

DEPT NO: 1  
CASE NO: DC-CU-20-83

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

Electronically Filed  
in 30/2021/09/16 at PMK  
Elizabeth A. Brown  
Clerk of Supreme Court

SHAWN D. McCay  
Plaintiff

NOTICE OF  
Appeal

v.  
Aitor Narvaiza, Sheriff  
EIKO COUNTY JAIL  
Michael Silva, Lieutenant  
Bobby Atkins, Sergeant  
Jordan Grebene, deputy  
Richie Tespade, deputy  
John Doe Hatch, deputy  
E. Gonzalez, deputy  
Defendants

2021 JUN 11 PM 4:14  
CLATSOP DISTRICT COURT  
CLERK - MARY K. 27

Comes now plaintiff Shawn D. McCay in Pro-Se  
and hereby gives notice to Defendants Attorney  
Brent Ryman and to this Honorable Court. Plaintiff  
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. McGary and asserts the right to appeal. The 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 pm 2:58); And Order Denying Ex Parte Motions (Filed on 2021 May 20 Pm 12:57); And Summons and Service the Court approved against all defendants on 10/15/2020 which were never Issued. 12/16/2020 which was issue once they new I was transported then on 2/18/21 and service of summons on 3/8/21 on all Defendants

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. McGary  
Shannon D. McGary #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 the benefit of a notary pursuant to NRS 208.165 and USC § 28 USC 1746 as I am incarcerated.

Dated this 8th day of June 2021,

~~Shannon D. McE~~  
Shannon D. McE #439747  
236 Radar Rd  
Cottonwood Id. 83522

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

District Court Clerk	Brent Rymann	Nevo Supreme
550 Court St. 3rd Floor	99 W. Arago St.	Court
ELKO NV. 89801	P.O. Box 89509	201 S. Carson St.
		Suite 201
		Carson City, NV 89702

DC-CV-20-83  
DEPARTMENT 1

FILED

2021 JUN 24 PM 2:46

ELKO CO DISTRICT COURT

IN THE FOURTH JUDICIAL DISTRICT COURT DEPUTY *Am*

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

SHANNON D. MCCOY,  
APPELLANT,

vs.

AITOR NARVAIZA, SHERIFF, ET AL  
RESPONDENT.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:  
SHANNON D. MCCOY
2. Identify the judge issuing the decision, judgment or order  
appealed from:  
JUDGE KRISTON N. HILL
3. Identify each appellant and the name and address of counsel for each appellant:  
SHANNON D. MCCOY
4. Identify each respondent and the name and address of appellant counsel, if known  
for each respondent (if the name of a respondent's appellate counsel is unknown,  
indicate as much and provide the name and address of that respondent's trial  
counsel):  
AITOR NARVAIZA, SHERIFF, ET AL

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

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

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): N/A
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: N/A
7. Indicate whether appellant is represented by appointed or retained counsel on appeal: NO
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: NO
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): SEPTEMBER 18, 2020
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:  
  
Appellant has filed an appeal regarding:  
ORDER GRANTING MOTIONS TO DIMISS AND DENYING MOTIONS FOR  
EXTENSION OF TIME AND FOR DEFAULT JUDGMENT FILED MAY 205, 2021.
11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding: NO
12. Indicate whether this appeal involves child custody or visitation: NO
13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: DOES NOT APPLY

KRISTINE JAKEMAN, Elko County Clerk

By:   
ANNETTE MARSHALL Deputy Clerk

# Case Summary

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## DC-CV-20-83 - MCCOY, SHANNON D VS. NARVAIZA, AITOR ET AL

Court: DC-CV-20-83

Agency: Elko County Clerk's Office

Type: Civil

CaseID: 20-73933

Status: Closed

Received Date: 9/18/2020

Status Date: 5/20/2021

Age: 279 days    Active Age: 279 days

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### Involvements

HILL, KRISTON Judge -  
PORTER, NANCY Judge -  
MCCOY, SHANNON Plaintiff -  
ADKINS, BOBBY Respondent -  
ELKO COUNTY JAIL, Respondent -  
GONZALEZ, E Respondent -  
GREBENC, JORDAN Respondent -  
HATCH, JOHN Respondent -  
LASPADE, RICHIE Respondent -  
NARVAIZA, AITOR Respondent -  
SILVA - LIEUTENANT, MICHEAL Respondent -

### 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: AITOR NARVAIZA  
Name Record Source - Name Record Converted  
from JALAN - District Attorney  
Title: ELKO PATROL DEPUTY

### Issues

1. CVC55 - Tort - Negligence: Other [LC] Occurred: 9/18/2020

Tort - Negligence: Other [JC]

Notes: MOTION TO PROCEED AS INDIGENT - FILED

### Case History

Date	Event Type Desc	Status
	Awaiting Charging Decision - Case Status	
	Case Status Change	
	Pending - Case Status	
	COMPLAINT FILED	
	Closed - Case Status	
	ORD DISMISSING PRETRIAL MOT, WRITS OF HABEAS CORPUS, & COMPLAINTS FILED	

## Case Summary

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Pending - Case Status

Case Status Date Change

Reopened - Case Status

Case Status Change

Pending - Case Status

Case Status Change

Closed - Case Status

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

9/18/2020

MOTION TO PROCEED AS INDIGENT  
PERSON (2) - Document

COMPLAINT SENT UP WITH FILE - NOT FILED YET - WAITING TO RECEIVE MOTION TO PROCEED  
AS INDIGENT PERSON BACK.  
MAILED CONFORMED COPIES OF MOTION TO SHANNON MCCOY AT ELKO COUNTY JAIL.

9/29/2020

INMATE MAIL RECEIVED - Document

SENT TO DC1 ASKING IF IT SHOULD BE FILED AND IF SO IN THIS CASE OR A NEW ONE.

9/29/2020

INMATE MAIL RECEIVED 9.29.20 -  
Document

RECEIVED LETTER, SUMMONS, AND COMPLAINT FROM SHANNON MCCOY - SENT DOCUMENTS TO  
DC1 ASKING IF IT SHOULD BE FILED.  
FILE CHECKED OUT PLACED IN DC1 P/U BOX

10/5/2020

NOTE FROM COURT - Document

DIRECTING CLERK TO FILE COMPLAINT

10/5/2020

COMPLAINT (2) - Document

(THIS COMPLAINT IS DIFFERENT THAN THE FIRST) - COPY MAILED TO SHANNON MCCOY - FILE  
CHK'D OUT, PLACED IN DC1 BOX 10/6 @ 8:43 AM

10/5/2020

COMPLAINT - Document

COPY MAILED TO SHANNON MCCOY - FILE CHK'D OUT, PLACED IN DC1 BOX 10/6 @ 8:43 AM -  
THE SUMMONS SENT BY MCCOY WERE RETURNED AS THEY DID NOT HAVE A PLACE FOR A  
CLERK'S SIGNATURE.

10/15/2020

INMATE MAIL RECEIVED 10.15.2020 OF AN  
18 PG COMPLAINT - Document

NO COPIES PROVIDED  
PLEADING PLACED IN DC1 P/U BOX @3:16

10/15/2020

INMATE MAIL RECEIVED ON 10.15.2020 OF  
8 SUMMONS TO BE ISSUED - Document

NO COPIES PROVIDED  
PLEADING PLACED IN DC1 P/U BOX @3:16

10/29/2020

NOTE-MAILING SENT TO INMATE -  
Document

COPY OF LETTER THAT WAS RECEIVED ALONG WITH A COPY OF DOCKET SUMMARY  
CONCERNING WHY HE HAS NOT RECEIVED THE SOMMONS.

11/10/2020

SUBMISSION OF INMATE MAIL - Document

## Case Summary

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RECEIVED LETTER FROM SHANNON MCCOY ALONG WITH 16 SUMMONS' TO BE ISSUED. SENT THE DOCUMENTS TO DC1 ASKING IF THEY SHOULD BE FILED/ISSUED. PLACED IN DC1 BOX @ 10:15 AM/

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 SUMMONS ISSUED (NARVAIZA) - Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (ELKO COUNTY JAIL) -  
Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (SILVA) - Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (ADKINS) - Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (GREBENC) - Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (LESPADE) - Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (HATCH) - Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 SUMMONS ISSUED (GONZALEZ) -  
Document  
COPIES AND ORIGINAL RETURNED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 LETTER FROM SHANNON MCCOY 12.16.20 -  
Document  
COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/16/2020 COMPLAINT (ORIGINAL) - Document  
COPIES MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

12/28/2020 MAIL RETURNED - Document  
MR. MCCOY'S COPY OF NOTICE OF ENTRY FILED 12/16/20 RET'D BY USPS NOT DELIVERABLE AS  
ADRS'D' UNABLE TO FORWARD

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



## Case Summary

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1/7/2021 AMENDED ORDER DISMISSING PRETRIAL  
MOTIONS, WRITS OF HABEAS CORPUS AND  
COMPLAINTS - Document

1/7/2021 MAIL RETURN - Document

1/11/2021 SUBMISSION OF INMATE MAIL 1.11.2021 -  
Document  
NOTIFYING THE COURT OF HIS NEW ADDRESS. I UPDATED HIS ADDRESS IN HIS NAME RECORD.  
SENT DOCUMENT TO DC1 ASKING IF IT SHOULD BE FILED, PLACED IN DC1 BOX @ 11:31 AM

1/11/2021 - Case Notes  
ALL LOOSE PLEADINGS MAILED BACK TO SHANNON MCCOY

1/15/2021 SECOND AMENDED ORDER DISMISSING  
PRETRIAL MOTIONS, WRITS OF HABEAS  
CORPUS AND COMPLAINTS - Document  
PLACED IN DC1 BOX, LEAVING CASE OPENED

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 MOTION FOR AN EXTENSION OF TIME -  
Document  
PER DC1 TO BE FILED  
1 COPY MAILED BACK TO SHANNON MCCOY 200 COURT HOUSE WAY RIGBY, ID84331

1/21/2021 LETTER FROM DEFENDANT MCCOY -  
Document  
1 COPY MAILED BACK TO SHANNON MCCOY 200 COURT HOUSE WAY RIGBY, ID 84331

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

2/3/2021 ORDER GRANTING MOTION FOR  
EXTENSION OF TIME - Document

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

2/18/2021 MOTION FOR EXTENSION OF TIME -  
Document  
COPY MAILED TO SHANNON MCCOY

2/18/2021 SUMMONS ISSUED AITOR - Document  
SHERIFF NARVAIZA AITOR

2/18/2021 SUMMONS ISSUED ELKO JAIL - Document

## Case Summary

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### ELKO COUNTY JAIL

2/18/2021 SUMMONS ISSUED SILVA- Document  
LIEATENANT MICHAEL SILVA

2/18/2021 SUMMONS ISSUED ADKINS - Document  
SERGEANT BOBBY ADKINS

2/18/2021 SUMMONS ISSUED GREBENE - Document  
DEPUTY JORDAN GREBENE

2/18/2021 SUMMONS ISSUED HATCH - Document  
DEPUTY JOHN HATCH

2/18/2021 SUMMONS ISSUED GONZALEZ - Document  
DEPUTY E. GONZALEZ

2/18/2021 SUMMONS ISSUED LESPADE - Document  
DEPUTY RICHIE LESPADE

2/18/2021 INMATE LETTER 2.18 - Document  
APPROVED FOR FILING

2/18/2021 SUBMISSION OF INMATE MAIL - MOTION  
FOR EXTENSION OF TIME - Document  
2 COPIES PROVIDED BY SHANNON MCCOY - FILE CHK'D OUT, PLACED IN DC1 BOX @ 10:51 AM  
ASKING IF IT SHOULD BE FILED.

2/19/2021 CERTIFICATE OF SERVICE - Document

2/19/2021 MOTION FOR EXTENSION OF TIME (2) -  
Document  
COPY MAILED TO SHANNON MCCOY - 200 COURT HOUSE WAY, RIGBY, ID 83442 - FILE CHK'D  
OUT, PLACED IN DC1 BOX @ 2:51 PM

2/19/2021 NOTE FROM COURT DIRECTING CLERK TO  
FILE DOCUMENTS - Document

3/8/2021 SERVICE OF SUMMONS NARVAIZA -  
Document  
SERVED ON AITOR NARVAIZO  
PLACED IN DC1'S P/U BOX

3/8/2021 SERVICE OF SUMMONS ECJ - Document  
SERVED ON ELKO COUNTY JAIL  
PLACED IN DC1'S P/U BOX

3/8/2021 SERVICE OF SUMMONS SILVA- Document  
SERVED ON MICHAEL SILVA  
COPY MAILED TO SHANNON MCCOY

3/8/2021 SERVICE OF SUMMONS ADKINS -  
Document  
SERVED ON BOBBY ADKINS, SERGEANT  
COPY MAILED TO SHANNON MCCOY

## Case Summary

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3/8/2021 SERVICE OF SUMMONS GREBENE - Document  
SERVED ON JORDAN GREBENE  
COPY MAILED TO SHANNON MCCOY

3/8/2021 SERVICE OF SUMMONS HATCH - Document  
SERVED ON JOHN DOE HATCH  
COPY MAILED TO SHANNON MCCOY

3/8/2021 SERVICE OF SUMMONS LESPADA - Document  
SERVED ON RICHIE LESPADA, DEPUTY  
COPY MAILED TO SHANNON MCCOY

3/8/2021 SERVICE OF SUMMONS GONZALEZ - Document  
SERVED ON E. GONZALEZ, DEPUTY  
COPY MAILED TO SHANNON MCCOY

3/15/2021 NOTE OF ADDRESS CHANGE - Document  
CHANGED MAILING ADDRESS TO:  
C/O ROSITA MCCOY  
505 COPPER #608  
ELKO, NV 89801

3/26/2021 ORDER GRANTING SECOND MOTION FOR AN EXTENSION OF TIME - Document

4/5/2021 MOTION TO DISMISS FOR FAILURE TO EFFECT SERVICE OF PROCESS (SPECIAL APPEARANCE) - Document  
MAILED A COPY BACK TO ERICKSON, THORPE & SWAINSTON ATTN: BRENT L. RYMAN, ESQ. PO BOX 3559 RENO, NV 89505-3559

4/5/2021 RECEIVED INMATE MAIL FOR MOTION FOR CHANGE OF ADDRESS 4.5.21 - Document

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

## Case Summary

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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

4/27/2021 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 EXTENSION OF TIME  
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 SUBMISSION OF INMATE MAIL - EX PARTE  
MOTION - Document  
SENT TO DC1 ASKING IF IT SHOULD BE FILED. PLACED IN DC1 BOX @ 4:04 PM

4/27/2021 NOTE ADDED TO FILE - Case Notes  
CLERK MAILED DEFENDANT'S MOTION TO DISMISS (FILED 4/5/2021) 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

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

5/14/2021 REQUEST FOR REVIEW - Document  
COPY MAILED TO RYMAN IN SASE.  
PLACED IN DC1'S P/U BOX (FILE AT DC1)

5/18/2021 LETTER FROM SHANNON MCCOY -  
Document

## Case Summary

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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 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 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

5/20/2021 ORDER DENYING EX PARTE MOTION -  
Document

5/20/2021 ORDER GRANTING MOTION TO DISMISS  
AND DENYING MOTION FOR EXTENSION  
TIME AND FOR DEFAULT JUDGMENT-  
Document

6/1/2021 NOTICE OF ENTRY OF ORDER - ORDER  
GRANTING MOTIONS TO DISMISS -  
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 NOTICE OF APPEAL - Document

6/11/2021 NOTE FROM COUR - Document

6/24/2021 CASE APPEAL STATEMENT- Document

6/24/2021 CLERK'S CERTIFICATION - Document

SIGNED AND SEALED. COPY OF APPEAL DOCUMENTS ELECTRONICALLY FILED.

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 19<sup>th</sup> 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 20<sup>th</sup> day of May, 2021, I deposited for mailing in the U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER GRANTING MOTIONS TO DISMISS AND DENYING MOTIONS FOR EXTENSION OF TIME AND FOR DEFAULT JUDGMENT** addressed to:

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

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

  
\_\_\_\_\_

CERTIFICATE OF HAND DELIVERY

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

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

  
\_\_\_\_\_



Case No. DC-CV-20-83

Dept. No. 1

FILED

2021 JUN 24 PM 2:46

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

ELKO CO DISTRICT COURT

CLERK \_\_\_\_\_ DEPUTY *am*

Shannon D. McCoy,

Appellant,

vs.

**CLERK'S CERTIFICATION**

Aitor Narvaiza, Sheriff, et al

Respondent,

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. DC-CV-20-83, Dept. 1, Shannon D. McCoy, Appellant, vs. Aitor Narvaiza, Sheriff et al, Respondent, as appears on file and of record in my office.

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

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

*Annette Marshall*  
Annette Marshall, DEPUTY CLERK

**CERTIFICATE OF SERVICE**

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. DC-CV-20-83, Dept. 1, Shannon D. McCoy, Appellant, vs. Aitor Narvaiza, Sheriff et al, Respondent, as appears on file and of record in this Court, to the following:

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

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

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

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

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

