

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Oct 28 2021 03:41 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

SHANNON D. MCCOY
APPELLANT(S)

Vs.

**AITOR NARCAIZA, ELKO COUNTY
SHERIFF, ET AL**
RESPONDENT(S)

DISTRICT COURT CASE NUMBER
DC-CV-20-103

NEVADA SUPREME COURT CASE NUMBER
83128

RECORD ON APPEAL

HONORABLE KRISTON HILL, DISTRICT JUDGE

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
ELKO COUNTY DISTRICT ATTORNEY
540 COURT STREET, 2ND FLOOR
ELKO, NV 89801

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MCCOY, S. VS. NARZAIZA, A

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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

CaseID: 20-74123

Status: Closed

Received Date: 10/15/2020

Status Date: 5/20/2021

Age: 372 days Active Age: 372 days

InvolvementsHILL, KRISTON Judge -PORTER, NANCY Judge, Inactive -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	

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 BOX2028, ELKO, NV 89803

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

NO COPIES PROVIDED
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

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

NO COPIES PROVIDED
ORIGINAL MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803

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

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

	SERVED ON RACHOT VACHAROTHONE COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS ROSINA DOE - Document
	SERVED ON ROSINA DOE, NURSE COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS JOANNE DOE - Document
	SERVED ON JOANNE DOE, NURSE COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS BAILEY DOE, NURSE - Document
	SERVED ON BAILEY DOE, NURSE COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS JOHN DOE - Document
	SERVED ON JOHN DOE, DOCTOR COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS MEDALLUS MEDICAL - Document
	SERVED ON MEDALLUS MEDICAL COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS COLTEN DOE - Document
	SERVED ON COLTEN DOE, NURSE COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/8/2021	SERVICE OF SUMMONS AITOR NARVAIZA- Document
	SERVED ON AITOR NARVAIZA COPY MAILED TO SHANNON MCCOY PLACED IN DC1'S P/U BOX
3/15/2021	NOTE OF ADDRESS CHANGE - Document
	CHANGED MAILING ADDRESS TO: C/O ROSITA MCCOY 505 COPPER #608 ELKO, NV 89801
4/5/2021	RECEIVED INMATE MAIL FOR MOTION FOR CHANGE OF ADDRESS 4.5.21 - Document
	PLACED IN DC1 BOX
4/5/2021	MOTION FOR CHANGE OF ADDRESS - Document

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

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 Order Filed
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

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

6/21/2021 NOTICE OF APPEAL 6.21 - Document
NOTICE OF APPEAL RECEIVED FROM THE SUPREME COURT. FILED PER DATE RECEIVED PER
DIRECTION OF ELKO COUNTY CLERK'S OFFICE SUPERVISOR.

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

6/25/2021 CLERK'S CERTIFICATION 6.25 - Document

7/6/2021 RECEIPT FOR DOCUMENTS - Document
SUPREME COURT

7/12/2021 INMATE MAIL RECEIVED - Document
PLACED IN DC 1'S P/U BOX

7/15/2021 LETTER FROM SHANNON MCCOY
07.15.2021 - Document
FILED AT DIRECTION OF DEPT 1
COPY MAILED TO SHANNON MCCOY AT NICI4-21A, 236 RADAR RD, COTTONWOOD, ID 83522

7/16/2021 ORDER REDESIGNATING APPEAL -
Document
SUPREME COURT

7/22/2021 ORDER 8.22 - Document
SUPREME COURT

7/22/2021 ORDER TO PROCEED IN FORMA PAUPERIS -
Document
COPY MAILED TO SHANNON MCCOY AT NICI 4-21A, 236 RADAR RD, COTTONWOOD, ID 83522

10/22/2021 ORDER DIRECTING TRANSMISSION OF
RECORD - Document

Dear Kristine,

11/19/20

I went to Court today and the motion to suppress evidence was not gotten by Court or AA.

I'm really sorry as I know your busy but it was heavy on my mind because my mail seems to not make it to where I send it.

Could you send me case summaries from cases:

DC-CV-20-77

DC-CR ~~20-151~~ 20-151

DC-CV-20-83

DC-CV-20-115

DC-CV-20-103

EL-JC-CR-M-20-3885

Thank you so much,

Sincerely Shannon A-McG

Case Nos. DC-CV-20-⁸³~~38~~/ DC-CV-115/ DC-CV-20-103/ DC-CV-20-77

FILED

Dept. No. 1

2020 DEC 15 PM 4:14

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 187

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

STATE OF NEVADA,
Plaintiff,
V.

**ORDER DISMISSING
PRETRIAL MOTIONS, WRITS
OF HABEAS CORPUS, AND
COMPLAINTS**

SHANNON DAVID MCCOY,
Defendant.

Before this Court are several pre-trial motions, writs of habeas corpus, and complaints filed by Shannon David McCoy (hereinafter "Defendant"), who represented himself pro per. A hearing on Defendant's numerous pre-trial filings was held on December 9, 2020. At said hearing, Defendant pleaded guilty to Concealing or Destroying the Evidence of the Commission of a Felony, a Gross Misdemeanor as defined by NRS 199.220 (NOC 52980). Pursuant to Defendant's guilty plea, the pre-trial filings are now moot.

Therefore, **IT IS HEREBY ORDERED** that cases DC-CR-20-151, DC-CV-20-⁸³~~38~~, DC-CV-115, DC-CV-20-103, DC-CV-20-77 are **DISMISSED**.

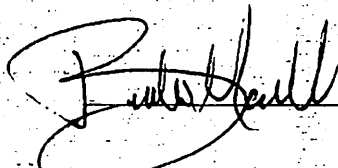
IT IS SO ORDERED this 15 day of December, 2020.

William A. Maddox
WILLIAM A. MADDOX
SENIOR DISTRICT JUDGE

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 15th day of December, 2020, I deposited for mailing in the U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER DISMISSING PRETRIAL MOTIONS, WRITS OF HABEAS CORPUS, AND COMPLAINTS** addressed to:

Shannon D. McCoy
P.O. Box 2028
Elko, NV 89803

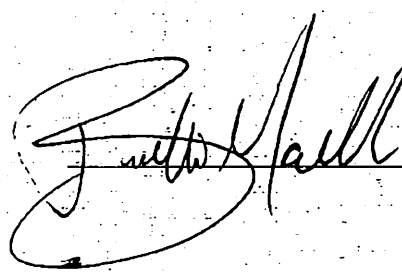


CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 15th day of December, 2020, I personally delivered a file-stamped copy of the foregoing **ORDER DISMISSING PRETRIAL MOTIONS, WRITS OF HABEAS CORPUS, AND COMPLAINTS** to:

Roger H. Stewart Esq.
569 Court St.
Elko, NV 89801
[Box in Clerk's Office]

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



Case No. DC-CV-20-103
Dept. No. 2

FILED

In the Fourth Judicial District Court of the State of Nevada
In and for the County of Elko

2020 DEC 16 A 10:25
ELKO CO. DISTRICT COURT
CLERK _____ DEPUTY _____

STATE OF NEVADA

Plaintiff,

Vs.

Notice of Entry of Order

SHANNON DAVID MCCOY

Defendant,

Please take notice that on 12/15/20, the Court entered an Order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the Order of this Court. If you wish to appeal, you must file a notice of appeal with the Clerk of this Court within 33 days after the date this notice is mailed to you.


This notice was mailed on 12/15/20 addressed to:

Shannon D. McCoy Inmate #633221
PO Box 2028
Elko, NV 89803

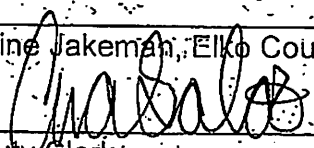
Roger H. Stewart, Esq.
569 Court St.
Elko, NV 89801
[Box in Clerk's Office]

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

Dated this December 16, 2020



Kristine Jakeman, Elko County Clerk

By: 

Deputy Clerk

Case Nos. DC-CV-20-⁸³~~38~~/DC-CV-115/DC-CV-20-103/DC-CV-20-77

FILED

Dept. No. 1

2020 DEC 15 PM 4:14

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 187

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

STATE OF NEVADA,

Plaintiff,

V.

SHANNON DAVID MCCOY,

Defendant.

**ORDER DISMISSING
PRETRIAL MOTIONS, WRITS
OF HABEAS CORPUS, AND
COMPLAINTS**

Before this Court are several pre-trial motions, writs of habeas corpus, and complaints filed by Shannon David McCoy (hereinafter "Defendant"), who represented himself pro per. A hearing on Defendant's numerous pre-trial filings was held on December 9, 2020. At said hearing, Defendant pleaded guilty to Concealing or Destroying the Evidence of the Commission of a Felony, a Gross Misdemeanor as defined by NRS 199.220 (NOC 52980). Pursuant to Defendant's guilty plea, the pre-trial filings are now moot.

Therefore, **IT IS HEREBY ORDERED** that cases DC-CR-20-151, DC-CV-20-⁸³~~38~~, DC-CV-115, DC-CV-20-103, DC-CV-20-77 are **DISMISSED**.

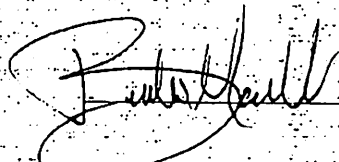
IT IS SO ORDERED this 15 day of December, 2020.

William A. Maddox
WILLIAM A. MADDOX
SENIOR DISTRICT JUDGE

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 15th day of December, 2020, I deposited for mailing in the U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER DISMISSING PRETRIAL MOTIONS, WRITS OF HABEAS CORPUS, AND COMPLAINTS** addressed to:

Shannon D. McCoy
P.O. Box 2028
Elko, NV 89803

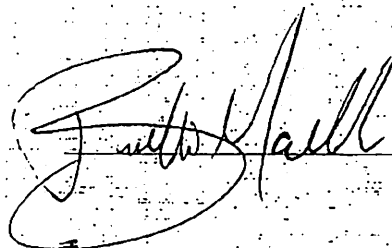


CERTIFICATE OF HAND DELIVERY

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 1, and that on this 15th day of December, 2020, I personally delivered a file-stamped copy of the foregoing **ORDER DISMISSING PRETRIAL MOTIONS, WRITS OF HABEAS CORPUS, AND COMPLAINTS** to:

Roger H. Stewart Esq.
569 Court St.
Elko, NV 89801
[Box in Clerk's Office]

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



FILED

Case # DC-CV-20-103

2020 DEC 16 A 10:52

Sept # 1

ELKO CO. DISTRICT COURT
CLERK DEPUTY la

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

Shannon David McCoy
Plaintiff,

vs.

Motion to

Aitor Navariza, Sheriff
Elko County Jail

Proceed in

Medallus Medical,

Colton Doe, Nurse

Form of

Rosina Doe, Nurse

Bailey Doe, Nurse

Pauperous

Janet Doe, Nurse

Rachot Vachanthave, Director

John Doe, Doctor

NAME Doe, Doctor

Defendants,

Jury TRIAL Demanded

Come now, Shannon D. McCoy, in Pro-Se
and will be the Attorney of Record,

Plaintiffs address is 715 W. Silver Street
(P.O. Box 2028) ELKO NV. 89801

Comes now under affidavit, Shannon David
McClay, and declares that plaintiffs total
assets are 0 Dollars, No checking
account, no savings account, no
property and, No car and ask this
Court Under Rule (NRS 12.015)
actions involving Indigent person Section
8 (a) and (1)(a) also (NRS 65.040)
to proceed as indigent person as
Plaintiff is Indigent. Attached is
account summary.

Shannon D. McClay

Pro Se Date 10/12/2020

ORIGINAL

Receivable Collect

Receipt #A14847

Elko County Jail

10/10/2020 16:31:24

ST 001 | | OPR cobra

MCCOY,
SHANNON DAVID

SO Number : 633221
Date of Birth : 05/19/1975
Location : ELSO ELBBLK

Receivable Collections:

BOOKIN FEE -

Old Bal	:	\$122.55
Collected	:	- \$10.00
New Bal	:	\$112.55

Total Collected :	\$10.00
-------------------	---------

Im - 112.56

Signed: _____

Receivable Collect

Receipt #A13750

Elko County Jail

09/08/2020 19:41:26

ST 001 | | OPR cobra

MCCOY,
SHANNON DAVID

SO Number : 633221
Date of Birth : 05/19/1975
Location : ELSO ELBBLK

Im - 122.55

Receivable Collections:

BOOKIN FEE -

Old Bal	:	\$132.55
Collected	:	- \$10.00
New Bal	:	\$122.55

Total Collected	:	\$10.00
-----------------	---	---------

Signed: _____

Pa 4

VERIFICATION UNDER PENALTY OF PERJURY

I do verify under the penalty of perjury that the above affidavit is true and correct and is stated to the best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165, and 28 USC § 1746 as I am an incarcerated person.

Dated this 12th day of October, 2020

By: Shannon D Mc

P.O. Box 2028

Elko NV. 89801

I put in the mail 3 copies in the us mail under Rule 5(c)(2), 3 copies to

Elko District Court Clerk
550 Idaho Street 3rd Floor
Elko NV. 89801-3518

Motion to Proceed in Form of
Pauperous

Case # DC-CV-20-103

Dept # 1

FILED

2020 DEC 16 A 10:53

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

Shannon David McCoy
Plaintiff,

vs.

Complaint

Aitor Navariza, Sheriff

ELKO County Jail

Medallus Medical,

Coltan Doe, Nurse

Rosina Doe, Nurse

Barley Doe, Nurse

Jamie Doe, Nurse

Rachot Vachanthone, Director

John Doe, Doctor

JANE Doe, Doctor

Defendants,

Jury TRIAL Demanded

Come now, Shannon D. McCoy in Pro-Se
and will be the Attorney of Record.

Plaintiffs address is 715 W. Silver Street
(P.O. Box 2028) ELKO NV. 89801

Verified Complaint Nevada State Tort

1.) This is a State tort claim, filed by Shannon David McCay, in Pro-Se / Alleging violations / Under the 8th Amendment, and a Negligent tort, to have proper medical care and be free from infliction of Emotional Distress, libel, Defendants have a Duty of Care, under NRS 41.035 41A.017 and 41A.015. This tort Brings rise to Intentional Negligence also /

Jurisdiction

2.) The Defendants in Complaint are all employees by the Elko County Jail or Contractors by Elko County Jail, which is located in Elko NV / County of Elko, therefore the 4th Judicial District Court has Jurisdiction Under NRS 41.039 and NRS 12.105 State and local government may be sued and Contractors employed thereby.

Parties

- 3.) Plaintiff, Shannon David McCoy at all times relevant was Pretrial Detainee at the Elko County Jail. (775 West Silver St. Elko NV. 89801)
- 4.) Defendant Aitor Nervaiza, which has been the Elko County Sheriff at all relevant times and acting Under Color of State Law
- 5.) Elko County Jail is a Defendant being under Aitor Nervaiza, Sheriff Under NRS 41.0305 & NRS 248.050
- 6.) Defendant Medallus Medical at all relevant times where employed by Elko County Jail
- 7.) Defendant Coltan Doe Nurse, was Employed at Medallus Medical and was a Nurse at Elko County Jail
- 8.) Defendant Rosina Doe, Nurse was Employed at Medallus Medical and was a Nurse at Elko County Jail

9.) Defendant Bailey Doe, Nurse was employed at Medallus Medical, and was a nurse at ELKO County Jail.

10.) Joanna Doe Nurse, Defendant was employed at Medallus Medical, and was a nurse at ELKO County Jail.

11.) Defendant Rachot Vachanothave, Director for Medallus Medical at all time relevant.

12.) John Doe, Doctor for Medallus Medical and was doctor at ELKO County Jail at all relevant times

13.) Jaye Doe, Doctor for Medallus Medical and was doctor at ELKO County Jail at all relevant times.

Exhaustion of Available Remedies

14.) Plaintiff exhausted administrative remedies. On 9/15/2020 at 9:54 am Plaintiff put Kite in since County Jail said I couldn't grieve it that it wasn't grievable I need to put medical Kite, so on this date and time and in medical Kite was my letter of intent to sue for medical Neglect.

15.) Since that time plaintiff has tried repeatedly to get proper treatment for his condition. So on 10/11/2020 plaintiff has no other option but to take a legal stand.

Complaint

16.) On July 18, 2020 Plaintiff told Staff he was hypoglycemia

17. On July 19, 2020 (10:45 am) Put Medic Kite in stating blood sugar drops had coming down off of Meth

18.) On 7/24/2020 (1:57 pm) Put medical Kite (Sick Call Request) in ~~off~~ being really dizzy

19.) Rosina Responded on 7/24/2020 5:33:42 PM asking me dr I have a history of this and is there any medical history we need to be aware of.

20.) Plaintiff is Stumped on this Question as on 7/18/2020 Plaintiff Stated that he was Hypoglycemic.

21.) Plaintiff & was taken in front of the Doctor John Doe Doctor, as Plaintiff is being refused medical records no notes. Plaintiff was put on High Caloric diet and snack at night. (Snack was 2 pieces white Bread and one piece of Cheese (matation))

22.) Blood Sugar was 4.11 all over the place so John Doe Doctor add Extra tray to dinner, Then Extra tray at lunch Not sure what notes are

23.) On 8/23/2020 (12:25 PM) Plaintiff Sugar was low so asked for Blood work as a half a loaf of Bread is not healthy especially since ~~the~~ diabetic run in my family.

24.) Defendant's Response A1C has been done, You have High Caloric diet and Snack and I need to push Button if Sugar gets low.

25.) Plaintiff did push Button on 7/15/2020 and went to Isolation for it.

26.) On 8/24/2020 at 4:00 pm, Plaintiff asked for more blood work so he might get abt of the Blood Sugar going up and down.

27.) Response by Bailey Doe nurse, labs drawn today in Clinic 8-25-20

28.) On 8/29/2020 at 4:31 pm Plaintiff Pat Kite in Blood Sugar all over the place and States 1/2 loaf of Bread is not good for a person everynight (white Bread)

29.) Defendant Lucinda Doe Nurse on 8/31/2020 at 5:11:36 PM Response Per Provider lab will be drawn

2.7 Cont.

- 30.) To this day 10/11/2020 no labs have been done
- 31.) On 9/4/2020 at 11:32 Am Plaintiff put Kite in as Blood Sugar Keep getting lower and Plaintiff Keeping record of Glucose reading time he ate and time Glucose taken and reading
- 32.) Defendant Coltan Doe, nurse at 9/4/2020 at 6:26 Am Response, Per provider, we will give you glucose tablet 3 times a day. Also a second tray for lunch and dinner.
- 33.) Deputy Herman took it upon herself to deny me my second tray at lunch then all of a sudden they took all my treatment away.
- 34.) Plaintiff on 9/15/2020 at 9:54 Am So no my glucose is in low 60, for 4 days because Deputy Complained about my food. And Doctor Tave Doe took his script or treatment away that he didn't prescribe without seeing Plaintiff.
- 35.) Plaintiff on 9/17/2020 at 11:18 am Proved that pod helps as he got Carter and had to self medicate to stay alive

36.) on 9/18/2020 and 9/19/2020 and 9/21/2020 Reported Seeing black Spots in my Vision it steadily gets worse on 9/21/2020 Sugar is at 77 at 9:30 pm don't eat breakfast until 7:00 am 9 1/2 hrs to get food for my Glucose.

37.) Response by Tawna De Nurse on all 3 tomato was brought into Clinic to assess with provider (Nothing Done)

38.) Plaintiff on 9/25/2020 at 9:28 pm States still gets down at night (Glucose) Getting Stuck 3 times a day why wait they help and eyes getting worse

39.) Defendant Rosina De Nurse Response on 9/30/2020 at 4:19:28 pm addressed in Previous Note (But it was not)

40.) on 9/26/2020 at 12:36 pm Plaintiff still getting Glucose taken 3 times a day, Kite says he sat in holding cell ate Plaintiff's Breakfast at 7:30 am at 12:50 pm 4 hrs 40 minutes later his Sugar was 79 and he slept the whole time, then states no wonder Black Spots getting worse

41.) Defendant Joanna Doe, Nurse response was on 10/2/2020 at 6:40:20 pm, Tracene's normal back on High Calorie diet 6 days later responded

42.) Put on high Calorie diet but no one will explain what a High Calorie diet is, yet it's medical treatment Plan Dr. Silva says it's medical issue but he does nothing to help me, All Nurses say it's Kitchens but they're not medical trained but yet that's who dictates my treatment. The negligence of all this is insane

43.) As soon as I get medical records subpoena I will amend my Complaint.

44.) All information is based off of Medical Notes and to the best of Plaintiff's Knowledge,

Claims of Relief

45.) Plaintiff asking for Damages based off of his eye sight deteriorating due to Medallus Medecal, Duty of Care, libel Medical Negligence, Gross Negligence, Ordinary Neglect and willful Neglect, and Liberate Indifference

46.) all Defendants had a duty of Care under Color of State law as there Employed by ELKO County Jail the emotional Distress is ~~for~~ created by all Defendants and so many negligences or neglects come into this action.

47.) Plaintiff also want Criminal Negligence brought on Aitor Navaira and Rochot Vachanathane Medallus Director as they should have stopped it before Plaintiff suffered eye sight problems.

Relief

- 48.) Aitor Navariza, Sheriff, Under NRS 41.031 in his Official Capacity for 100,000.00 interest Computed from Date of Judgement
- 49.) Aitor Navariza in his Individual Capacity for 25,000.00 for Punitive damages, Compensatory damages and Future damages
- 50.) EIKO County Jail Under NRS 12.105 and NRS 41.035 for 100,000.00 interest Computed from Date of Judgement
- 51.) Medallus Medical Under NRS 41.039 and 41.035 (Contractor) for 100,000.00 interest Computed from Date of Judgement
- 52.) Medallus Medical Under NRS 41A.015 and NRS 41A.017 in its own Capacity 100,000.00 Punitive damages, permanent damages, Interest Computed from Date of Judgement
- 53.) Colton Doe, Nurse Under NRS 41.039 and NRS 41.035 for 10,000.00 Interest Computed from Date of Judgement in Official Capacity as employee (Contractor)

54.) Colton Doe, Nurse in his Individual Capacity Under NRS 41A.015 and, NRS 41A.017 2,000.00 for Punitive Damages and Compensatory Damages, interest to Computer from Date of Judgement.

55.) Rosina Doe, Nurse Under NRS 41.039 and, NRS 41.035 for 25,000.00 Interest Computed from Date of Judgement in Official Capacity as employee (Contractor)

56.) Rosina Doe, Nurse in her Individual Capacity Under NRS 41A.015 and NRS 41A.017 10,000.00 for Punitive Damages and Compensatory Damages, and Interest Computed from Date of Judgement.

57.) Bailey Doe, Nurse Under NRS 41.039 and, NRS 41.035 for 10,000.00 Interest Computed from Date of Judgement in Official Capacity as employee (Contractor)

58.) Bailey Doe, Nurse Under NRS 41A.015 and NRS 41A.017 2,000.00 for Punitive Damages and Compensatory Damages, Interest Computed from Date of Judgement.

59.) Tawwa Doe, Nurse Under NRS 41.039 and NRS 41.035 for 25,000.00 Interest Computed from Date of Judgement in official Capacity as employee (Contractor)

60.) Tawwa Doe, Nurse Under 41A.015 and NRS 41A.017 for 10,000.00 for Punitive Damages and Compensatory Damages and Interest Computed from Date of Judgement.

61.) Rachot Vachanothone, Director Under NRS 41.039 and, NRS 41.035 for 100,000.00 Interest Computed from Date of Judgement in Official Capacity as employee (Contractor).

62.) Rachot Vachanothone, Director, Under NRS 41A.015 and NRS 41A.017 for 100,000.00 for Punitive damages, and Compensatory, and Future damages in his Individual Capacity

63.) Tahn Doe, Doctor Under NRS 41.039 and NRS 41.035 for 1000.00 Interest Computed from Date of Judgement in official Capacity as employee (Contractor)

64.) Taxe De, Doctor Under NRS 41.039
and NRS 41.035 for 100,000.00. Interest
Computed from Date of Judgement, in
her Official Capacity as employee.
(Contractor)

65.) Taxe De, Doctor Under 41A.015
and 41A.017 100,000.00 for Punitive
damages, Compensatory damages and
Future damages in her Individual
Capacity. Interest Computed from
Date of Judgement.

66.) All Defendant to receive Interest
from time of Judgement, and all
Defendants for Tort damages.

B4: Shannon D. M. 1975
775 West Silver St.
EIKO NV. 89803
To Be Se

VERIFICATION UNDER PENALTY OF PERJURY

I do verify under the penalty of perjury that the above affidavit is true and correct and is stated to the best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165, and 28 USC § 1746 as I am an incarcerated person.

Dated this 12th day of October .20

By: Harold David MD

P.O. Box 2028

EIKO NV. 89801

I put in the mail 3 copies in the US mail under Rule 5(c)(2), 3 copies to

EIKO District Court Clerk
550 Idaho Street 3rd Floor
EIKO NV. 89801-3518

of The Complaint

Case Nos. DC-CV-20-83/ DC-CV-115/ DC-CV-20-103/ DC-CV-20-77

Dept. No. 1

FILED

2021 JAN -7 PM 2:57

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY W

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

STATE OF NEVADA,

Plaintiff,

V.

SHANNON DAVID MCCOY,

Defendant.

**AMENDED ORDER
DISMISSING PRETRIAL
MOTIONS, WRITS OF HABEAS
CORPUS, AND COMPLAINTS**

The Order Dismissing Pretrial Motions, Writs of Habeas Corpus, and Complaints entered in this matter on the 15th day of December, 2020, is hereby amended to reflect the correct case number as DC-CV-20-83, rather than DC-CV-20-38. The balance of said order remains unchanged.

Before this Court are several pre-trial motions, writs of habeas corpus, and complaints filed by Shannon David McCoy (hereinafter "Defendant"), who represented himself pro per. A hearing on Defendant's numerous pre-trial filings was held on December 9, 2020. At said hearing, Defendant pleaded guilty to Concealing or Destroying the Evidence of the Commission of a Felony, a Gross Misdemeanor as defined by NRS 199.220 (NOC 52980). Pursuant to Defendant's guilty plea, the pre-trial filings are now moot.

Therefore, **IT IS HEREBY ORDERED** that cases DC-CR-20-151, DC-CV-20-83, DC-CV-115, DC-CV-20-103, DC-CV-20-77 are **DISMISSED**.

IT IS SO ORDERED this 6 day of January, 2021.

William A. Maddox
WILLIAM A. MADDOX
SENIOR DISTRICT JUDGE

1 CERTIFICATE OF MAILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, Department 1, and that on this 7th day of January, 2021, I deposited for mailing in the
4 U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **AMENDED ORDER**
5 **DISMISSING PRETRIAL MOTIONS, WRITS OF HABEAS CORPUS, AND**
6 **COMPLAINTS** addressed to:

7 Shannon D. McCoy
8 P.O. Box 306
9 Twin Falls, ID 83301

10 *Norman*

11 CERTIFICATE OF HAND DELIVERY

12 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
13 Court, Department 1, and that on this 7th day of January, 2021, I personally delivered a file-
14 stamped copy of the foregoing **AMENDED ORDER DISMISSING PRETRIAL MOTIONS,**
15 **WRITS OF HABEAS CORPUS, AND COMPLAINTS** to:

16 Roger H. Stewart Esq.
17 569 Court St.
18 Elko, NV 89801
[Box in Clerk's Office]

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

21 *Norman*

Case Nos. DC-CV-20-83/ DC-CV-20-115/ DC-CV-20-103/ DC-CV-20-77

Dept. No. 1

FILED
2021 JAN 15 AM 9:51
ELKO CO DISTRICT COURT
CLERK _____ DEPUTY 10

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

STATE OF NEVADA,

Plaintiff,

V.

SHANNON DAVID MCCOY,

Defendant.

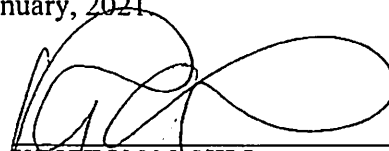
**SECOND AMENDED ORDER
DISMISSING PRETRIAL
MOTIONS, WRITS OF HABEAS
CORPUS, AND COMPLAINTS**

This Court entered an Amended Order Dismissing Pretrial Motions, Writs of Habeas Corpus, and Complaints entered on the 7th day of January, 2020. The aforementioned Order inadvertently dismissed DC-CV-20-103, DC-CV-20-83, and DC-CV-20-115 pursuant to a plea agreement. This Order is hereby amended to reflect the correct dismissal of DC-CV-20-77, while DC-CV-20-103, DC-CV-20-83, and DC-CV-20-115 remain open. The balance of said order remains unchanged.

Before this Court is a pre-trial writ of habeas corpus filed by Shannon David McCoy (hereinafter "Defendant"), who represented himself pro per. A hearing on Defendant's numerous pre-trial filings was held on December 9, 2020. At said hearing, Defendant pleaded guilty to Concealing or Destroying the Evidence of the Commission of a Felony, a Gross Misdemeanor as defined by NRS 199.220 (NOC 52980). Pursuant to Defendant's guilty plea, the pre-trial Writ of Habeas Corpus is now moot.

Therefore, **IT IS HEREBY ORDERED** that DC-CV-20-77 is **DISMISSED**.

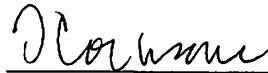
IT IS SO ORDERED this 15th day of January, 2021.


KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1

1
2 CERTIFICATE OF MAILING

3 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
4 Court, Department 1, and that on this 5th day of January, 2021, I deposited for mailing in the
5 U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **SECOND AMENDED**
6 **ORDER DISMISSING WRIT OF HABEAS CORPUS** addressed to:

7 Shannon D. McCoy
8 P.O. Box 306
9 Twin Falls, ID 83301

10 

11 CERTIFICATE OF HAND DELIVERY

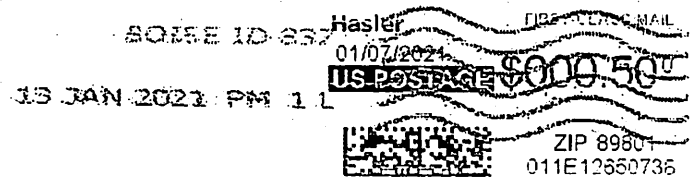
12 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
13 Court, Department 1, and that on this 5th day of January, 2021, I personally delivered a file-
14 stamped copy of the foregoing **SECOND AMENDED ORDER DISMISSING WRIT OF**
15 **HABEAS CORPUS** to:

16 Roger H. Stewart Esq.
17 569 Court St.
18 Elko, NV 89801
19 [Box in Clerk's Office]

20 Tyler J. Ingram, Esq.
21 Elko County District Attorney
22 540 Court Street, 2nd Floor
23 Elko, NV 89801
24 [Box in Clerk's Office]

25 

Kriston Hill, District Judge
Fourth Judicial District Court - Dept. 1
571 Idaho Street
Elko, NV 89801



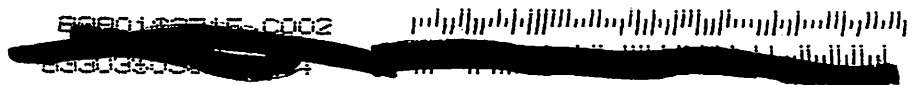
RECEIVED
CLERK
DISTRICT COURT

Shannon D. McCoy
P.O. Box 306
Twin Falls, ID 83301

**RETURN TO
SENDER**


NOT AT THIS
address -
Housed in Jefferson co.

1-19-21
FOURTH JUDICIAL DISTRICT COURT
DEPT. 1



McCoy

FILED

2021 JAN -7 PM 2:57
ELKO CO DISTRICT COURT
CLERK - DEPUTY 

Case Nos. DC-CV-20-83/ DC-CV-115/ DC-CV-20-103/ DC-CV-20-77
Dept. No. 1

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

STATE OF NEVADA,

Plaintiff,

V.

**AMENDED ORDER
DISMISSING PRETRIAL
MOTIONS, WRITS OF HABEAS
CORPUS, AND COMPLAINTS**

SHANNON DAVID MCCOY,


Defendant.

The Order Dismissing Pretrial Motions, Writs of Habeas Corpus, and Complaints entered in this matter on the 15th day of December, 2020, is hereby amended to reflect the correct case number as DC-CV-20-83, rather than DC-CV-20-38. The balance of said order remains unchanged.

Before this Court are several pre-trial motions, writs of habeas corpus, and complaints filed by Shannon David McCoy (hereinafter "Defendant"), who represented himself pro per. A hearing on Defendant's numerous pre-trial filings was held on December 9, 2020. At said hearing, Defendant pleaded guilty to Concealing or Destroying the Evidence of the Commission of a Felony, a Gross Misdemeanor as defined by NRS 199.220 (NOC 52980). Pursuant to Defendant's guilty plea, the pre-trial filings are now moot.

Therefore, **IT IS HEREBY ORDERED** that cases DC-CR-20-151, DC-CV-20-83, DC-CV-115, DC-CV-20-103, DC-CV-20-77 are **DISMISSED**.

IT IS SO ORDERED this 6 day of January, 2021.


WILLIAM A. MADDUX
SENIOR DISTRICT JUDGE

1 CERTIFICATE OF MAILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, Department 1, and that on this 7th day of January, 2021, I deposited for mailing in the
4 U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **AMENDED ORDER**
5 **DISMISSING PRETRIAL MOTIONS, WRITS OF HABEAS CORPUS, AND**
6 **COMPLAINTS** addressed to:

7 Shannon D. McCoy
8 P.O. Box 306
9 Twin Falls, ID 83301

10 *Norman*

11 CERTIFICATE OF HAND DELIVERY

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13 Court, Department 1, and that on this 7th day of January, 2021, I personally delivered a file-
14 stamped copy of the foregoing **AMENDED ORDER DISMISSING PRETRIAL MOTIONS,**
15 **WRITS OF HABEAS CORPUS, AND COMPLAINTS** to:

16 Roger H. Stewart Esq.
17 569 Court St.
18 Elko, NV 89801
[Box in Clerk's Office]

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

21 *Norman*

VERIFICATION UNDER PENALTY OF PERJURY

I do verify under the penalty of perjury that the above affidavit is true and correct and is stated to the best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165, and 28 USC § 1746 as I am an incarcerated person.

Dated this 12th day of January, 2021,

By: [Signature]
P.O. Box 2028
EIKO NV. 89801

I put in the mail 2 copies in the US mail under Rule 5(c) 2. 2 copies of each Defendant (summons) to EIKO District Court Clerk
550 Idaho Street 3rd Floor
EIKO NV. 89801-3518

Case No DC-CU-20-103

FILED
2021 FEB 18 P 4:41
CLERK OF DISTRICT COURT
EIKO NV

Service of Summons

FILED

2021 MAR -8 PM 4:25

I Troy Arnold do hereby verify that under NRCP Rule 4(c)(2)(B) that I am not part of this action, and over the age of 18 years old, and I am of sound mind and a US citizen;

On this date 2nd day of March 2021 I served Defendant, Aitor Navariza, Sheriff in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

☐ Hand delivered to defendant in person

☐ Left at Defendant's Entity of Employment

☒ Placed in the US Mail

Served by: Troy Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

BY:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
ELKO NV. 89801-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

- Aitor Narvaiza, Sheriff
Elko County Jail
Medallus Medical
Cotton Doe, Nurse
Rosina Doe, Nurse
Bailey Doe, Nurse
Joanna Doe, Nurse
Rachet Vacharakhane, Director
John Doe, Doctor
Jane Doe, Doctor
Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
way, Rigby Idaho 83442

Under 4.2(d)(4): Hereby summons defendants
Aitor Narvariza, Sheriff to answer
complaint that is attached to the summons.

Under 12(a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4(a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in the
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures;

Dated this 12th day of January, 2021

BY: Shannon D. McCoy
SHANNON DATED MCCOY, in Prose
200 Court House Way
Rigby Idaho 83442

BY: Kim Muball DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO, ID. 83801-3518

Service of Summons

FILED

2021 MAR -8 PM 4:26

ELKO CO DISTRICT COURT

CLERK DEPUTY

I Travis Arnold do hereby verify that under NRCP Rule 4(c)(2)(3) that I am not part of this action, and over the age of 18 years old, and I am of sound mind and a US Citizen;

On this date 2ND day of March 2021 I served Defendant, John Doe, Dorian in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

☐ Hand delivered to defendant in person

☐ Left at Defendants Entity of Employment

☒ Placed in the US Mail

Served by: Travis Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

B4:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
ELKO NV. 89301-3518

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

SHANNON DAVID MCCOY

plaintiff,

vs.

SUMMONS

Aitor Narvaiza, Sheriff

Elko County Jail

Medallus Medical

Cotton Doe, Nurse

Reinon Doe, Nurse

Bailey Doe, Nurse

Tracy Doe, Nurse

Rachet Vacharothave, Director

John Doe, Doctor

Jane Doe, Doctor

Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
way, Rigby Idaho 83442

Under 4.2(d)(4): Hereby summons defendants
John Doe, et al. to answer
complaint that is attached to the summons.

Under 12(a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4(a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in the
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures.

Dated this 12th day of January, 2021

BY: Shannon D. McCoy
SHANNON DATED MCCOY in Pro Se
200 Court House Way
Rigby Idaho 83442

BY: Ann Marshall DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
ELKO NV. 89801-3518

Service of Summons

FILED

2021 MAR -8 PM 4:27

CLERK CO DISTRICT COURT

I Troy Arnold do hereby verify that under NRCP Rule 4(c)(2)(3) that I am not part of this action, and over the age of 18 years old, and I am of sound mind and a US Citizen;

On this date 2ND day of March 2021 I served Defendant, Cotton Doe, Nurse in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

☐ Hand delivered to defendant in person

☐ Left at Defendant's Entity of Employment

☒ Placed in the US Mail

Served by: Troy Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

B3:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
ELKO NV 89301-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

Aitor Navariza, Sheriff

Elko County Jail

Medallus Medical

- Cather Doe, Nurse

Rosanna Doe, Nurse

Bailey Doe, Nurse

Joanna Doe, Nurse

Rachet Vacharothave, Director

John Doe, Doctor

Jane Doe, Doctor

Defendants

Comes now, Plaintiff Shannon David McCoy
in Pro-Se and hereby summons defendants
in the above-entitled cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
Way, Rigby Idaho 83442

Under 4.2 (d)(4): Hereby summons defendants
Cotton Inc, Nantico to answer
complaint that is attached to the summons.

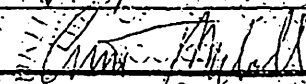
Under 12 (a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4 (a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in the
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures;

Dated this 12th day of January, 2021

BY: Shannon D McCoy
SHANNON DATED MCCOY, in Pro-Se
200 Court House Way
Ripley Idaho 83442

BY:  DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO ID. 89801-3518

Service of Summons

FILED

2021 MAR -8 PM 4:27

ELKO CO DISTRICT COURT

I ~~TRAVIS ARNOLD~~ do hereby verify that under NRCP Rule 4(c)(2) ~~CLERK~~ that I am not part of this action, and over the age of 18 years old, and I am of sound mind and a US Citizen;

On this date 2ND day of MARCH 2021 I served Defendant, Medallus Medical in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

☐ Hand delivered to defendant in person

☐ Left at Defendant's Entity of Employment

☒ Placed in the US Mail

Served by: ~~TRAVIS ARNOLD~~

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

BS:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
ELKO NV 89301-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

Aitor Narvaiza, Sheriff

Elko County Jail

Medallus Medical

Cotton Doe, Nurse

Rosina Doe, Nurse

Bailey Doe, Nurse

Travis Doe, Nurse

Rachet Vacharathave, Director

John Doe, Doctor

Jane Doe, Doctor

Defendants

Comes now, Plaintiff Shannon David McCoy
in Pro-Se and hereby summons defendants
in the above-entitled cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 700 Court House
Way, Rigby Idaho 83442

Under 4.2(d)(4): Hereby summons defendants
Medallus Medical to answer
complaint that is attached to the summons.

Under 12(a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4(a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in the
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures;

Dated this 12th day of January, 2021

BY: Shannon D. McCoy
SHANNON DATED MCCOY, in Pro Se
200 Court House Way
Rigby, Idaho 83442

BY: ~~Chris~~ Mitchell DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO ID. 89801-3518

FILED

Service of Summons

2021 MAR -8 PM 4:26

ELKO DISTRICT COURT

I Traavis Arnold do hereby verify that under NRCP Rule 4(c)(2)-(3) that I am not part of this action, and over the age of 18 years old, and I am of sound mind and a US Citizen;

On this date 2nd day of March 2021 I served Defendant, Briley Inc, d/b/a in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

- ☐ Hand delivered to defendant in person
- ☐ Left at Defendant's Entity of Employment
- ☒ Placed in the US mail

Served by: Traavis Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

BY:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
ELKO NV 89301-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

Aitor Narvaiza, Sheriff

EIKO County Jail

Medallus Medical

Cotton Doe, Nurse

Rosanna Doe, Nurse

Bailey Doe, Nurse

Joanna Doe, Nurse

Rachet Vacharothave, Director

John Doe, Doctor

Jane Doe, Doctor

Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled Cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
way, Rigby Idaho 83442

Under 4.2(d)(4): Hereby summons defendants
Bailey, Doe, Nuts to answer
complaint that is attached to the summons.

Under 12(a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4(a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in the
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures.

Dated this 13th day of January, 2021

BY: Shannon L McCoy
SHANNON DATED MCCOY, in Pro-Se
200 Court House Way
Rigby Idaho 83442

BY: Court Marshall DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO NV. 89801-3518

FILED

Service of Summons

2021 MAR -8 PM 4:26

ELKO CO DISTRICT COURT

I Travis Arnold do hereby verify that under NRCP Rule 4(c)(2)(B) ~~that I am~~ not part of this action, and over the age of 18 years old, and I am of sound mind and a US Citizen;

On this date 2ND day of March 2021 I served Defendant, Jessica Doe, Nurse in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

- ☐ Hand delivered to defendant in person
- ☐ Left at Defendant's Entity of Employment
- ☒ Placed in the US Mail

Served by: Travis Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

BY:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
ELKO NV 89301-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

Aitor Narvaiza, Sheriff
Elko County Jail
Medallus Medical
Cotton Doe, Nurse
Rosana Doe, Nurse
Bailey Doe, Nurse
Tampa Doe, Nurse
Rachet Wacharothave, Director
John Doe, Doctor
Jane Doe, Doctor
Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
way, Rigby Idaho 83442

Under 4.2 (d)(4): Hereby summons defendants
~~Town of~~ ~~Idaho~~ to answer
complaint that is attached to the summons.

Under 12 (a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4 (a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures;

Dated this 13th day of January, 202

BY: ~~Shannon~~ M Co

SHANNON DATED MCCOY, in Pro Se
200 Court House Way
Rigby Idaho 83442

BY: ~~Edith~~ Muller

DATE 2/18/21

DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO ND. 87801-3518

Service of Summons

2021 MAR -8 PM 4:26

U.S. DISTRICT COURT

I Traut Arnold do hereby verify that under NRCP Rule 4(c)(2) I am not part of this action, and over the age 18 years old, and I am of sound mind and a US citizen;

On this date 2ND day of March 2021 I served Defendant, Basit Uchathine, in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

☐ Hand delivered to defendant in person

☐ Left at Defendant's Entity of Employment

☒ Placed in the US Mail

Served by: Traut Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

BY:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
EIKO NV 89301-3518

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

SHANNON DAVID MCCOY
Plaintiff,

vs.

SUMMONS

Aitor Navariza, Sheriff
Elko County Jail
Medallus Medical
Cotton Doe, Nurse
Regina Doe, Nurse
Bailey Doe, Nurse
Tasha Doe, Nurse
- Rachel Vacharothave, Director
John Doe, Doctor
Jane Doe, Doctor
Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
way, Rigby Idaho 83442

Under 4.2(d)(4): Hereby summons defendants
Rachet Vachonothwe, Director, to answer
complaint that is attached to the summons.

Under 12(a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4(a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures;

Dated this 12th day of January, 2021

BY: Shannon David McCoy
SHANNON DAVID MCCOY, in Pro-Se
200 Court House Way
Rigby Idaho 83442

BY: Ann Mall DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO NV. 89801-3518

FILED

Service of Summons

2021 MAR -6 PM 4:25

CLERK US DISTRICT COURT

I Travis Arnold do hereby verify that under NRCP Rule 4(c)(2)-(3) that I am not part of this action, and over the age of 18 years old, and I am of sound mind and a US Citizen;

On this date 2ND day of March 2021 I served Defendant, James De Los Angeles in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

- ☐ Hand delivered to defendant in person
- ☐ Left at Defendant's Entity of Employment
- ☒ Placed in the US Mail

Served by: Travis Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

B3:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
EIKO NV. 89301-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

Aitor Narvaiza, Sheriff

EIKO County Jail

Medallus Medical

Cotton Doe, Nurse

Rosman Doe, Nurse

Bailey Doe, Nurse

Joanna Doe, Nurse

Rachet Vacharothave, Director

John Doe, Doctor

Jane Doe, Doctor

Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled Cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
way, Rigby Idaho 83442

Under 4.2(d)(4): Hereby summons defendants
~~for~~ to answer
complaint that is attached to the summons.

Under 12(a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4(a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in the
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures:

Dated this 12th day of January, 2021

BY: Shannon D. McCoy
SHANNON DAVID MCCOY, in Pro Se
200 Court House Way
Rigby Idaho 83442

BY: Don Midell DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
ELKO, NV. 89801-3518

FILED

Service of Summons

2021 MAR -8 PM 4:25

ELKO CO DISTRICT COURT

I Travis Arnold do hereby verify
that under NRCP Rule 4(c)(2)(3) that I am
not part of this action, and over the age of
18 years old, and I am of sound mind
and a US Citizen;

CLERK DEPUTY

On this date 2nd day of March 2021
I served Defendant, Elko County Jail
in case no: Nc-CV-20-103 this Summons with
a copy of Complaint attached.

- ☐ Hand delivered to defendant in person
- ☐ Left at Defendant's Entity of Employment
- ☒ Placed in the US Mail

Served by: Travis Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

BY:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
ELKO NV. 89801-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

Aitor Narvaiza, Sheriff
- Elko County Jail
Medallus Medical
Cotton Doe, Nurse
Rosanna Doe, Nurse
Bailey Doe, Nurse
Joanna Doe, Nurse
Rachet Vacharathave, Director
John Doe, Doctor
Jane Doe, Doctor
Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 700 Court House
way, Rigby Idaho 83442

Under 4.2(d)(4): Hereby summons defendants
EIKO COUNTY JAIL to answer
complaint that is attached to the summons.

Under 12(a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4(a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in the
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures.

Dated this 17th day of January, 2021

BY: Shannon D. McCoy
SHANNON DATED MCCOY, in Pro Se
200 Court House Way
Rigby Idaho 83442

BY: Ann Mitchell DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO CO. 89801-3518

Service of Summons

2021 MAR -8 PM 1:25

I Travis Arnold do hereby verify that under NRCP Rule 4(c)(2)(B) that I am not part of this action, and over the age 18 years old, and I am of sound mind and a US citizen;

On this date 2ND day of MARCH 2021 I served Defendant, Robinson, Inc, Division in case no: DC-CV-20-103 this Summons with a copy of Complaint attached.

☐ Hand delivered to defendant in person

☐ Left at Defendant's Entity of Employment

☒ Placed in the US Mail

Served by: Travis Arnold

Document is signed under penalty of Perjury
NRS 208.165 and 28 USC § 1746

BS:

Date

DISTRICT COURT Clerk
550 Court Street 3rd floor
EIKO NV. 89301-3518

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

SHANNON DAVID MCCOY
plaintiff,

vs.

SUMMONS

Aitor Narvaiza, Sheriff
Elko County Jail
Medallus Medical
Cotton Doe, Nurse
Rosina Doe, Nurse
Bailey Doe, Nurse
Joanna Doe, Nurse
Rachot Wacharothave, Director
John Doe, Doctor
Jane Doe, Doctor
Defendants

Comes now, Plaintiff Shannon David McCoy
in Person and hereby summons defendants
in the above-entitled Cause. Plaintiff is
currently housed at the Jefferson County
Jail in Rigby Idaho, 200 Court House
Way, Rigby Idaho 83442

Under 4.2 (d)(4): Hereby summons defendants
~~Rosanna Doe, Duff~~ to answer
complaint that is attached to the summons.

Under 12 (a)(2): Defendants has 45 days to
answer complaint from date of service of the
summons.

Under 4 (a)(1)(E): Failure to answer within
45 days will result in a default judgement
against the defendant, from the relief in
complaint which is attached to the summons.

These rules are from the Nevada Rules of
Civil procedures;

Dated this 13th day of January, 2021

BY: ~~Shannon D. McCoy~~
SHANNON DATED MCCOY in Pro Se
200 Court House Way
Rigby Idaho 83442

BY: ~~Ann McCall~~ DATE 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
EIKO NV. 89801-3518

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

CLERK _____ DEPUTY *[Signature]*

Shannon David McCoy
plaintiff

vs.

Aitor Navariza, Sheriff
Elko County Jail
Medallus Medical

Motion
For Change
of Address

Colton Doe, Nurse
Rosina Doe, Nurse
Bailey Doe, Nurse
Rachet Vochanothave, Director
John Doe, Doctor
Jane Doe, Doctor and Joanna Doe, Nurse
defendants.

Comes now plaintiff Shannon D. McCoy in Pro-
and puts in above-entitled motion based on
plaintiff's address has changed, plaintiff's address
is "ISCT Shannon David McCoy #139747 Housing
Unit 15A14B P.O. Box 14 Boise Id. 83707

1 CASE NO. : DC-CV-20-103

2 DEPT NO. : 1

3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

6 Brent L. Ryman

FILED

2021 APR 26 AM 11:26

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY AM

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

14 SHANNON DAVID McCOY,
15 Plaintiff,

16 vs.

17 AITOR NARVAIZA; ELKO COUNTY
18 JAIL; MEDALLUS MEDICAL; COLTON
19 DOE, NURSE; ROSINA DOE, NURSE;
20 BAILEY DOE, NURSE; JOANNA DOE,
21 NURSE; RACHOT VACHARATHONE,
22 DIRECTOR; JOHN DOE, DOCTOR;
JANE DOE, DOCTOR,

Defendants.

**MOTION TO DISMISS FOR
FAILURE TO EFFECT SERVICE OF
PROCESS**
(Special Appearance)

23 COME NOW, Defendants, by and through their attorneys, ERICKSON, THORPE &
24 SWAINSTON, LTD., and BRENT L. RYMAN, ESQ., and, via this special appearance,
25 hereby request that Plaintiff's operative pleading and all claims against them be dismissed
26 for failure to effect timely service of process as required by NRCP Rule 4. Defendants'
27 Motion to Dismiss is made and based upon the following Memorandum of Points &
28 Authorities, as well as all of the pleadings and papers on file here.

1 **MEMORANDUM OF POINTS & AUTHORITIES**

2 **I. BRIEF SUMMARY OF ACTION AND CURRENT MOTION**

3 Plaintiff Shannon McCoy is a *pro se* inmate litigator, who has previously pursued at
4 least one frivolous suit against a Nevada political subdivisions, its officers and employees.
5 That case, which the undersigned defended, included a claim against Pershing County for
6 being given a “wedgie” during a contraband search while in jail. Plaintiff’s claimed damages
7 were based upon an allegation the “wedgie” resulted in a deformed left testicle; however,
8 upon obtaining Plaintiff’s prior medical records, it was determined Plaintiff’s claim had been
9 fabricated, since his testicle was documented to have been deformed and shriveled well
10 before the alleged “wedgie” incident in the Pershing County Jail.¹

11 In the instant litigation, Plaintiff brings suit against a number of Elko County officers
12 and employees alleging various grievances related to his conditions of confinement during
13 a recent stay in the Elko County Detention Center, including but not limited to the availability
14 of snacks and medical treatment related to alleged low blood sugar. (*See*, Pl’s Compl.,
15 ¶¶ 21-44). This Court’s docket reflects Plaintiff’s Complaint was submitted on
16 October 15, 2020, and thereafter filed on December 16, 2020. The 120-day limit for personal
17 service of Defendants under NRCP Rule 4 would have expired on April 15, 2021.

18 However, instead of pursuing proper personal service of the local government officers
19 and employees named in this suit as required by NRCP Rule 4.2(d)(4), the docket reflects
20 that Plaintiff had an associate send copies of the summonses to Defendants at unknown
21 address(es). (*See*, Service of Summons, filed March 8, 2021). As outlined in detail below,
22 this is insufficient to comply with Rule 4 requirement of personal service.

23 With that in mind, following receipt of a purported Default Judgment in another of
24 Plaintiff’s serial cases against the Jail Defendants (DC-CV-20-115) received by the Elko
25

26 ¹. Defendants have attached a true, accurate and correct copy of relevant pages from Plaintiff’s
27 deposition transcript, taken April 4, 2007, in the matter of *Shannon McCoy v. Ronald Skinner*, Case
28 No. CV 6-10052, In the Sixth Judicial District Court of the State of Nevada, in and for the County of
Pershing. Here, Defendants have provided this information to show the Court that Plaintiff ought to be
familiar with the rules regarding service of process and other aspects of litigation. Remaining materials from
this matter were not readily available to the undersigned at the time of drafting this Motion to Dismiss, but
Defendants will be happy to provide additional information and documentation of the Pershing County
litigation in the event this Court believes it relevant or otherwise requests the same.

1 County District Attorney's office, undersigned counsel requested a copy of the docket and
2 all filings from the Clerk of Court. Having learned that Plaintiff is now falsely claiming that
3 proper service was effected on all Defendants, they now make this special appearance to
4 respectfully request dismissal under Rule 4(d)(5) for failure to effect timely service.

5 **II. LEGAL ARGUMENT**

6 As an initial matter, Defendants present this motion by way of special appearance with
7 the intent to retain all legal and factual defenses to Plaintiff's claims, which they
8 strenuously deny.

9 **A. Plaintiff has failed to effect timely service of process under Rule 4.**

10 NRCP Rule 4(e) provides 120 days from filing of the Complaint to accomplish
11 personal service. Failure to complete effective service within the 120-day period mandates
12 dismissal of the action without prejudice, unless the plaintiff files a motion to extend the time
13 for good cause. Dismissal can be made by motion from a defendant or on the Court's own
14 motion. *See*, Rule 4(e)(2).

15 Here, Plaintiff's Complaint was submitted to the Court on October 15, 2020 and
16 subsequently filed on December 16, 2020. The 120-day limit for personal service of
17 Defendants under NRCP Rule 4 has now expired as of April 15, 2021. While Plaintiff claims
18 to have effected service on all Defendants through an associate who allegedly "Placed [the
19 summonses] in the US Mail" on March 2, 2021, this does not constitute personal service
20 under Rule 4.2. (*See*, Pl's Service of Summons). To the contrary, Rule 4.2 requires that
21 Nevada's local officers and employees be provided with actual personal service. Nevada's
22 Rules of Civil Procedure were recently rewritten, in part, to make this point crystal clear. In
23 that regard, NRCP Rule 4.2(d)(4) now reads as follows:

24 ***(4) Local Officers and Employees.***

25 Any current or former public officer or employee of any county,
26 city, town, or other political subdivision of the State, or any
27 public entity of such a political subdivision, who is sued in his
28 or her official capacity or his or her individual capacity for an
act or omission relating to his or her public duties or
employment must be served by delivering a copy of the
summons and complaint to the current or former public officer

1 or employee, or an agent designated by him or her to receive
2 service of process.
3 NRCP Rule 4.2(d) (2019).

4 **B. Dismissal is the appropriate remedy here.**

5 The mandates of NRCP Rule 4 are not discretionary, and the Court "must" dismiss
6 the action *unless* the plaintiff shows good cause for why service was not accomplished. *See*,
7 Rule 4(e)(2) (2019). As noted above, Plaintiff has experience in litigation and should be well
8 aware that Rule 4 requires personal service. As such, Defendants respectfully suggest that
9 good cause does not exist for the failure to complete proper service. As our Supreme Court
10 has pointed out, inadvertence does not constitute "good cause." *See, Dougan v. Gustaveson*,
11 108 Nev. 517, 835 P.2d 795 (1992); *Lacy v. Wen-Neva, Inc.*, 109 Nev. 341, 849 P.2d
12 260 (1993).

13 **III. CONCLUSION**

14 For the reasons stated above, Plaintiff's attempted service of process was ineffective.
15 Since the period for allowed service has now passed, Plaintiff's claims should be dismissed
16 as a result. Should the Court for any reason disagree and determine that service upon one or
17 more Defendants is effective despite the foregoing analysis, Defendants would respectfully
18 request a 21-day period to file a responsive pleading or otherwise enter an initial appearance
19 in response to Plaintiff's Complaint.

20 DATED this 22nd day of April, 2021.

21 ERICKSON, THORPE & SWAINSTON, LTD.

22 

23 Brent L. Ryman, Esq. (Bar No. 8648)
24 99 West Arroyo Street
25 Reno, Nevada 89509
26 Telephone: (775) 786-3930
27 Attorneys for Elko County Defendants
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the attached document by:

- ☒ U.S. Mail
☐ Facsimile Transmission
☐ Personal Service
☐ Messenger Service

addressed to the following:

Shannon David McCoy (#139747)
NORTH IDAHO CORRECTIONAL INSTITUTION
236 Radar Road
Cottonwood, ID 83522
Pro Per Plaintiff

DATED this 23rd day of April, 2021.

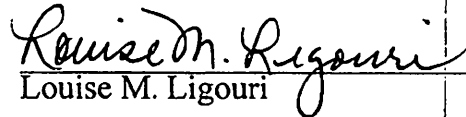

Louise M. Ligouri

EXHIBIT “1”

EXHIBIT “1”

1 Case No. CV 6-10052

2 Department No. 2

3

4

5

6 IN THE SIXTH JUDICIAL DISTRICT COURT

7 OF THE STATE OF NEVADA

8 IN AND FOR THE COUNTY OF PERSHING

9 -oOo-

10 SHANNON McCOY,

11 Plaintiff,

12 vs.

13 RONALD SKINNER, Sheriff, et
14 al.,

15 Defendants.

16 _____/

17

18

VIDEO DEPOSITION OF

19

SHANNON McCOY

20

APRIL 4, 2007

21

CARSON CITY, NEVADA

22

mccoy

22

23

24

SUNSHINE REPORTING SERVICES
(775) 883-7950 or (775) 323-3411

25

REPORTED BY: STEPHANIE ZOLKOWSKI CCR 283
COMPUTER-ASSISTED TRANSCRIPTION BY: caseCATalyst

2

1 A P P E A R A N C E S

2

3 FOR THE PLAINTIFF:

4 SHANNON McCOY

By: In Proper Person

5 Warm Springs Correctional Center

3301 East 5th Street

6 Carson City, Nevada 89702

7

8 FOR THE DEFENDANTS:

9 ERICKSON, THORPE & SWAINSTON, LTD.

By: BRENT L. RYMAN, ESQ.

10 99 West Arroyo St.

Reno, Nevada 89505

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mccoy

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I N D E X

2 EXAMINATION

PAGE

3 BY MR. RYMAN

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Page 3

mccoy
E X H I B I T S

7			
8	NUMBER	DESCRIPTION	PAGE
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mccoy
23 times unless specified to go off the video record.
24 Would all present please identify themselves
25 beginning with the witness.

5

1 THE WITNESS: Name is Shannon D. McCoy. Back
2 number 92925.

3 MR. RYMAN: I'm Brent Ryman, counsel for
4 Plaintiffs in this case. Or Defendants. Excuse me.

5 THE VIDEOGRAPHER: And will the court
6 reporter please swear in the witness.

7
8 SHANNON McCOY,
9 called as a witness herein, having been
10 duly sworn, testified as follows:

11
12 MR. RYMAN: Let the record reflect this is
13 the time and place set for the deposition of Shannon
14 McCoy in the matter of McCoy versus Skinner, et al.

15 The deposition is taking place at Warm

mccoy

16 Springs Correctional Center down here in Carson City.
17 The depo was set by Court Order pursuant to NRS 50.215
18 and NRCF 30 and it's being recorded stenographically
19 and also on videotape.

20 Mr. McCoy is here representing himself. And
21 I know you already identified yourself, but Mr. McCoy,
22 would you please state your name and spell it for the
23 record.

24 THE WITNESS: Shannon D. McCoy.

25 S-h-a-n-n-o-n D. M-c capital C-o-y.

6

1 EXAMINATION

2 BY MR. RYMAN:

3 Q And, Mr. McCoy, we're here to discuss two
4 separate searches conducted during your most recent
5 stay in Pershing County Jail as well as a claim about
6 medical treatment you allegedly received or didn't
7 receive for some knee problem down at Northern Nevada

8 Correctional Center; is that right?

9 A Yes.

10 Q And the claims in this case are against

11 Pershing County; is that correct?

12 A Yes.

13 Q And you understand that Pershing County is a

14 political subdivision?

15 A Yes.

16 Q And in this case you're claiming damages; is

17 that right?

18 A Yes.

19 Q And you're seeking some kind of money

20 judgment against the County?

21 A Yes.

22 Q Okay. And before we go any further we

23 started today off the record with a discussion of some

24 objection you had to this depo.

25 What's that?

1 Q And what happens next?

2 Well, first of all, strike that question.

3 I'll let you get to it.

4 Had Stephens searched you at any time prior
5 to this?

6 A No, he had not.

7 Q What happens next?

8 A He has me up against the wall. They usually
9 start from the top or some officers start from the
10 bottom. It just depends on.

11 When he did mine he started from the top.
12 He, you know, runs his hands down and then you know
13 they kind of just pat the side, make sure you ain't
14 carrying nothing. Then he went down to the feet, came
15 up.

16 When he came up he put his fingers inside my
17 waist band and went around and then grabbed the
18 undergarment and the pants and lifted them up.

19 And when he did that it pulled my underwear,
20 lifted me up on my toes. I mean I'm not eight years
21 old. I'm not into getting my stuff smashed. You
22 know, I just -- it was totally wrong of the person to
23 even go there.

24 So I turned around and told him I'm not eight

25 years old, don't ever do this to me again.

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1 Q You turned around during the search?

2 A My head.

3 Q Okay.

4 A And he just kind of chuckled. I guess he
5 thought he was funny.

6 Q When you said don't do this to me again could
7 he have assumed you meant don't search me again?

8 A Yeah. He could take it any way probably he
9 wants to take it in his head. Everybody has a
10 different perception.

11 I mean you got to know that ain't the proper
12 way to do a pat down search, especially when you never
13 left sight of him to begin with.

14 See, the whole thing about a pat down search
15 is if you went and talked to your lawyer and you saw
16 your lawyer and he didn't see you then a pat down

mccoy

17 search is probably permitted or wanting to do it.

18 But when he's got eyesight of you and you're
19 handcuffed the whole time, that's when I never been
20 pat searched before because there's no reason for it.

21 If your -- if I was the cop sitting there
22 looking at you the whole time he can see you're not
23 doing nothing. I don't know. That's just...

24 Q We'll get to that in a minute.

25 But let's talk about how the search happened.

105

1 Did you say anything else to Stephens during
2 that time?

3 A Not after that. No.

4 Q But during the search did you say anything
5 else to him besides what we just discussed?

6 A No.

7 Q Did you say anything else to anybody during
8 the search?

9 A I think I went in and talked to --

10 Q I'm talking about during the search.

11 A Not during the search.

12 Q When you're up against the wall and Stephens
13 is searching you?

14 A No. I never.

15 Q He started according to you at the top.

16 What did he do to search the top of your
17 body?

18 A Well, the arms are all concealed. They don't
19 -- you don't touch the arms or nothing so where the
20 clothing is, he kind of touched, patted down like
21 that.

22 Q Anything out of line about that?

23 A No. No. There's nothing.

24 Q And then after he searched the top of you you
25 said he put his fingers inside the waist band?

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1 A No.

mccoy

2 Then he went down to the bottom and started
3 from like checking to see if there was anything in the
4 socks, anything in the pant legs.

5 Q So he went directly to the socks to the
6 bottom of your body?

7 A Right.

8 Q What did he do to search the bottom?

9 A Just the pat, you know. It's the same. It's
10 not -- it's just like just to see if you're carrying.

11 I don't know. I'm not a law officer. You
12 know, the whole thing is they just see if there's
13 anything in there.

14 Q Yeah. I'm just asking you what he did.

15 What did you feel him doing to the bottom of
16 your body?

17 A Just a pat up, a pat up the other leg, you
18 know, and then put his fingers in the waist band.

19 Q Let's talk about the bottom first.

20 Did he check your socks?

21 A No.

22 Q But he looked or something did you say?

23 A Just patted them.

24 Q Okay. What about the pant legs? Did he
25 check the pants legs in any way?

1 A Just a pat.

2 Q Okay. Then he put his fingers inside your
3 waist band; is that right?

4 A Yes.

5 Q What waist band are we talking about?

6 A We're talking about -- well, the spandex are
7 tight on the thing. So...

8 Q I'm just want to be exact.

9 These are the spandex on your jail issues?

10 A Right.

11 So they're tight. And then my boxers are
12 tight.

13 He had the waist band, his thumbs, inside
14 both waist bands.

15 Q Okay.

16 A So on the boxer briefs and so they was
17 touching my skin.

18 Q Okay. So he first reaches inside the waist

mccoy

19 band of your boxer briefs?

20 A Yeah.

21 Q Were those, I mean if you know, would they
22 have been raised above your pants prior to the search?

23 A No.

24 Q Okay. They would have been lower than the
25 waist band of your pants?

108

1 A Right.

2 Q Let's take a really quick break so we can
3 change the videotape.

4 THE VIDEOGRAPHER: Going off the video record
5 at approximately 11:51 a.m.

6 (Lunch recess.)

7 THE VIDEOGRAPHER: This is the beginning of
8 tape number two in the continuing deposition of
9 Shannon McCoy.
10 We are going back on the video record. The

mccoy
11 time is approximately 12:57 p.m.

12 BY MR. RYMAN:

13 Q Mr. McCoy, you realize you're still under
14 oath?

15 A Yes, I do.

16 Q Now, when we left to take that short lunch
17 break I believe we were in the middle of the search
18 and you were describing how Mr. Stephens or Sergeant
19 Stephens first put his fingers inside your waist band.

20 A Yes.

21 Q What happened after that?

22 A He started from the front of the waist band
23 and then he moved all the way around the waist band.
24 And then when he got to the back he grabbed a hold, I
25 couldn't see it but he had a hold, of the undergarment

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1 and slacks and in an upward movement just pulled hard
2 enough where it caused me to go to my tippy toes.

3 Q Caused you to stand on your tip toes?

4 A Yes.

5 Q Where were his thumbs I guess when he first
6 pulled upward?

7 A Inside the back like the very back like at my
8 spine almost.

9 Q Were his thumbs together?

10 A I -- I don't recall that. I mean when you're
11 getting lifted up on your toes you're really not
12 worried about where his thumbs are.

13 Q So do you specifically remember that he put
14 his thumbs in and went around the inside of the waist
15 band or is it possible that he reached in and, how I
16 would describe that, shook the waist band?

17 A No. He didn't shake the waist band. He
18 reached in with his thumbs all the way around and then
19 at the back.

20 Q If you can, and I don't know if we can catch
21 this on camera, if you could stand up and demonstrate
22 that on yourself? Is it possible?

23 A With my shirt tucked in it would be both
24 undergarments, he had his hands around here, reached
25 them in here, brought them around back and then just

1 jerked upward.

2 Q Okay. You said something to him at that
3 point?

4 A Yes.

5 Q What did you say exactly?

6 A Told him that I wasn't eight years old and
7 never to do that again.

8 Q And what was his response to that?

9 A He just chuckled.

10 Q What happened after that? Was that the end
11 of the search?

12 A Yes.

13 Q And what happened next?

14 A Then he put me in the cell block.

15 Q And you both went about your days?

16 A Yeah.

17 Q Did you seek any medical treatment for
18 anything that happened to you during the search?

19 A No, I did not.

20 Q Were you injured?

21 A I mean -- I mean it was sensitive and sore,
22 yeah.

23 Q What was sensitive and sore?

24 A My left testicle.

25 Q And and I know these things are kind of hard

↑

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1 to talk about but we've got to do it.

2 Where was your left testicle when he pulled
3 up? Was it inside the boxer brief?

4 A Inside the boxer brief.

5 And they don't fall out the boxer briefs.
6 That's for sure.

7 Q Okay. I know it's hard to describe. There's
8 kind of probably some kind of sewing seams in the
9 boxer brief.

10 Was it inside of there?

11 A I don't think it was the seam. It might have
12 been the seam. It just -- it just like pinched it,

13 you know. It just smashed it up against the back part
14 right like pulling it under and just getting it -- it
15 would be like landing on it, I guess.

16 Q Did you tell anybody it was sore?

17 A Yeah. There was a guy in the pod. I don't
18 remember his name. Mike something.

19 Q Why didn't you tell Lieutenant Bjerke it was
20 sore during your interview with him?

21 A I told him -- in the interview he wanted to
22 talk about food and stuff like that. You know, when I
23 told him what happened it was just a white wash little
24 situation to begin with.

25 Q When you told him what happened you didn't

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1 mention that your left testicle was sore.

2 Why not?

3 A Because it wasn't sore at that time.

4 Q Okay.

mccoy

5 A Because it was already past that already.
6 That one happened there and I didn't report this until
7 the next one happened because, you know, at first I
8 just was like I really wasn't thinking very much of it
9 like. But then I started thinking that ain't right
10 and then the second time he did it to me it really
11 wasn't right. You know.

12 Q And you said you told somebody named Mike.
13 Was that Mike De LeRosa?

14 A De LeRosa. Maybe that's his name.

15 Q Michael John De LeRosa. Does that ring a
16 bell?

17 A Yes.

18 Q Mr. De LeRosa said that you told him you were
19 out to get Stephens and you were going to slap him
20 with some kind of lawsuit.

21 Would that be incorrect testimony?

22 A That's way incorrect testimony.

23 Q What did you tell De LeRosa?

24 A Told De LeRosa that he searched me and then I
25 told him that I told him I wasn't eight years old and

4 You got the belt on. You got your shackles. Take the
5 feet shackles off first. Hands on top of your head or
6 on top of the wall. Then he did a pat down.

7 This time he did the same thing. Like I
8 don't know if he thought it was funny or what. But
9 then that time I didn't say nothing. I just went and
10 filed a grievance.

11 Q Now, so both of these searches you're saying,
12 you're testifying here today, happened in basically
13 exactly the same manner?

14 A Pretty much. Yes.

15 Q How long did these searches last?

16 A 30 seconds.

17 Q Does that include the time to take off the
18 restraints?

19 A No.

20 Q How long does it take to remove the
21 restraints?

22 A I don't know. I mean who knows. Some people
23 take them off quicker than others. I mean it's got to
24 be under a minute.

25 Q Well, and I don't mean generally how long

1 does it take, I mean how long did it take in these
2 specific circumstances?

3 A I don't know. I don't know. I couldn't give
4 you a time.

5 Q You did not make any complaints to Stephens
6 during the second search?

7 A No, I did not.

8 Q And were you injured during the second
9 search?

10 A No. Not -- not really. Not like -- not like
11 the first time.

12 I mean it wedged up in between the crack of
13 my ass and stuff like that but it just didn't -- I
14 don't know if the first time just caught it just right
15 or something or whatever. But it just the other time
16 was just like it was different as far as the pain wise
17 goes.

18 But it was in the same manner. Same fingers
19 in the thing rolled it around. Because he pulled it.

20 When he started in the front and came out and kind of
21 pulled it out wide on the side and then came in.

22 Q So he stretched the waist band out a little
23 bit?

24 A Yes, he did.

25 Q Did you have any understanding that the

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1 reason for that is so that anything hidden in there
2 would fall out?

3 A Yeah. That --

4 There's other ways to do searches. You
5 either pat -- if you pat socks down and that's the
6 proper way you pat them down then you can feel
7 anything in there.

8 If you wanted to go to the second level and
9 you think somebody is hiding something but if you're
10 sitting there, been there with them the whole time,
11 obviously he ain't been nowhere for -- to grab
12 anything. He should take you in and do the second

13 proper procedure and that's to strip you.

14 His skin should never touch my skin. I don't
15 care. That's just the bottom line. His fingers
16 should have never went in my waist band and touched my
17 skin and went around. He should have never grabbed my
18 underwear.

19 Q Is that what your beef is here? That his
20 fingers touched your skin during this search?

21 A That and the wedgie. I mean I'm not eight
22 years old. Don't -- I did a crime I'm in there doing.
23 I'm fighting my case. You're supposed to be innocent
24 until proven guilty. There's standards that are
25 supposed to be upheld to. Same way there's standards

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1 for me, rules for me, he's got the same exact rules.

2 Q It sounds to me like what you're testifying
3 to, and tell me if I'm not correct, I'm just trying to
4 get at what you're saying here, it sounds to me like

mccoy

5 what you're saying is that this may be a permissible
6 search in some circumstances but because he had you in
7 his sight the whole time he should have used a
8 different type of search; is that correct?

9 A It doesn't matter what kind of search.
10 You're in their custody. If you're a security risk or
11 they think you have something, they have, don't get me
12 wrong, they have, the right to search you no matter
13 what. It's the -- the security of the institution is
14 beyond anything. I'm not saying that.

15 What I'm saying, he went about the wrong
16 search for the wrong thing. His skin is never
17 supposed to touch my skin.

18 They don't do it here. I have been strip
19 searched three times since you guys came here. You
20 know what I mean?

21 So if you want me to put a number on it 50 is
22 probably way too low. I mean I have been strip
23 searched probably a hundred times, pat searched
24 probably a thousand. And not once did one of those
25 officer ever -- his skin never touched my skin. Not

1 did I ever get a wedgie, he ever pull them up, did he
2 ever shake my waist band out. No.

3 There's procedures and proper ways to do
4 things and he didn't follow the guidelines to those
5 procedures and with him touching me and doing that he
6 violated my rights. He violated me.

7 Q And any other injuries other than what we
8 already talked about?

9 A No.

10 I mean I still to this day, that's why I want
11 to put this off until I get out so I can go see a
12 medical examiner and spend my own money and do that
13 and -- and so I can, because I really feel like
14 there's damage to my left testicle right now. It
15 don't look the same as it did before that happened.

16 Q How has this damaged, this supposed damage,
17 affected you?

18 A Okay. They're supposed to be solid round.
19 You know what I mean? My left one has got little
20 lumps on the left side of it like where it's been
21 smashed. It's like skinnier. There's something wrong

22 with it.

23 But if it ain't an emergency medical issue
24 here they're not going to deal with it here. That's
25 just the way this place is. That's what you have to

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1 come to live by when you come to live here.

2 Q Have you made any requests to have your
3 testicle examined?

4 A Yes, I have. I did it at NNCC.

5 Q And other than the request to the court in
6 that motion, is that what you're talking about?

7 A I already went to NNCC to the medical there.

8 And they said unless it's life threatening or
9 something to do that, they wouldn't do it.

10 Q And you're testifying here today that cotton
11 underwear pulled up caused you permanent damage to
12 your left testicle?

13 A I'm not -- I don't know what caused it. But

mccoy

14 all I know is it's not the same as it was then.

15 Let me lift you up and see what it feels

16 like. I'm sure I could do -- you know what I mean?

17 If I gave it a good little pull. So you're saying

18 it's not applicable or something like that? Is that

19 what you're saying?

20 Q I'm asking the questions.

21 A Yeah.

22 Q I'm trying to find out what evidence you have

23 to support your case.

24 A I got me -- I got the witness who saw it.

25 And other than that that's about it. I got my

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1 letters.

2 Q Now, just to back up, how has this alleged

3 injury affected you?

4 A I don't know. It's -- I don't know. I don't

5 sleep really good at night like. My mind wanders. I

6 mean what happens if I can't have kids or something

7 stupid like that. I'm 31 years old. I want to have
8 kids. You know, what happens if it does something and
9 nobody even looked at it or it could have been stopped
10 or something like that.

11 You don't think that weighs heavy on a
12 person's mind. I ain't got nobody to carry on the
13 family name.

14 Q So you're afraid you might not be able to
15 have kids now?

16 A I mean, who knows.

17 When you're locked up your mind wanders all
18 kinds of places. You know what I mean? You're locked
19 in a cell most of the time. I mean you don't even
20 know what imagination is. You know what I mean?

21 You sit here in the free world and run around
22 and you got everything. Wait until that's taken away
23 from you one day if it ever is and see what happened.

24 Q You testified before you weighed about 160
25 pounds at the time of your --

16 Have we already talked about all the things
17 Mr. Yearicks is expected --

18 A Yes.

19 Q -- to testify to?

20 A Yes, we have.

21 And Frank Yearicks, Jr.

22 Q Let's add Mr. Junior.

23 What is Junior expected to testify to?

24 A Just not professional like talking about me,
25 just talking about sexual harassment. Just odds and

214

1 ends.

2 Q And, Mr. McCoy, is there anything else you
3 feel like you need to add?

4 A Not right now.

5 Q Okay. This will conclude our deposition
6 today. Thank you very much.

7 THE VIDEOGRAPHER: This concludes today's

mccoy
8 portion of the deposition of Shannon McCoy on April 4,
9 2007. It consists of two videotapes. The original
10 videotapes will be retained by Sunshine Reporting
11 Services.

12 We are going off the video record. The time
13 is approximately 3:02 p.m.

14 (Proceedings adjourned at 3:02 p.m.)

15

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SHANNON MCCOY

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1 STATE OF _____)
2 : ss.
3 COUNTY OF _____)

3

4 I, _____, a notary public in
5 and for the County of _____, State of
6 _____, do hereby certify:

7 That on the _____ day of _____,
8 2007, before me personally appeared SHANNON MCCOY, the
9 witness whose deposition appears herein;

10 That the deposition was read to or by him;

11 That any changes in form or substance desired
12 by him were entered upon the deposition by me with a
13 statement of the reasons given by the witness for
14 making them;

15 That he thereupon signed the deposition.

16 Dated: At _____,

17 this _____ day of mccoys, 200__.

18

19

NOTARY PUBLIC

20

21

22

23

24

25

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE &
3 SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the
4 attached document by:

- 5 ☒ U.S. Mail
6 ☐ Facsimile Transmission
7 ☐ Personal Service
8 ☐ Messenger Service

9
10 addressed to the following:

11 Shannon David McCoy, *Pro Per Plaintiff*
12 c/o Rosita McCoy
13 505 Copper Street, Apt. 608
Elko, NV 89801

14 DATED this 2nd day of April, 2021.

15
16 Louise M. Ligouri
17 Louise M. Ligouri
18
19
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27
28

FILED

To whom it may Concern:

2021 APR 27 AM 10:24

ELKO CO DISTRICT COURT

On Case ~~NO~~ ^{CLERK} ~~NO~~ ^{DEPUTY} DC-CU-20-115
it seems you have mailed stuff to me at the
wrong address. I'm not sure how this could
happen since I've been diligent in keeping
the Courts Informed of my address so how is
it on 3/26/2021 Letter from Mr. McLaughlin to Judge
Hill, Default Judgement and Verification
Under penalty of perjury was sent to address
I have changed Twice. ~~Case Address on paper~~
I need these sent to my Current address
ASAP so I can properly defend my Case
Also unclear on Case Summary how Defendant
on 4/5/2021 put in Motion to dismiss on
this case. But yet on Case NO. DC-CU-20-
103 its not on that case and why every-
thing is getting messed up. So please send
me Defendants motion to dismiss for failure
to effect service of process. On case NO. DC-
CU-20-83, DC-CU-20-115 and DC-CU-20-10
and anything else returned to you.

Please file this
in my Court file

Thanks Shawn McLaughlin

FILED

2021 APR 27 AM 10:32

ELKO CO DISTRICT COURT

To whom it may concern:

Please file these and look over ^{CLERK} ~~Clerk~~ ^{DEPUTY} ~~Deputy~~ summaries in cases N-CO-20-83, 103 and 115 it seems you sending mail to wrong address and hindering my ability to fight my case.

Thank You

Harmon D. McFarley
To Ho-Se

DEPT NO: 1

FILED

2021 APR 27

AH 10:37

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

CLERK

DEPUTY *R*Shannon David McCoy
plaintiff

vs.

Motion

Aitor Navariza, sheriff
Elko County Jail
Medallus MedicalFor
Extension of
Time

Colton Doe, nurse

Rosing Doe, nurse

Bailey Doe, nurse

Rachet Vacharothane, director

John Doe, doctor

Jane Doe, doctor

defendants

Comes now plaintiff, Shannon David McCoy
in pro-se in the above entitled cause and all
Readings, motions with Points & Authorities to
support said motion.

Points & Authorities

On 4/17/2021 plaintiff Shannon David McCoy in Pro-Se got Case Summary from Court Clerk. Based on Case Summary dated 4/5/2021 there is no motion to dismiss for failure to effect service of process (Special Appearance). Plaintiff thinks there is error in Case Summary Sheet Due to this motion should be on this case not case no. AC-CV-20-115.

Due to the transfer of plaintiff from Jefferson County Jail to Idaho Prison Reception Center then to NICT (Northern Idaho Correction Institution).

On 3/15/2021 plaintiff Shannon David McCoy called the Courts office and changed mailing address. Nothing was sent to this address. ~~instead was~~

On 4/5/2021 The Court received plaintiffs Motion for change of address. Then on 4/12/2021 The Court received another Motion for Change of address this is his current address "Shannon David McCoy #139747 NICT 236 Radar Rd Cottonwood, ID 83522

as of 4/20/2021 plaintiff still has not seen defense motion to dismiss and if there motion was not put in on this case they are in default.

Plaintiff does not want to put in a motion that is frivolous and based on the facts, errors and no motion to dismiss leaves plaintiff in a serious situation that's unjust and asked this Court to grant an Extension of time to ~~over~~ reply to any motion that have been filed and have Case Summary fixed.

Shannon D. McE
In Pro-Se #139747
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 benefit of a notary pursuant to ORS 208.165 and U.S.C 578 U.S.C 1746 as I am incarcerated.

Dated this 21st day of April, 2021

Shannon J. McCoy #139147
In Pro-Se 236 Radon Rd
Cottonwood ID. 83522

I Shannon J. McCoy in Pro-Se certify under Rule 5(c)(2) that on this 21st day of April, 2021, I put copies of motion for extension of time in the U.S. Mail. Of all 3 cases

1 copy:

Erickson, Thompson Swainston
Attn: Brent L. Ryman
P.O. Box 3559
Reed ID. 89505-3559

3 copies:

Elko County Court Clerk
550 Court St. 3rd floor
Elko ID. 89801

Case No: DC-CV-20-83, DC-CV-20-103 and
DC-CV-20-115

1 CASE NO. : DC-CV-20-103

2 DEPT NO. : 1

3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

6 Brent R

FILED

2021 MAY -7 AM 10:40

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY ra

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

12 SHANNON DAVID McCOY,

13 Plaintiff,

14 vs.

15 AITOR NARVAIZA; ELKO COUNTY
16 JAIL; MEDALLUS MEDICAL; COLTON
17 DOE, NURSE; ROSINA DOE, NURSE;
18 BAILEY DOE, NURSE; JOANNA DOE,
19 NURSE; RACHOT VACHARATHONE,
20 DIRECTOR; JOHN DOE, DOCTOR;
JANE DOE, DOCTOR,

Defendants.

**NOTICE OF RE-SERVICE OF
MOTION TO DISMISS FOR
FAILURE TO EFFECT SERVICE
OF PROCESS**

21 **NOTICE IS HEREBY GIVEN** that on May 4, 2021, counsel for Defendants,
22 AITOR NARVAIZA and ELKO COUNTY JAIL, responding as COUNTY OF ELKO, a
23 political subdivision of the State of Nevada, served a duplicate copy of its MOTION TO
24 DISMISS FOR FAILURE TO EFFECT SERVICE OF PROCESS on plaintiff, SHANNON
25 DAVID McCOY, at his current address:

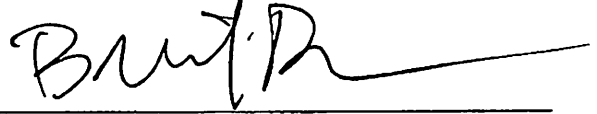
26 Shannon David McCoy (#139747)
27 NORTH IDAHO CORRECTIONAL INSTITUTION
28 236 Radar Road
Cottonwood, ID 83522

///

1 as indicated in his Motion for Extension of Time.

2 DATED this 4th day of May, 2021.

3 ERICKSON, THORPE & SWAINSTON, LTD.

4 

5 Brent L. Ryman, Esq. (Bar No. 8648)
6 99 West Arroyo Street
7 Reno, Nevada 89509
8 Telephone: (775) 786-3930
9 *Attorneys for Elko County Defendants*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the attached document by:

- ☒ U.S. Mail
☐ Facsimile Transmission
☐ Personal Service
☐ Messenger Service

addressed to the following:

Shannon David McCoy (#139747)
NORTH IDAHO CORRECTIONAL INSTITUTION
236 Radar Road
Cottonwood, ID 83522
Pro Per Plaintiff

DATED this 4th day of May, 2021.

Louise M. Ligouri
Louise M. Ligouri

1 CASE NO. : DC-CV-20-103

2 DEPT NO. : 1

3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

6 Brent D.

FILED
2021 MAY 14 AM 9:23
ELKO CO DISTRICT COURT

CLERK _____ DEPUTY cm

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10 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11 IN AND FOR THE COUNTY OF ELKO
12

13
14 SHANNON DAVID McCOY,

15 Plaintiff,

16 vs.

17 AITOR NARVAIZA; ELKO COUNTY
18 JAIL; MEDALLUS MEDICAL; COLTON
19 DOE, NURSE; ROSINA DOE, NURSE;
20 BAILEY DOE, NURSE; JOANNA DOE,
21 NURSE; RACHOT VACHARATHONE,
22 DIRECTOR; JOHN DOE, DOCTOR;
JANE DOE, DOCTOR,

Defendants.

**REPLY IN SUPPORT OF MOTION
TO DISMISS FOR FAILURE TO
EFFECT SERVICE OF PROCESS**
(Special Appearance)

23 COME NOW, Defendants, by and through their attorneys, ERICKSON, THORPE &
24 SWAINSTON, LTD., and BRENT L. RYMAN, ESQ., and, via this special appearance,
25 hereby present the following Reply in Support of their Motion to Dismiss for Failure to
26 Effect Service of Process, filed April 26, 2021. As outlined below, Plaintiff has not shown
27 that service was effected, and has not demonstrated good cause for his failure to effect
28 personal service within the allowed time. As such, dismissal is appropriate.

///

1 Defendants' Motion demonstrated that Plaintiff never effected personal service of this
2 action, and instead simply asked a friend to mail the summonses via U.S. mail. Plaintiff has
3 now filed a response brief, entitled "Reply to Motion to Dismiss for Failure to Effect Service
4 of Process," (hereinafter "Response Brief"), dated May 3, 2021. Upon review, it is clear that
5 Plaintiff has never effected personal service, and is instead attempting to rely on the fact that
6 an associate mailed copies of the summonses to Defendants. (*See*, Pl's Resp. Brief, pp. 6-7,
7 ll. 427-1) ("Travis Arnold mailed summons and complaint for each defendant to Sheriff Aitor
8 Narvaiza at 775 W. Silver St. 89801 which he has control of per NRS."); (*see also*, Service
9 of Summons, filed March 9, 2021). As explained in detail in Defendants' original Motion
10 to Dismiss, mail service is insufficient to comply with Rule 4 requirement for
11 personal service. (*See*, Defs' Mot., pp. 3-4, ll. 10-3) (*citing*, NRCP Rule 4.2(d) (2019)).

12 Since the time for Plaintiff to effect personal service is now past, Defendants
13 respectfully request dismissal under Rule 4(d)(5) for failure to effect timely service. *See*,
14 Rule 4(e)(2) (2019) (the Court "must" dismiss the action *unless* the plaintiff shows good
15 cause for why service was not accomplished); *see also*, *Dougan v. Gustaveson*, 108 Nev.
16 517, 835 P.2d 795 (1992); *Lacy v. Wen-Neva, Inc.*, 109 Nev. 341, 849 P.2d 260 (1993)
17 (inadvertence does not constitute "good cause").

18 DATED this 10th day of May, 2021.

19 ERICKSON, THORPE & SWAINSTON, LTD.
20

21 

22 Brent L. Ryman, Esq. (Bar No. 8648)
23 99 West Arroyo Street
24 Reno, Nevada 89509
25 Telephone: (775) 786-3930
26 Attorneys for Elko County Defendants
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE &
3 SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the
4 attached document by:

- 5 ☒ U.S. Mail
6 ☐ Facsimile Transmission
7 ☐ Personal Service
8 ☐ Messenger Service
9

10 addressed to the following:

11 Shannon David McCoy (#139747)
12 NORTH IDAHO CORRECTIONAL INSTITUTION
13 236 Radar Road
14 Cottonwood, ID 83522
15 *Pro Per Plaintiff*

16 DATED this 10th day of May, 2021.

17 *Louise M. Ligouri*
18 Louise M. Ligouri
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1 CASE NO. : DC-CV-20-103

2 DEPT NO. : 1

3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

6 Brent Ryman

FILED

2021 MAY 14 AM 9:23
ELKO CO DISTRICT COURT

CLERK _____ DEPUTY AM

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

9 SHANNON DAVID McCOY,

10 Plaintiff,

11 vs.

12 AITOR NARVAIZA; ELKO COUNTY JAIL;
13 MEDALLUS MEDICAL; COLTON DOE,
14 NURSE; ROSINA DOE, NURSE;
15 BAILEY DOE, NURSE; JOANNA DOE,
16 NURSE; RACHOT VACHARATHONE,
17 DIRECTOR; JOHN DOE, DOCTOR;
18 JANE DOE, DOCTOR,

19 Defendants.

REQUEST FOR REVIEW

20 It is requested that the Motion to Dismiss for Failure to Effect Service of Process, which was
21 filed in the above-entitled action on or about the 22nd day of April, 2021, be submitted to the Court
22 for decision.

23 A Proposed Order is attached hereto as Exhibit 1.

24 The undersigned attorney certifies that a copy of this request has been mailed to all counsel
25 of record.

26 DATED this 10th day of May, 2021.

27 ERICKSON, THORPE & SWAINSTON, LTD.

28 Brent Ryman

Brent L. Ryman, Esq. (Bar No. 8648)
99 West Arroyo Street
Reno, Nevada 89509
Telephone: (775) 786-3930
Attorneys for Elko County Defendants

EXHIBIT “1”

EXHIBIT “1”

1 CASE NO. : DC-CV-20-103

2 DEPT NO. : 1

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

9 SHANNON DAVID McCOY,

10 Plaintiff,

11 vs.

12 AITOR NARVAIZA; ELKO COUNTY JAIL;
13 MEDALLUS MEDICAL; COLTON DOE,
14 NURSE; ROSINA DOE, NURSE;
15 BAILEY DOE, NURSE; JOANNA DOE,
16 NURSE; RACHOT VACHARATHONE,
17 DIRECTOR; JOHN DOE, DOCTOR;
JANE DOE, DOCTOR,

Defendants.

ORDER

18 On or about April 22, 2021, Defendant Nye County, by and through its counsel of record,
19 Brent L. Ryman, Esq. of Erickson, Thorpe & Swainston, Ltd., sent its Motion to Dismiss for Failure
20 to Effect Service of Process to the Court for filing, and on May 3, 2021, Plaintiff Shannon
21 David McCoy sent his Opposition to the Court for filing. Thereafter, Defendant Nye County sent
22 for filing its Reply in Support of Motion to Dismiss.

23 After review of the arguments presented and good cause appearing,

24 IT IS HEREBY ORDERED that Defendant Nye County's Motion to Dismiss for Failure to
25 Effect Service is GRANTED.

26 Dated this ____ day of _____, 2021.

27
28

DISTRICT JUDGE

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE &
3 SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the
4 attached document by:

- 5 ☒ U.S. Mail
6 ☐ Facsimile Transmission
7 ☐ Personal Service
8 ☐ Messenger Service
9

10 addressed to the following:

11 Shannon David McCoy (#139747)
12 NORTH IDAHO CORRECTIONAL INSTITUTION
13 236 Radar Road
14 Cottonwood, ID 83522
15 *Pro Per Plaintiff*

16 DATED this 10th day of May, 2021.

17 *Louise M. Ligouri*
18 Louise M. Ligouri
19
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27
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CASE NO: DC-CU-20-83/DC-CU-20-115/DC-CU-20-103

original

DEPT NO: 1

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

SHANNON DAVID MCCOY,
plaintiff

v.

Ex - Parte
Motion

Aitor Narvaiza, Sheriff
Michael Silva, Lieutenant
Bobby Atkins, Sergeant
John Oldham, Sergeant
Melanie Edmond, Sergeant
Richie Jaspard, Deputy
Steve Satterthwaite, Sergeant
Jordan Grebens, Deputy
Doug Holladay, Deputy
John Joe Hatch, Deputy
E. Gonzalez, Deputy
Medallus Medical
Cotton Doe, Nurse
Bailey Doe, Nurse
Rachet Vachanathone, Director
John Doe, Doctor
Jane Doe, Doctor and ELKO County Jail,

Defendants,

Comes Now Shannon David McCoy in Pro-Se
in the Above Entitled Cause with attachment
(Exhibits) and pleading and motions already
on file.

FILED

ELKO CO. D.

2021 MAY 10 PM 4:43

FILED

Comes now Shannon David McLoe in Pro-Se in Case # PC-CV-20-115 in Ex-parte and ask this honorable Court to fix the Case Summary and explain why Plaintiff documents are being sent to the wrong address. Plaintiff can not properly represent his case when Motions and documents are not sent to the proper address. Case Summary in Question, on 3/15/2021 Note of address change. On 3/26/2021 letter from Mr. McLoe to Judge Hill, "Copy mailed back to Mr. McLoe P.O. Box 206, Twin Falls ID 83301" something on 3/26/2021 for Default Judgement and verification under penalty of Perjury. All this was sent to the wrong address even though there was record of other (correct address) in file. Also filed Default Judgement on 1-3-21 and was not put in DCI until 3/26/21 this is almost 3 month.

On Case No. PC-CV-20-83 the Case Summary seems right.

On Case No PC-CV-20-103 the Case Summary does not make sense. As defendants put in Motion to dismiss for Special Service on other Two cases but not on this case which makes no sense as on case No PC-CV-20-115 there is

Default Judgement. If you look at the Exhibits I'm not being able to get Nevada Case law and is rendering my ability to properly represent myself this is a constitutional Violation.

I'm currently in a Prison treatment program trying to Get help so I can be a good father and the hurdles I have to take fast to properly represent myself is not just according to the Constitution, I have been denied Copies, Nevada law and my mail not being forwarded along with case summoning sheet that don't make sense. I can't answer motions I don't get or that are sent to wrong address.

Conclusion

I pray this Court will send me all document that were sent to wrong address and maybe put the Case on hold for 4 month as my treatment will be over.

James Mc
Pro-Se 4/20/21

219/20

EXHIBIT 1

Resource Center Response

orig 1202

A-14

Date: 3/29/2021

IDOC: 139747 Last Name McCOY

First Name SHANNON

Unit: 15

Your request could not be fulfilled or is denied as indicated below:

Request for Nevada resources denied. The Resource Center does not provide resources for other states.

original

EXHIBIT 2

Exhibit 2

IDAHO DEPARTMENT OF CORRECTION
Offender Concern Form

Unit 15A4B

Offender Name: Shannon David McLean
Institution, Housing Unit, & Cell: RCU 15A14B

IDOC Number: 139747
Date: 3/31/21

To: Resource Center Quin

(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: I'm being denied access to the courts. I have a right to material I need for my civil case out of Abundant Community v. Ticker, 202 F.3d 90 93-94 This a Court (Tanner) my case and ruling 1983 action against this which I have on a liberty interest being violated. Please give me proper access to courts which constitutes legal material to properly prepare for trial. Thank you.
(Description of the issue must be written only on the lines provided above.)

Offender signature: Shannon D. McLean

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #

Collected/Received: 3/31/21
(Date collected or Received)

Reply: You have not been denied access to a court. All services and resources at the Resource Center are provided to all inmates according to policy which complies with applicable standards.

Responding Staff Signature: [Signature] Associate ID # 10211

Date: 4/2/21

Pink copy to offender (after receiving staff's signature),

Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)

Appendix A 316.02.01.001
(Appendix last updated 2/14/12)

PRT3NCROCF

Exhibit 2

IDAHO DEPARTMENT OF CORRECTION
Offender Concern Form

ISA14B

Offender Name: Shannon McCoy IDOC Number: 139447
Institution, Housing Unit, & Cell: ISA14B Date: 4/1/21

To: Access to Court (ST)
(Address to appropriate staff: Person most directly responsible for this issue or concern)

Issue/Concern: was denied legal copies for a case that
is current out of Idaho (Civil) This is
unconstitutional. This was done by Stewart. ~~and~~

(Description of the issue must be written only on the lines provided above.)

Offender signature: Shannon McCoy

Staff Section

(Signature of Staff Member Acknowledging receipt) / Associate ID #

Collected/Received: 4/1/21
(Date collected or Received)

Reply: It was explained to me that copies are not permitted for the type
of case you have.

Responding Staff Signature: [Signature] Associate ID # 1341 Date: 4/2/21

Pink copy to offender (after receiving staff's signature).

Original and yellow to responding staff (after completing reply, yellow copy returned to offender.)

Appendix A 316.02.01.001

(Appendix last updated 2/14/12)

PRT3NCROCF

To whom it may concern:

Please file these in my 3 cases. Sorry but
was denied coppers so had to hand write them
all.

I would also like case summaries sent to
me if you could I greatly appreciate
your time in this matter.

Shannon David McGee

RECEIVED

APR 05 2021

DeKalb County Clerk

FILED
2021 MAY 18 AM 11
CLERK OF DISTRICT
DEKALB COUNTY

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

SHANNON DAVID MCCOY,
plaintiff,

US.

Aitor Naveiza, Sheriff

EIKO County Jail

Medallus Medical

Cotton Joe, nurse

Rosina Ae, nurse

Bailey Doe, nurse

Rachot Vacharathave, Director

John Doe, Doctor

Tove Doe, Doctor

Products.

Reply to Motion to
Dismiss for Failure
to Effect service of
process

2021 MAY 18 PM 4:44

Come's now, plaintiff Shannon David McCoy in Pro-Se and Reply's to Defendants motion to Dismiss for failure to effect service of Process. Defendants motion is most based on procedural law and motions and Pleading already on file. Defendants have use frivolous Claims in there Memorandum of Point & Authority

MEMORANDUM OF POINTS & AUTHORITIES

1.) Defendant's Attorney Brent L. Ryman is basing there motion on fallacious information. Where as this fallacious information on a 12 yr old Case Mr. Ryman settled out of Court for money and in return plaintiff signed a agreement. Now Mr. Ryman has broke that agreement and has deceived this honorable Court by lying under penalty of perjury. This is a crime.

On pg. 2, line 11-14 Defendant seem to be undermine the seriousness of Defendant's medical deliberate Indifference to plaintiff medical needs while house at ELKO County Jail. Defendant's lack of Care has Caused severe damage to plaintiff's eye sight, Plaintiff is unclear how it could be alleged when doctor gave treatment and deputy took treatment away, And records of Blood sugar being low for months.

On pg 2, line 15-17 is Irrelevant because plaintiff served the summons within the 120 days specified in WRCP Rule 4 (e)(1) Then on pg. 2, line 21 "See service of summons, filed March 8, 2021 Defendant backs up service was made within the 120 days by 1 month and 7 days.

on page 2, line 18-22 Defendants argue plaintiff had associate send Copies of Summons to Defendants unknown address. It seem Defendants attorney Mr. Remond is putting in frivolous information as plaintiff put in Summons under Rule 4 (NRCF) which stated you can serve all defendant by serving Sheriff (or Attorney General) and the address plaintiff used was Elko County Jail with Sheriff name, under the NRC Sheriff Controls County Jail.

On page 2, line 23, 24, and, page 3, line 1-4 it unclear why defendants and there Attorney is arguing a different Case (DC-CU-20-115) and ask for dismissal under Rule 4 (d)(5) for failure to effect timely service. Plaintiffs Case on DC-CU-20-115 is based off of denial of access to Courts. See Exhibit 1, page 2, 4(d)(5) that was printed off of Elko County Jails law Computer dated 11/23/2020. Quote "Failure To Make Proof OF Service Failure to make proof of service does not effect the Validity of the service. So its clear defendants and there attorney ~~are~~^{is} either looking at a different law than plaintiff or they have just admitted to improper access to the Courts under the Constitution. And why is this case brought up.

LEGAL ARGUMENT

Under NRCP Rule 4(2)(b), Issuance: Plaintiff must present a summons to the clerk for issuance under signature and seal. If a summons is properly presented the clerk must issue a summons under signature and seal to the plaintiff for service on the defendants. The summons plaintiff filed was approved by this honorable Court.

NRCP Rule 4(c)(4), Cumulative service methods: The methods of service provided in Rules 4.2, 4.3 and 4.4 are Cumulative and may be Utilized with, after or independently of any other methods of service

The Due Process Clause of Nev. Art. 158 requires that a party exercise due diligence in notifying a defendant of a pending action, technical compliance with the requirements of NRCP 4 may fall short of the due process requirement. Where other reasonable methods exist for locating the whereabouts of a defendant, plaintiff should exercise those methods. *Maizla v. State*, 120 Nev. 671 at 675, 99 P.3d 227 (2004); *Scarbo v. Dist. Ct.* 125 Nev. 118 at 124, ~~200~~ 206 P.3d 975 (2009); *Pice v. Dunn* 106 Nev. 100 787 P.2d 785 (1990)

Receipt of actual notice of Complaint maybe one factor in determining if the plaintiff exercised due diligence in attempting service of process as required. *Abreu v. Gilmer* 115 Nev. 308, 985 P.2d 746 (1999).

On 10/15/2020, plaintiffs summons were received by this Honorable Court, then on 12/16/2020 summons were issued this was 2 months. This delay caused a hinderance in Plaintiffs Case. Plaintiff summons were issued 1 day before he was transferred to Twin Falls County Jail as Michael Silva transported the Plaintiff. And Court Issued summons 1 day after order dismissing Prelim motions (this case). Michael Silva, lieutenant now where Plaintiff was moved to why mail not forwarded. Under *Simkin v. Bruce* 406 F.3d 1239, 1242-44 (10th Cir 2005) failure to forward legal mail which impedes a case is denial of access to Courts

Courts have also held that ~~there~~ there is a Constitutional right to have mail promptly delivered or forwarded. *Zimmerman v. Tribble* 226 F.3d 568, 572-73 (7th Cir 2000); *Nicholson v. Choctaw County Ala.* 498 F. Supp. 295, 311 (S.D. Ala 1980); *Sherman v. McDougall* 656 F.2d 527, 528 (9th Cir 1981)

On 1/4/2021, Court received plaintiffs new summons with Twin Falls County Jail address per NRCP Rule 4. (Plaintiffs Address) Plaintiff was then moved from Twin Falls County Jail to Jefferson County Jail to be housed in Rigby, Idaho for Twin Falls this move took place on 1/7/2021. Plaintiff put new summons in the mail on 1/12/2021; this honorable Court received the summons on 1/21/2021 with Jefferson County Jail address. This honorable Court issued summons on 2/18/2021. Plaintiff received summons on 2/26/2021.

Plaintiff on or about 2/19/2021 put a electronic kite in to the Jefferson County Jail asking what there procedures were to help plaintiff serve the summons against defendants. Plaintiff also talked with Corporal Raymond about the procedures that needed to be followed to serve the summons. This was done on or about 2/24/2021. On this same date got answer from Kite which stated they would not help me per their attorney's advise. Corporal Raymond had talked to their Civil Department which contacted their attorney and it was stated not to help me serve summons. Plaintiff then requested help to have summons sent Certified Mail again was denied. Therefore plaintiffs only action to serve defendants was Travis Arnold which was done per the summons that were approved by this honorable Court. Travis Arnold mailed 148

summons and complaint for each defendant to Sheriff Aitor Norvaiza at 775 W. Silver St. 87801 which he is control of per the NRS. Plaintiff pretty sure under NRC P Rule 4.2 that the sheriff or Attorney general can take summons for all officials that work for that entity. Travis Arnold put summons and Complaint to every defendant in the U.S. mail to Aitor Norvaiza on March 2, 2021

On 3/5/2021 plaintiff asked to speak to the Captain (Ortega). Lieutenant Bush took plaintiff to see captain Ortega. Captain Ortega said she could not go against there attorneys advise but that she mailed out the summons and Complaint that Travis Arnold mailed out. Plaintiff told Captain Ortega he might have to subpoena her. Captain Ortega said she would write a affidavit stating she mailed out summons and to the facts stated here. Plaintiff on 4/26/2021 sent letter out requesting affidavit from Captain Ortega and Kites plaintiff put in for help on serving summons.

Conclusion

Defendants and there attorney, Brent L. Ryman have used this Motion to Dismiss To Impede and Stall the process of this case. Defendants motion has raised issues on there part for perjury with lies in their Memorandum of Points and Authorities. Then defendants use frivolous information from other cases that have no meaning in this case, just to buy them more time.

Based on the facts in this motion plaintiff tried multiple ways to serve said defendants with no help from officers of the law. Based off of said cases used in this said motion, its clear plaintiff used due Diligence in the service of the summons against defendants. But its also Clear Under WRCF Rule 4.2 Stat employees or Public Entity's and there employees maybe served summons on Sheriff or Attorney General, Its Clear defendants were served as they responded.

Defendants motion is moot also based on March 2nd 2021 service of summons. Defendants had 45 days to answer The motion to Dismiss was put in U.S Mail on April 23, 2021. This is 53 days since service which makes them in default for not answering.

Dated this 3rd day of May 2021 Shannon A. McEly 150

Exhibit 1

- Rule 4. Summons and Service

(a) Summons.

• (1) Contents. A summons must:

- (A) name the court, the county, and the parties;
- (B) be directed to the defendant;
- (C) state the name and address of the plaintiff's attorney or—if unrepresented—of the plaintiff;
- (D) state the time within which the defendant must appear and defend under Rule 12(a) or any other applicable rule or statute;
- (E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;
- (F) be signed by the clerk;
- (G) bear the court's seal; and
- (H) comply with Rule 4.4(c)(2)(C) when service is made by publication.

• (2) Amendments. The court may permit a summons to be amended.

• (b) Issuance. On or after filing a complaint, the plaintiff must present a summons to the clerk for issuance under signature and seal. If a summons is properly presented, the clerk must issue a summons under signature and seal to the plaintiff for service on the defendant. A summons—or a copy of a summons that is addressed to multiple defendants—must be issued for each defendant to be served.

(c) Service.

(1) In General. Unless a defendant voluntarily appears, the plaintiff is responsible for:

- (A) obtaining a waiver of service under Rule 4.1, if applicable; or
- (B) having the summons and complaint served under Rule 4.2, 4.3, or 4.4 within the time allowed by Rule 4(e).

(2) Service With a Copy of the Complaint. A summons must be served with a copy of the complaint. The plaintiff must furnish the necessary copies to the person who makes service.

(3) By Whom. The summons and complaint may be served by the sheriff, or a deputy sheriff, of the county where the defendant is found or by any person who is at least 18 years old and not a party to the action.

(4) Cumulative Service Methods. The methods of service provided in Rules 4.2, 4.3, and 4.4 are cumulative and may be utilized with, after, or independently of any other methods of service.

(d) Proof of Service. Unless a defendant voluntarily appears or waives or admits service, a plaintiff must file proof of service with the court stating the date, place, and manner of service no later than the time permitted for the defendant to respond to the summons.

(1) Service Within the United States. Proof of service within Nevada or within the United States must be made by affidavit from the person who served the summons and complaint.

(2) Service Outside the United States. Service not within the United States must be proved as follows:

- (A) if made under Rule 4.3(b)(1)(A), as provided in the applicable treaty or convention;
- or
- (B) if made under Rule 4.3(b)(1)(B) or (C), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) Service by Publication. If service is made by publication, a copy of the publication must be attached to the proof of service, and proof of service must be made by affidavit from:

- (A) the publisher or other designated employee having knowledge of the publication; and
- (B) if the summons and complaint were mailed to a person's last-known address, the

individual depositing the summons and complaint in the mail.

(4) **Amendments.** The court may permit proof of service to be amended.

(5) **Failure to Make Proof of Service.** Failure to make proof of service does not affect the validity of the service.

(e) **Time Limit for Service.**

(1) **In General.** The summons and complaint must be served upon a defendant no later than 120 days after the complaint is filed, unless the court grants an extension of time under this rule.

(2) **Dismissal.** If service of the summons and complaint is not made upon a defendant before the 120-day service period—or any extension thereof—expires, the court must dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own order to show cause.

(3) **Timely Motion to Extend Time.** If a plaintiff files a motion for an extension of time before the 120-day service period—or any extension thereof—expires and shows that good cause exists for granting an extension of the service period, the court must extend the service period and set a reasonable date by which service should be made.

(4) **Failure to Make Timely Motion to Extend Time.** If a plaintiff files a motion for an extension of time after the 120-day service period—or any extension thereof—expires, the court must first determine whether good cause exists for the plaintiff's failure to timely file the motion for an extension before the court considers whether good cause exists for granting an extension of the service period. If the plaintiff shows that good cause exists for the plaintiff's failure to timely file the motion and for granting an extension of the service period, the court must extend the time for service and set a reasonable date by which service should be made.

[Amended; effective March 1, 2019.]

Advisory Committee Note—2019 Amendment

Rule 4 is revised and reorganized, preserving the core of former NRCP 4, incorporating provisions from the federal rule and Rules 4, 4.1, and 4.2 of the Arizona Rules of Civil Procedure, and adding new provisions. The amendments break up former NRCP 4 into Rule 4, Summons and Service; Rule 4.1, Waiving Service; Rule 4.2, Service Within Nevada; Rule 4.3, Service Outside Nevada; and Rule 4.4, Alternative Service Methods.

Subsection (a). Rule 4(a)(1) restates the first sentence in former NRCP 4(b) with stylistic changes. The second sentence of former NRCP 4(b) is moved into Rule 4.4(c)(2)(C), service by publication, with a cross-reference in Rule 4(a)(1)(H). Rule 4(a)(2) is new and is incorporated from the federal rule.

Subsection (b). Rule 4(b) makes stylistic changes to former NRCP 4(a). It borrows language from its federal rule counterpart, with changes to accommodate Nevada practice.

Subsection (c). Rule 4(c)(1) states the service requirements. Rule 4(c)(2) restates the first two sentences of former NRCP 4(d). Rule 4(c)(3) is a stylistic restatement of the former NRCP 4(c). Rule 4(c)(4) is carried forward from the last sentence of the former NRCP 4(c)(2).

Subsection (d). Rule 4(d) incorporates former NRCP 4(g), with stylistic revisions. Rule 4(d)(2), addressing international service, and Rule 4(d)(4), addressing amendment of proof of service, are new and drawn from FRCP 4(l)(2) and (3), respectively.

Subsection (e). Rule 4(e) revises former NRCP 4(i) to clarify that the 120-day period for accomplishing service generally applies to all civil actions. Rule 4(c) does not incorporate the federal exemption for foreign service. A plaintiff needing to serve a defendant in a foreign country may move to extend the time for service; if appropriate, the court can extend the deadline and set a reasonable deadline for service. Rule 4(e)(2) makes clear that, if the court acts on its own, it must issue an order to show cause giving the parties notice and an opportunity to be heard before dismissing an action for failure to make service.

Drafter's Note—2004 Amendment

The amendments to subdivisions (b), (d), (f) and (g) are technical.

The amendment to subdivision (c), adding the words "person who is not a party," clarifies that service may be made by any person who is over 18 years of age so long as he or she is also a disinterested person. The revised provision is consistent with the current federal rule and with the common law rule, followed in Nevada, requiring that service be made by a disinterested person, see Sawyer v. Sugarless Shops, 106 Nev. 265, 269-70, 792 P.2d 14, 17 (1990) ("Nevada has long had rules prohibiting service by a party. This was a common law requirement and has not been changed by [statute]." (citation omitted)).

The amendments to subdivision (e)(1)(iii) clarify that a publication order is not a precondition to personal service outside of the state by removing the fourth sentence of the former rule. The amendment to subdivision (e)(2) removes language that provided that personal service

Certificate of Service

Pursuant to MRCP 5(b), I certify that I am a pro-se litigator, Shannon David McCoy and that on this date I caused to be served a true and correct copy of the attached documents by U.S. Mail addressed to the following,

Brent L. Ryman, Esq. (Bar No 8648)
79 West Arroyo Street
Reno NV 89509

District Court Clerk
550 Court Street 3rd floor
Elko NV 89801

Reply to Motion to Dismiss for failure to effect
service of process on Case No. DC-CV-20-83,
DC-CV-20-103 and DC-CV-20-115

- 1 Copy of each to Brent L. Ryman
- 2 Copies of each to District Court Clerk

Dated this 3rd day of May, 2021

Shannon D. McCoy #139747
236 Radar Rd
Cottonwood Id. 83522

CASE NO: DC-CU-20-108
DEPT NO: 1

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

Elko County Jail

Medallus Medical

Cotton Doe, nurse

Rosina Doe, nurse

Bailey Doe, nurse

Joanna Doe, nurse

Rochet Vachanothave, director

John Doe, doctor and Jane Doe, doctor

Defendants

Motion OF
CHANGE OF
Address

CLERK - DEPUTY WM

ELKO COUNTY DISTRICT COURT

2021 MAY 18 PM 4:43

FILED

Comes Now Shannon D McCoy in Pro-Se
and puts in the above Entitled - Cause as
plaintiffs address has Changed Plaintiffs
new address is Shannon David McCoy
#139747 NTCI 236 Radar Rd Cottonwood
ID 83522

CASE NO: DC-CU-20-03

DEPT NO: 1

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

SHANNON DAVID MCCOY
plaintiff,

vs.

Aitor Navariza, sheriff

ELKO COUNTY Jail

Madallus Medical

Cottan Doe, nurse

Rosina Doe, nurse

Bailey Doe, nurse

Joanna Doe, nurse

Rachot Ucharothene, director

John Doe, doctor and Jane Doe, doctor

defendants

Motion FOR
Default
Judgement

2021 MAY 18 PM 4:44

Comes now plaintiff Shannon David McCoy in
Pro-Se and puts in said Motion for default
Judgement. Said motion is based off of all
Pleadings, motions, and procedural law. Along
with Memorandum of Points & Authorities.

Memorandum Points and Authorities

Under WRCP Rule 55. Default Judgement
Rule 55 (b)(2) In all other cases, the party must apply to the court for a default judgement. If the party against whom a default judgement is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before hearing. Then Under WRCP Rule 55 (e) Default judgement Against the State. A default judgement may be entered against the State, its officers or its agencies only if the claim or right to relief.

Under WRCP Rule 54 (c) Demand for Judgement Relief to be granted. "A default judgement must not differ in kind from, or exceed in amount, or what is demanded in the pleadings."

Under WRCP Rule 4 (a)(1)(E); Failure to answer within 45 days will result in a default judgement against the defendants, from the relief in the Complaint.

Under NRCP Rule 12 (a)(2); Defendant has 45 days to answer Complaint after service on the party

Under NRCP Rule 56 (c)(1)(A) Have to cite particular parts of material in the record, including dispositions documents, electronically stored information, affidavits or declaration or other material

Procedural Law

On 10/15/2020, proposed Motion to Proceed in Form of pauperous and Complaint received. On 2/18/2021 Court issued summons on Aitor Norwaiza, ELKO County Jail, medallus medical, Colton Doe, Rosina Doe, Bailey Doe, Joanna Doe, Rachel Vachanothave John Doe, and Jane Doe plus Certificate of service. On 3/8/2021, Service of Summons served on ELKO County Jail, Jane Doe, Rachel Vachanothave, Rosina Doe, Joanna Doe, Bailey Doe, John Doe, medallus medical, Colton Doe and Aitor Norwaiza. On the certificate of Service by Defendants dated April 23, 2021 See Exhibit I

Legal Argument

Based on the documents filed by plaintiff and Defendants it's perfectly clear under the laws of Nevada that said Defendants have defaulted and Judgement has to be enforced under NRCP Rule 4(a)(1)(E), Rule 54(c), Rule 12(a)(2), 56(c)(1)(A) and NRCP Rule 55(b)(2).

Plaintiff had Travis Arnold serve summons and service approved by Court to defendants. This is all filed with the Court (sent on 3/2/21) under service by mail defendants get 3 days per law. Summons on Case No DC-CU-20-83 sent out same time defendants put motion in to dismiss with in timeframe)

Based off of NRCP 12(a)(2) Defendants has 45 days to answer complaint after service on the party, Defendants Proof of service was dated April 23, 2021 this is 53 days. See exhibit 1

Under NRCP Rule 4(a)(1)(E) Clearly States if not answered in 45 days will result in Default Judgement and relief be granted

from complaint. As defendants attorney Brent J. Ryman stated in a previous motion that the laws are clearly wrote and need to be followed.

Plaintiff still has not received answer to Complaint. Defendants attorney has used a motion to dismiss to misguide the Court and get more time. This seems like a guise or a ruse to get 21 extra days when in reality they have defaulted according to the law.

Therefore Plaintiff request that this honorable Court should grant a default judgement against all defendants and pay the relief sought by plaintiff in the Complaint.

Conclusion

Plaintiff asserts that all the proceeding on file is enough for this honorable Court to grant said relief for plaintiff. It seems that defendants attorney thinks the law does not apply toward his

defendant. Plaintiff still to this day has not seen an answer to complaint. And the motion defendants attorney put in was based off of lies. I hope this honorable Court will uphold the law and grant this motion.
(See Exhibit 2 for Relief)

Shannon McCoy #13974
Shannon D. McCoy #139747
236 Radar Rd
Cottonwood Idaho 83572

Dated this 4th day of May 2021

Exhibit 1

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the attached document by:

- ☒ U.S. Mail
☐ Facsimile Transmission
☐ Personal Service
☐ Messenger Service

addressed to the following:

Shannon David McCoy (#139747)
NORTH IDAHO CORRECTIONAL INSTITUTION
236 Radar Road
Cottonwood, ID 83522
Pro Per Plaintiff

DATED this 23rd day of April, 2021.

Louise M. Ligouri
Louise M. Ligouri

Exhibit 2

Relief

- 48.) Aitor Navariza, Sheriff, Under NRS 41.035 in his Official Capacity for 100,000.00 interest Computed from Date of Judgement
- 49.) Aitor Navariza in his Individual Capacity for 25,000.00 for Punitive damages, Compensatory damages and Future damages.
- 50.) Elko County Jail Under NRS 12.105 and NRS 41.035 for 100,000.00 interest Computed from Date of Judgement
- 51.) Medallus Medical Under NRS 41.039 and 41.035 (Contractor) for 100,000.00 interest Computed from Date of Judgement
- 52.) Medallus Medical Under NRS 41A.015 and NRS 41A.017 in its own Capacity 100,000.00 Punitive damages, permanent damages, Interest Computed from Date of Judgement
- 53.) Coltan Doe, Nurse Under NRS 41.039 and NRS 41.035 for 10,000.00 Interest Computed from Date of Judgement in Official Capacity as employee (Contractor)

54.) Colton Doe, Nurse in his Individual Capacity Under NRS 41A.015 and, NRS 41A.017 2,000.00 for Punitive Damages and Compensatory Damages, interest to be Computed from Date of Judgement.

55.) Rosina Doe, Nurse Under NRS 41.039 and, NRS 41.035 for 25,000.00 Interest Computed from Date of Judgement in Official Capacity as employee (Contractor)

56.) Rosina Doe, Nurse in her Individual Capacity Under NRS 41A.015 and NRS 41A.017 10,000.00 for Punitive Damages and Compensatory Damages, and Interest Computed from Date of Judgement.

57.) Bailey Doe, Nurse Under NRS 41.039 and, NRS 41.035 for 10,000.00 Interest Computed from Date of Judgement in Official Capacity as employee (Contractor)

58.) Bailey Doe, Nurse Under NRS 41A.015 and NRS 41A.017 2,000.00 for Punitive Damages and Compensatory Damages, Interest Computed from Date of Judgement.

59.) ~~Tamara Doe~~, Nurse Under NRS 41.039 and NRS 41.035 for 25,000.00 Interest Computed from Date of Judgment in official Capacity as employee (Contractor)

60.) ~~Tamara Doe~~, Nurse Under 41A.015 and NRS 41A.017 for 10,000.00 for Punitive Damages and Compensatory Damages and Interest Computed from Date of Judgment.

61.) Rachet Vachanothave, Director Under NRS 41.039 and, NRS 41.035 for 100,000.00 Interest Computed from Date of Judgment in Official Capacity as employee (Contractor).

62.) Rachet Vachanothave, Director, Under NRS 41A.015 and NRS 41A.017 for 100,000.00 for Punitive damages, and Compensatory, and Future damages in his Individual Capacity

63.) John Doe, Doctor Under NRS 41.039 and NRS 41.035 for 1000.00 Interest Computed from Date of Judgment in official Capacity as employee (Contractor)

64.) Jane Doe, Doctor Under WRS 41.039
and WRS 41.035 for 100,000.00 Interest
Computed from Date of Judgement, in
her Official Capacity as employee.
(Contractor)

65.) Jane Doe, Doctor Under 41A 015
and 41A.017 100,000.00 for Punitive
damages, Compensatory damages and
Future damages in her Individual
Capacity. Interest Computed from
Date of Judgement.

66.) All Defendants to receive Interest
from time of Judgement, and all
Defendants for Tort damages.

B4: Shannon D. M. G.
775 West Silver St
EIKO DU. 89803
Tw Rose

Verification Under Penalty of Perjury

I do verify under the penalty of perjury that the above affidavit is true, and correct and is stated to the best of my knowledge, and is made without benefit of a notary pursuant to NRS 208.165 and 28 USC 1746 as I am incarcerated person.

Dated this 14th day of May, 2021

Signed By: Shannon D. McCoy #139747

Shannon David McCoy #139747

~~NRC~~ 236 Radar Rd

Cottonwood Id. 83522

Case no: DC-CV-20-103

Default Judgement

Certificate of Service

Pursuant to NRCP 5(b), I certify that I am a pro-se litigant and that on this day I caused to be served a true and correct copy of the attached documents by mail addressed to the following

District Court Clerk
550 Court St. 3rd floor
Elko NV. 89801

Brent J. Ryman Esq
99th Arroyo Street
Reno Nevada 89509

Signed By: Shannon D. McCoy Date: 5/4/2021

To whom it may concern:

Please file these in my 3 cases, Sorry but
was denied cypys so had to hand write them
all.

I would also like case summaries sent to
me if you could. I greatly appreciate
your time in this matter.

Shannon David McGy

RECEIVED

APR 05 2021

Co County Clerk

2021 MAY 18 AM

Verification Under Penalty of Perjury

I ~~Shannon David~~ McCoy in Pro-Se do hereby Swear Under penalty of perjury that the above-entitled Cause is true and Correct, and Stated to the best of my Knowledge and is made without benefit of a Notary pursuant to NRS 208.165 and U.S.C § 28 U.S.C 1746 as I'm incarcerated

Dated this 8th day of April, 2021

Signed BP: ~~Shannon McCoy~~
Shannon D. McCoy Pro-Se

I Shannon David McCoy in Pro-Se hereby Certify Under NRCR Rule 5(C)(2) that the above-entitled Cause was placed into the U.S. Postal Service too.

EIKO DISTRICT COURT
550 Court A, 3rd floor
EIKO NV. 89801

and Ailton Noroiza
775 W. Silver St.
EIKO NV. 89801


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

Dept. No. 1

FILED

2021 MAY 20 PM 2:57

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 19th day of May, 2021.

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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 20th 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



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 20th 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, 2nd Floor
Elko, NV 89801
[Box in Clerk's Office]




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

Dept. No. 1

FILED

2021 MAY 20 PM 2:57

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 DENYING EX PARTE
MOTIONS**

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). Plaintiff has filed three identical ex parte motions in each of his three cases asking for copies of all filings which were not sent to his correct mailing addresses, of which there have been several; that his court dockets be "fixed;" and/or that his case be held in abeyance for 4 months or so, by which time he believes he will have been released from custody in Idaho. Except as otherwise specifically laid out in statute, ex parte motions are generally discouraged, and are to be used primarily for emergency relief. 4JDCR 11(1). Plaintiff has not demonstrated any errors in his dockets or grounds to stay his cases for 4 months' time. It is also unclear which filings Plaintiff believes were mailed to incorrect mailing addresses, as all mailing addresses were received from Plaintiff himself.

THEREFORE, IT IS HEREBY ORDERED that all three of Plaintiff's ex parte motions are DENIED.

1 **IT IS FURTHER ORDERED**, however, that the Elko County Clerk's Office shall provide
2 Plaintiff with full and complete copies of each of his three case files (DC-CV-20-83, DC-CV-20-
3 103, and DC-CV-20-115) to his current address at the North Idaho Correctional Institution.

4 **IT IS SO ORDERED** this 19th day of May, 2021.

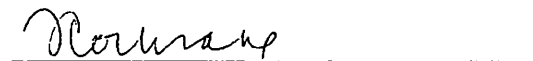
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KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1

8 CERTIFICATE OF MAILING

9 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
10 Court, Department 1, and that on this 20th day of May, 2021, I deposited for mailing in the
11 U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER DENYING EX**
12 **PARTE MOTIONS** addressed to:

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

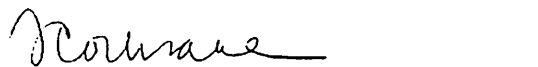
Brent L. Ryman
Erickson, Thorpe & Swainston, Ltd.
99 West Arroyo Street
Reno, NV 89509

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16
17 

18 CERTIFICATE OF HAND DELIVERY

19 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
20 Court, Department 1, and that on this 20th day of May, 2021, I personally delivered a file-
21 stamped copy of the foregoing **ORDER DENYING EX PARTE MOTIONS** to:

22 Tyler J. Ingram, Esq.
23 Elko County District Attorney
540 Court Street, 2nd Floor
24 Elko, NV 89801
[Box in Clerk's Office]

25 
26

1 CASE NO. : DC-CV-20-103

2 DEPT NO. : 1

2021 MAY 24 AM 9:40

3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

Brent L. Ryman

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9
10 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11 IN AND FOR THE COUNTY OF ELKO

12
13
14 SHANNON DAVID McCOY,

15 Plaintiff,

**OPPOSITION TO MOTION FOR
DEFAULT JUDGMENT**
(Special Appearance)

16 vs.

17 AITOR NARVAIZA; ELKO COUNTY
18 JAIL; MEDALLUS MEDICAL; COLTON
19 DOE, NURSE; ROSINA DOE, NURSE;
20 BAILEY DOE, NURSE; JOANNA DOE,
21 NURSE; RACHOT VACHARATHONE,
22 DIRECTOR; JOHN DOE, DOCTOR;
23 JANE DOE, DOCTOR,

24 Defendants.

25 COME NOW, Defendants, by and through their attorneys, ERICKSON, THORPE &
26 SWAINSTON, LTD., and BRENT L. RYMAN, ESQ., and, via this special appearance,
27 hereby oppose Plaintiff's Motion for Default Judgment. As explained below, Plaintiff's
28 Motion should be denied because Plaintiff has never effected personal service of
Defendants – or any one of them – as required by NRCP Rule 4. Defendants thus maintain,
via Special Appearance as stated in their pending Motion to Dismiss for Failure to Effect

1 Service of Process, the case should be dismissed. However, should the District Court for
2 some reason disagree, Defendants would respectfully request that no default judgment be
3 entered, and Defendants instead be provided with a 21-day period to file a responsive
4 pleading or otherwise enter an initial appearance in response to Plaintiff's Complaint.

5 Defendants' Motion to Dismiss is made and based upon the following Memorandum
6 of Points & Authorities, as well as all of the pleadings and papers on file here.

7 **MEMORANDUM OF POINTS & AUTHORITIES**

8 Plaintiff Shannon McCoy is a *pro se* inmate litigator, who brings suit against a number
9 of Elko County officers and employees alleging various grievances related to his conditions
10 of confinement during a recent stay in the Elko County Detention Center, including but not
11 limited to the availability of snacks and medical treatment related to alleged low blood sugar.
12 (*See*, Pl's Compl., ¶¶ 21-44). These Defendants respectfully submit that Plaintiff never
13 effected personal service as required by NRCP Rule 4, and – via Special Appearance – have
14 filed a Motion to Dismiss for Failure to Effect Service of Process as a result.

15 While that Motion to Dismiss has been fully briefed and submitted to the District
16 Court for decision, Plaintiff has taken it upon himself to separately pursue the instant Motion
17 for Default Judgment. However, Defendants respectfully submit that a Default Judgment is
18 inappropriate here, since Rule 4 service has not been effected. In that regard, this Court's
19 docket reflects Plaintiff's Complaint was submitted on October 15, 2020, and thereafter filed
20 on December 16, 2020. The 120-day limit for personal service of Defendants under
21 NRCP Rule 4 would have expired on April 15, 2021.

22 However, instead of pursuing proper personal service of the local government officers
23 and employees named in this suit as required by NRCP Rule 4.2(d)(4), the docket reflects
24 that Plaintiff had an associate send copies of the summonses to Defendants at unknown
25 address(es). (*See*, Service of Summons, filed March 8, 2021). As outlined in detail in
26 Defendant's Motion to Dismiss, this is insufficient to comply with Rule 4 requirement of
27 personal service.

28 ///

1
2 While Plaintiff acknowledges receipt of Defendants' Motion to Dismiss and has in
3 fact filed a response brief, Plaintiff nonetheless argues that Defendants should have a Default
4 Judgment imposed against them because Defendants have not also filed an Answer.
5 Defendants respectfully suggest it to be quite clear that U.S. Mail does not constitute
6 effective service of process, and believe Plaintiff knows full well his request for Default
7 Judgment is inappropriate because personal service has not been accomplished. (See, Pl's
8 Mot., p. 5, ll. 5-10). As such, no Defendant is required to have filed an Answer, and
9 Plaintiff's request for a Default Judgment is not ripe. Moreover, pursuant to NRCP 55(e),
10 a default judgment against the State, its officers or agencies is not permitted "unless the
11 claimant establishes his claim or right to relief by evidence satisfactory to the court." See,
12 *Nye County v. Washoe Med. Ctr., Inc.*, 108 Nev. 896, 839 P.2d 1312 (1992) (noting same).
13 Based thereon, Defendants respectfully suggest that Plaintiff's Motion should be denied.
14 And while Defendants continue their request that Plaintiff's Complaint be dismissed for
15 failure to effect personal service as required by NRCP Rule 4, Defendants also respectfully
16 request a 21-day period to file a responsive pleading or otherwise enter an initial appearance
17 in response to Plaintiff's Complaint if the Court determines a response is required.

18 DATED this 19th day of May, 2021.

19 ERICKSON, THORPE & SWAINSTON, LTD.
20

21 

22 Brent L. Ryman, Esq. (Bar No. 8648)
23 99 West Arroyo Street
24 Reno, Nevada 89509
25 Telephone: (775) 786-3930
26 Attorneys for Elko County Defendants
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE & SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the attached document by:

- ☒ U.S. Mail
☐ Facsimile Transmission
☐ Personal Service
☐ Messenger Service

addressed to the following:

Shannon David McCoy (#139747)
NORTH IDAHO CORRECTIONAL INSTITUTION
236 Radar Road
Cottonwood, ID 83522
Pro Per Plaintiff

DATED this 19th day of May, 2021.


Louise M. Ligouri

1 CASE NO. : DC-CV-20-103

FILED

2 DEPT NO. : 1

2021 JUN -1 AM 11:03

3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

ELKO CO DISTRICT COURT

6 Brent L. Ryman CLERK _____ DEPUTY MM

7
8
9
10 IN THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
11 IN AND FOR THE COUNTY OF ELKO

12 SHANNON DAVID McCOY,

13 Plaintiff,

14 vs.

NOTICE OF ENTRY OF ORDER

15 AITOR NARVAIZA; ELKO COUNTY
16 JAIL; MEDALLUS MEDICAL; COLTON
17 DOE, NURSE; ROSINA DOE, NURSE;
18 BAILEY DOE, NURSE; JOANNA DOE,
19 NURSE; RACHOT VACHARATHONE,
20 DIRECTOR; JOHN DOE, DOCTOR;
JANE DOE, DOCTOR,

Defendants.

21 COME NOW, Defendants, AITOR NARVAIZA and ELKO COUNTY JAIL,
22 responding as COUNTY OF ELKO, a political subdivision of the State of Nevada, by and
23 through its attorneys, ERICKSON, THORPE & SWAINSTON, LTD., BRENT L. RYMAN,
24 ESQ., and hereby notices all parties and Pro Per Plaintiff that the Honorable Kriston N. Hill
25 entered an ***Order Granting Motions to Dismiss and Denying Motions for Extension of***
26 ***Time and for Default Judgment*** on May 20, 2021. See a copy of the Order attached hereto
27 as Exhibit 1.

28 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding

1 document does not contain the personal information of any person as defined in
2 NRS 603A.040.

3 DATED this 24th day of May, 2021.

4 ERICKSON, THORPE & SWAINSTON, LTD.

5 

6
7 Brent L. Ryman, Esq. (Bar No. 8648)
8 99 West Arroyo Street
9 Reno, Nevada 89509
10 Telephone: (775) 786-3930
11 *Attorneys for Elko County Defendants*

EXHIBIT “1”

EXHIBIT “1”

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

Dept. No. 1

FILED
2021 MAY 20 PM 2:58
ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 18

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 19th day of May, 2021.


25
26 
KRISTON N. HILL
DISTRICT JUDGE DEPT. 1

1
2 CERTIFICATE OF MAILING

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

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

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

10
11 
12

13 CERTIFICATE OF HAND DELIVERY

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

19 Tyler J. Ingram, Esq.
20 Elko County District Attorney
540 Court Street, 2nd Floor
Elko, NV 89801
21 [Box in Clerk's Office]

22 
23
24
25
26

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE &
3 SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the
4 attached document by:

- 5 ☒ U.S. Mail
6 ☐ Facsimile Transmission
7 ☐ Personal Service
8 ☐ Messenger Service
9

10 addressed to the following:

11 Shannon David McCoy (#139747)
12 NORTH IDAHO CORRECTIONAL INSTITUTION
13 236 Radar Road
Cottonwood, ID 83522
Pro Per Plaintiff

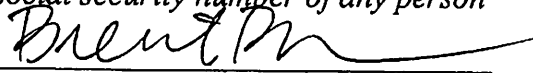
14 DATED this 24th day of May, 2021.
15

16 *Louise M. Ligouri*
17 Louise M. Ligouri
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1 CASE NO. : DC-CV-20-103

2 DEPT NO. : 1

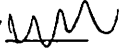
3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

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FILED

2021 JUN -1 AM 11:03

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 

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

12 SHANNON DAVID McCOY,
13
14 Plaintiff,

15 vs.

NOTICE OF ENTRY OF ORDER

16 AITOR NARVAIZA; ELKO COUNTY
17 JAIL; MEDALLUS MEDICAL; COLTON
18 DOE, NURSE; ROSINA DOE, NURSE;
19 BAILEY DOE, NURSE; JOANNA DOE,
20 NURSE; RACHOT VACHARATHONE,
DIRECTOR; JOHN DOE, DOCTOR;
JANE DOE, DOCTOR,
Defendants.

21 COME NOW, Defendants, AITOR NARVAIZA and ELKO COUNTY JAIL,
22 responding as COUNTY OF ELKO, a political subdivision of the State of Nevada, by and
23 through its attorneys, ERICKSON, THORPE & SWAINSTON, LTD., BRENT L. RYMAN,
24 ESQ., and hereby notices all parties and Pro Per Plaintiff that the Honorable Kriston N. Hill
25 entered an ***Order Denying Ex Parte Motions*** on May 20, 2021. See a copy of the Order
26 attached hereto as Exhibit 1.

27 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding
28 document does not contain the personal information of any person as defined in

1 NRS 603A.040.

2 DATED this 24th day of May, 2021.

3 ERICKSON, THORPE & SWAINSTON, LTD.

4 

5 _____
6 Brent L. Ryman, Esq. (Bar No. 8648)
7 99 West Arroyo Street
8 Reno, Nevada 89509
9 Telephone: (775) 786-3930
10 *Attorneys for Elko County Defendants*

EXHIBIT “1”

EXHIBIT “1”

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

Dept. No. 1

2021 MAY 20 PM 2:57

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 DENYING EX PARTE
MOTIONS**

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). Plaintiff has filed three identical ex parte motions in each of his three cases asking for copies of all filings which were not sent to his correct mailing addresses, of which there have been several; that his court dockets be "fixed;" and/or that his case be held in abeyance for 4 months or so, by which time he believes he will have been released from custody in Idaho. Except as otherwise specifically laid out in statute, ex parte motions are generally discouraged, and are to be used primarily for emergency relief. 4JDCR 11(1). Plaintiff has not demonstrated any errors in his dockets or grounds to stay his cases for 4 months' time. It is also unclear which filings Plaintiff believes were mailed to incorrect mailing addresses, as all mailing addresses were received from Plaintiff himself.

THEREFORE, IT IS HEREBY ORDERED that all three of Plaintiff's ex parte motions are DENIED.

1 **IT IS FURTHER ORDERED**, however, that the Elko County Clerk's Office shall provide
2 Plaintiff with full and complete copies of each of his three case files (DC-CV-20-83, DC-CV-20-
3 103, and DC-CV-20-115) to his current address at the North Idaho Correctional Institution.

4 **IT IS SO ORDERED** this 19th day of May, 2021.

5
6
7 
KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1

8 **CERTIFICATE OF MAILING**

9 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
10 Court, Department 1, and that on this 20th day of May, 2021, I deposited for mailing in the
11 U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER DENYING EX**
12 **PARTE MOTIONS** addressed to:

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

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

15
16
17 
18

19 **CERTIFICATE OF HAND DELIVERY**

20 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
21 Court, Department 1, and that on this 20th day of May, 2021, I personally delivered a file-
22 stamped copy of the foregoing **ORDER DENYING EX PARTE MOTIONS** to:

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

25 
26

1 **CERTIFICATE OF SERVICE**


2 Pursuant to NRCP 5(b), I certify that I am an employee of ERICKSON, THORPE &
3 SWAINSTON, LTD. and that on this day I caused to be served a true and correct copy of the
4 attached document by:

- 5 ☒ U.S. Mail
6 ☐ Facsimile Transmission
7 ☐ Personal Service
8 ☐ Messenger Service
9

10 addressed to the following:

11 Shannon David McCoy (#139747)
12 NORTH IDAHO CORRECTIONAL INSTITUTION
13 236 Radar Road
Cottonwood, ID 83522
Pro Per Plaintiff

14 DATED this 24th day of May, 2021.
15

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17 Louise M. Ligouri
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CASE NO: DC-CU-20103
DEPT NO: 1

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

SHANNON DAVID MCCOY,
Plaintiff.

v.

Aitor Nandoiza, Sheriff

ELKO COUNTY JAIL

Medallus Medical

Cotton Doe, nurse

Rosina Doe, nurse

Bailey Doe, nurse

Joanna Doe, nurse

Rachet Ucharothane, director

John Doe, doctor and Jane Doe, doctor

Defendants

NOTICE OF
APPEAL

2021 JUN 11 PM 4:14

gmg

Comes now plaintiff Shannon D. McCoy in Pro-Se
and hereby gives notice to Defendants Attorney
Brent Ryman and to this Honorable Court.
Plaintiffs 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 8th day of June, 2021

Shannon D. McFar
Shannon D. McFar #13774,
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 § 28 USC 1746 as I'm incarcerated.

Dated this 8th day of June 2021,
~~Shannon D. McGary~~
Shannon D. McGary #139747
236 Radar Rd
Cottonwood Id. 83522

Pursuant to NRCP 5(b) I certify that I am Shannon D. McGary 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-CU-20-83, DC-CU-20-103 and DC-CU-20-115 to the following

District Court Clerk
550 Court St. 3rd Floor
Elko NV. 89801

Bret Ryman
77 W. Arroyo St.
Reno NV. 89509

Nevada Supreme
Court
201 S. Carson St
Suite 201.

Carson City NV 89106