN DOE, DOCTOR  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
SERVICE OF SUMMONS MEDALLUS MEDICAL  
- Document

3/8/2021      SERVED ON MEDALLUS MEDICAL  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
SERVICE OF SUMMONS COLTEN DOE -  
Document

3/8/2021      SERVED ON COLTEN DOE, NURSE  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
SERVICE OF SUMMONS AITOR NARVAIZA-  
Document

3/15/2021      SERVED ON AITOR NARVAIZA  
COPY MAILED TO SHANNON MCCOY  
PLACED IN DC1'S P/U BOX  
NOTE OF ADDRESS CHANGE - Document

4/5/2021      CHANGED MAILING ADDRESS TO:  
C/O ROSITA MCCOY  
505 COPPER #608  
ELKO, NV 89801  
RECEIVED INMATE MAIL FOR MOTION FOR  
CHANGE OF ADDRESS 4.5.21 - Document

4/5/2021      PLACED IN DC1 BOX  
MOTION FOR CHANGE OF ADDRESS -  
Document

## Case Summary

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COPIES MAILED  
ORIG PLACED IN DC1'S PICK UP BOX

4/12/2021 INMATE MAIL RECEIVED, LETTER DATED  
04.08.21 - Document  
PLEADING PLACED IN DC1 P/U BOX @ 12:35 WITH QUESTION, ASKING IF DC1 WOULD LIKE THIS  
LETTER FILE-STAMPED.

4/12/2021 INMATE MAIL RECEIVED, MOTION OF  
CHANGE OF ADDRESS - Document  
PLEADING PLACED IN DC1 P/U BOX @ 12:35 WITH QUESTION, ASKING IF DC1 WOULD LIKE THIS  
LETTER FILE-STAMPED.  
2 COPIES PROVIDED

4/12/2021 CASE SUMMARY MAILED TO DEFENDANT  
PER HIS REQUEST ON HIS LETTER  
RECEIVED APRIL 12, 2021 - Document  
MAILED TO SHANNON DAVID MCCOY #139747  
N.I.C. 236 RADAR RD, COTTONWOOD, ID 83522

4/26/2021 INMATE MAIL RECEIVED - MOTION FOR  
EXTENSION OF TIME - Document  
FORWARDED TO DEPT1 FOR FILING DETERMINATION  
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

4/26/2021 MOTION TO DISMISS FOR FAILURE TO  
EFFECT SERVICE OF PROCESS - Document  
COPY MAILED TO RYMAN IN SASE  
PLACED IN DC1'S P/U BOX

4/27/2021 LETTER FROM PLAINTIFF RE CURRENT  
ADDRESS 04.27.2021 - Document  
FILED AT DIRECTION OF DEPT 1  
COPY MAILED TO SHANNON MCCOY  
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

4/27/2021 LETTER FROM PLAINTIFF RE SUMMONSES  
04.27.2021 - Document  
FILED AT DIRECTION OF DEPT 1  
COPY MAILED TO SHANNON MCCOY  
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

4/27/2021 MOTION FOR AN EXTENSION OF TIME -  
Document  
FILED AT DIRECTION OF DEPT 1  
COPY MAILED TO SHANNON MCCOY  
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

4/27/2021 NOTE ADDED TO FILE - Case Notes  
CLERK MAILED DEFENDANT'S MOTION TO DISMISS (FILED 4/26/2021) TO PLAINTIFF AT  
PLAINTIFF'S REQUEST

5/7/2021 NOTICE OF RE-SERVICE OF MOTION TO  
DISMISS FOR FAILURE TO EFFECT SERVICE  
OF PROCESS - Document  
COPY RETURNED TO ERICKSON, THORPE & SWAINSTON IN SASE  
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

## Case Summary

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5/7/2021 INMATE MAIL - Document  
PLACED IN DC1'S P/U BOX

5/10/2021 SUBMISSION ONF MOTION FOR DEFAULT  
JUDGMENT - Document  
SENT TO DC1 ASKING IF IT SHOULD BE FILED. COPY PROVIDED BY SHANNON MCCOY. FILE CHK'D  
OUT, PLACED IN DC1 BOX @ 11:14 AM

5/14/2021 REPLY IN SUPPORT OF MOTION TO DISMISS  
FOR FAILURE TO EFFECT SERVICE OF  
PROCESS - Document  
COPY MAILED TO RYMAN IN SASE.

5/14/2021 REQUEST FOR REVIEW - Document  
COPY MAILED TO RYAN IN SASE  
PLACED IN DC1'S P/U BOX ( FILED AT

5/18/2021 MOTION FOR CHANGE OF ADDRESS (2) -  
Document  
MAILED COPY TO HIM AT NORTH IDAHO CORRECTIONAL INSITUTION - 236 RADAR ROAD,  
COTTONWOOD ID 83522- FILE CHK'D OUT, PLACED IN DC1 BOX @ 8:55 AM

5/18/2021 MOTION FOR DEFAULT JUDGMENT -  
Document  
MAILED COPY TO HIM AT NORTH IDAHO CORRECTIONAL INSITUTION - 236 RADAR ROAD,  
COTTONWOOD ID 83522- FILE CHK'D OUT, PLACED IN DC1 BOX @ 8:55 AM

5/18/2021 REPLY TO MOTION TO DISMISS FOR  
FAILURE TO EFFECT SERVICE OF PROCESS-  
Document  
MAILED COPY TO HIM AT NORTH IDAHO CORRECTIONAL INSITUTION - 236 RADAR ROAD,  
COTTONWOOD ID 83522- FILE CHK'D OUT, PLACED IN DC1 BOX @ 8:55 AM

5/18/2021 EX PARTE MOTION - Document  
MAILED COPY TO HIM AT NORTH IDAHO CORRECTIONAL INSITUTION - 236 RADAR ROAD,  
COTTONWOOD ID 83522- FILE CHK'D OUT, PLACED IN DC1 BOX @ 8:55 AM

5/18/2021 LETTER FROM SHANNON MCCOY (2) -  
Document  
MAILED COPY TO HIM AT NORTH IDAHO CORRECTIONAL INSITUTION - 236 RADAR ROAD,  
COTTONWOOD ID 83522- FILE CHK'D OUT, PLACED IN DC1 BOX @ 8:55 AM

5/20/2021 ORDER DENYING EX PARTE MOTION -  
Document  
ORIGINAL ORDER IN CASE DC-CV-20-83

5/20/2021 ORDER GRANTING MOTION TO DISMISS  
AND DENYING MOTION FOR EXTENSION  
TIME AND FOR DEFAULT JUDGMENT -  
Document  
ORIGINAL ORDER IN CASE DC-CV-20-83

5/24/2021 OPPOSITION TO MOTION FORDEFAULT  
JUDGMENT - Document  
COPY MAILED TO RYMAN

## Case Summary

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6/1/2021 NOTICE OF ENTRY OF ORDER - ORDER  
GRANTING MOTIONS TO DISMISS AND  
DENYING MOTIONS FOR EXTENSION OF  
TIME - Document  
COPY MAILED TO ERICKSON THORPE SWAINSTON IN SASE

6/1/2021 NOTICE OF ENTRY OF ORDER - ORDER  
DENYING EX PARTE MOTIONS- Document  
COPY MAILED TO ERICKSON THORPE SWAINSTON IN SASE

6/10/2021 INMATE MAIL RECEIVED, NOTICE OF  
APPEAL - Document  
PLACED IN DC1'S PICK UP BOX WITH NOTE. AND ONE COPY

6/11/2021 NOTE IN FILE - Document  
NOTE ASKING IF NOTICE OF APPEAL SHOULD BE FILED

6/11/2021 NOTICE OF APPEAL - Document

6/24/2021 CASE APPEAL STATEMENT- Document  
SIGNED AND SEALED

6/24/2021 CLERK'S CERTIFICATION - Document  
SIGNED AND SEALED AND FILED WITH THE SUPREME COURT


Case Nos. DC-CV-20-83;  
DC-CV-20-103;  
DC-CV-20-115

FILED

2021 MAY 20 PM 2: 57

Dept. No. 1

ELKO CO DISTRICT COURT

CLERK \_\_\_\_\_ DEPUTY 

IN THE FOURTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

SHANNON DAVID MCCOY,

Plaintiff,

V.

AITOR NARVAIZA, SHERIFF, ET AL

Defendant.

**ORDER GRANTING MOTIONS  
TO DISMISS AND DENYING  
MOTIONS FOR EXTENSION OF  
TIME AND FOR DEFAULT  
JUDGMENT**

Before this Court are three separate complaints filed by Shannon David McCoy (hereinafter "Plaintiff") on October 5, 2020 (DC-CV-20-83), November 10, 2020 (DC-CV-20-115), and December 16, 2020 (DC-CV-20-103). Pursuant to NRCP 4(e)(1), Plaintiff must properly serve summonses on Defendants within 120 days of filing each complaint, unless granted an extension by this Court. Plaintiff moved for, and was granted, two extensions of time to execute service on Defendants in DC-CV-20-83. His extensions in that case ended on March 9, 2021. Plaintiff did not timely move for extensions in his other two cases; his time to execute service thus ended on March 10, 2021, (DC-CV-20-115) and April 15, 2021 (DC-CV-20-103).

Defendants, by special appearance, filed identical motions to dismiss in all three of Plaintiff's open cases on April 5, 2021; Defendants then filed notices of re-service on Plaintiff at his correct address on May 7, 2021. On April 27, 2021, Plaintiff filed motions for extension of time in all three cases. On May 10, 2021, Plaintiff filed a motion for default judgment in DC-CV-20-103 only. For the reasons stated below, Plaintiff's motions are DENIED and Defendants' motions are GRANTED.

1 Service on a political subdivision of the State of Nevada, such as Elko County, must be  
2 accomplished via personal service on the presiding officer of the governing body of the political  
3 subdivision, or on an agent designated by the presiding officer to receive service. NRCP 4.2(d)(3).  
4 Service on public officers and employees of any political subdivision of the State, sued in their  
5 official capacity, must be accomplished via personal service , or via service on an agent designated  
6 by those officers or employees. NRCP 4.2(d)(4). Plaintiff appears to have mailed copies of the  
7 summonses and complaints for each of his three files to all Defendants; his service is therefore  
8 defective.

9 Although Plaintiff has moved the Court for extensions of time to serve Defendants in all  
10 three cases, he has not shown good cause for why these motions were not timely filed. NRCP  
11 4(e)(4). As Plaintiff has failed to show good cause for his untimely filing, the Court cannot address  
12 whether there is good cause to extend the service period now. *Id.*

13 Further, although Plaintiff has timely responded to Defendants' motions to dismiss, Plaintiff  
14 agrees that he made service on Defendants via mail, and not via personal service, as the Nevada  
15 Rules of Civil Procedure require. Plaintiff instead argues that failure to make proof of service does  
16 not affect the validity of that service, which is true; however, the issue in this case is not that Plaintiff  
17 forgot to file a certificate of service after validly serving Defendants, but rather, that the service he  
18 did make on Defendants was never valid. As Plaintiff has not validly served Defendants within his  
19 time limit for service, nor timely moved to extend the time for service, the Court must dismiss these  
20 actions without prejudice. NRCP 4(e)(2).

21 **THEREFORE, IT IS HEREBY ORDERED** that all three of Plaintiff's open cases (DC-  
22 CV-20-83, DC-CV-20-103, and DC-CV-20-115) are DISMISSED. Plaintiff's motions for extensions  
23 of time and for default judgment are therefore DENIED.

24 **IT IS SO ORDERED** this 19<sup>th</sup> day of May, 2021.


25  
26   
KRISTON N. HILL  
DISTRICT JUDGE DEPT. 1

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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 20<sup>th</sup> day of May, 2021, I deposited for mailing in the U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER GRANTING MOTIONS TO DISMISS AND DENYING MOTIONS FOR EXTENSION OF TIME AND FOR DEFAULT JUDGMENT** addressed to:

Shannon D. McCoy #139747  
North Idaho Correctional Institution  
236 Radar Road  
Cottonwood, ID 83522

Brent L. Ryman  
Erickson, Thorpe & Swainston, Ltd.  
99 West Arroyo Street  
Reno, NV 89509

  
\_\_\_\_\_

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CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 20<sup>th</sup> day of May, 2021, I personally delivered a file-stamped copy of the foregoing **ORDER GRANTING MOTIONS TO DISMISS AND DENYING MOTIONS FOR EXTENSION OF TIME AND FOR DEFAULT JUDGMENT** to:

Tyler J. Ingram, Esq.  
Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
Elko, NV 89801  
[Box in Clerk's Office]

  
\_\_\_\_\_



Case No. DC-CV-20-103

Dept. No. 1

FILED

2021 JUN 24 PM 3:13

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

ELKO CO. DISTRICT COURT  
CLERK \_\_\_\_\_ DEPUTY *am*

Shannon D. McCoy,

Appellant,

vs.

Aitor Narvaiza, Sheriff, et al

Respondent,

**CLERK'S CERTIFICATION**

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. DC-CV-20-103, Dept. 1, Shannon D. McCoy, Appellant, vs. Aitor Narvaiza, Sheriff et al, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on June 24, 2021.

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

*Annette Marshall*  
Annette Marshall, DEPUTY CLERK

**CERTIFICATE OF SERVICE**

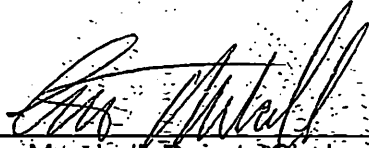
I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. DC-CV-20-103, Dept. 1, Shannon D. McCoy, Appellant, vs. Aitor Narvaiza, Sheriff et al, Respondent, as appears on file and of record in this Court, to the following:

Shannon D. McCoy #139747  
North Idaho Correctional Institution  
236 Radar Road  
Cottonwood, ID 83522

Brent L. Ryman  
Erickson, Thorpe & Swainston, Ltd.  
99 West Arroyo Street  
Reno, NV 89509

Tyler J. Ingram, Esq.  
Elko County District Attorney  
540 Court Street, 2<sup>nd</sup> Floor  
Elko, NV 89801

DATED this 24<sup>th</sup>, day of June, 2021.

  
\_\_\_\_\_  
Annette Marshall, Deputy Clerk