

IN THE SUPREME COURT OF NEVADA

SHANNON D. MCCOY
APPELLANT(S),

Electronically Filed
Oct 15 2021 09:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

VS.

CASE NO. 83129

SHERIFF AITOR NARVAIZA, ET AL,
RESPONDENT(S),

RECORD ON APPEAL

PLEADINGS

DC-CV-20-83 – CIVL CASE

VOLUME 1

Honorable Judge Kriston Hill, District Judge

SHANNON D. MCCOY
#139747
236 RADAR ROAD
COTTONWOOD, ID 83522

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

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

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VERIFICATION UNDER PENALTY OF PERJURY FEBRUARY 19, 2021	112-112	1

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
Status: ClosedCaseID: 20-73933
Received Date: 9/18/2020
Status Date: 5/20/2021Age: 390 days Active Age: 390 days

Involvements

HILL, KRISTON Judge -
PORTER, NANCY Judge, Inactive -
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	

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

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.

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

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 LESPADÉ - Document
DEPUTY RICHIE LESPADÉ

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

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 LESPADE - Document SERVED ON RICHIE LESPADE, 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

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 Order Filed
COPY MAILED TO RYMAN IN SASE.
PLACED IN DC1'S P/U BOX (FILE AT DC1)

5/18/2021 LETTER FROM SHANNON MCCOY -
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 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

6/21/2021 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

6/24/2021 CLERK'S CERTIFICATION - Document

SIGNED AND SEALED. COPY OF APPEAL DOCUMENTS ELECTRONICALLY FILED.

6/25/2021	CLERK'S CERTIFICATION 6.25 - Document
7/6/2021	RECEIPT FOR DOCUMENTS - Document SUPREME COURT
7/15/2021	COPY OF REPLY TO NOTICE OF POTENTIAL DISMISSAL FOR FAILURE TO PAY SUPREME COURT FILING FEE (SUPREME COURT CAPTION) - Document FILED AT DIRECTION OF DEPT 1 COPY MAILED TO SHANNON MCCOY AT NIC14-21A, 236 RADAR RD, COTTONWOOD, ID 83522
7/15/2021	LETTER FROM SHANNON MCCOY 07.15.2021 - Document FILED AT DIRECTION OF DEPT 1 COPY MAILED TO SHANNON MCCOY AT NIC14-21A, 236 RADAR RD, COTTONWOOD, ID 83522
7/19/2021	ORDER 7.19 - Document SUPREME COURT
7/22/2021	ORDER TO PROCEED IN FORMA PAUPERIS - Document COPY MAILED TO SHANNON MCCOY AT NIC1 4-21A, 236 RADAR RD, COTTONWOOD, ID 83522
10/7/2021	ORDER DIRECTING TRANSMISSION OF RECORD - Document SUPREME COURT

Case No. DC-CV-20-83

Sept. 10, 1

FILED

2020 SEP 18 P 4:25

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

ELKO CO. DISTRICT COURT
CLERK DEPUTY

Shannon David McLaughlin
Plaintiff,

vs

Motion to

Aiton Newaize, Sheriff
Elko County Jail

Proceed as

Michael Silva, Lieutenant

Bobby Adkins, Sergeant

Indigent Person

Jordan Grebensky, Deputy

Richie Laspore, Deputy

(Form of Phosphorous

John Donkitch, Deputy

E. Gonzalez, Deputy

Defendants

Jury Trial Demanded

Plaintiff Comes now and is currently
detainee

Comes now under affidavit, Sharon
David McLog and Do Declare that
Plaintiffs total assets are 0 dollars
no checking account no savings
account not even a car
and ask this Court under Rule
ANRS 12.015 actions involving
indigent person under 8(a)
and 1.) (a) to proceed this
case as Indigent Person as
it is ripe for action. Account
summary attached.

Sharon McLog
Pro Se

Verification Under Penalty of Perjury

I do here by 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 NRS 208.165 and
NRS 528 USC 1746 as I'm incarcerated

Dated this 9/10/2020

Shannon D. Miller
Pro Se

I certify under Rule 5(c)(2) that
acting in Pro Se, and that Plaintiff

on 9/10/2020, Put Copy's in the

US Mail of Motion to Proceed

as Indigent Person and Put

3 Copy's to District Court Clerk
571 Idaho St.

Elko NV. 89801

D

RESIDENT HISTORY REPORT

Page 1 of 1

Elko County Jail

09/05/2020 22:14

ST 24 | OPR lespa

SO Number : 633221

Resident Name : MCCOY, SHANNON DAVID

Time Frame : 04/01/2020 00:00:00 - 09/05/2020 23:59:59

Date	Time	Type	ST	OPR	Receipt #	Amount	Balance
07/18/2020	16:41	ReIntake	1	XML	A12314	\$0.00	\$0.00
08/21/2020	06:53	EF Commissary	1	cobra	A13198	\$25.00	\$25.00
08/21/2020	06:53	Rec Payment	1	cobra	A13199	\$5.00	\$20.00
08/24/2020	16:04	Order	16	cobra	P189	\$16.59	\$3.41
08/26/2020	10:23	Order	16	cobra	P197	\$3.35	\$0.06

Case No. DC-CU-20-83
Sept 20, 1

FILED

2020 OCT -5 P 4:04

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

Shannon David McWay
Plaintiff,

vs

Complaint

Aiton Newitzer, Sheriff
Elko County Jail
Michael Silva, Lieutenant
Bobby Adkins, Sergeant
Jonathan Grebner, Deputy
Richie Joseph, Deputy
John Don Hatch, Deputy
E. Gonzalez, Deputy
Defendants

Jury Trial Demanded

Comes now Plaintiff Shannon D. McWay
and ask that said Plaintiff be pro-
se for Court Records "Attorney of Record"

Verified Complaint For Damages, Intentional Tort and, Negligent tort.

1.) This is a state tort claim, filed by Shannon David McCoy, alleging violations in Intentional and Negligent tort, to be free from Intentional infliction of Emotional distress, libel, Duty of Care was Breached under Color of State law and Caused Mental Injury along with emotional Distress. Plaintiff seeks damages under NRS 41.035

Jurisdiction

2.) Jurisdiction of this Court is invoked pursuant to NRS 41.039 in that this Tort claim arising under the Constitution of Nevada and In Elko County

3.) Jurisdiction of the Court is invoked pursuant to NRS 41.039 in that Defendant acted under Color of State law, of rights secured by Congress providing equal rights of Persons within the jurisdiction of the United States and, said deprivation, and happened in Elko County

3.) Jurisdiction of the Court is Invoked pursuant to URS 12.105 State and local government may be sued, the agency is in ELKO County

Parties

4.) Plaintiff, Shannon David McCoy at all times relevant was a Pretrial Detainee at the ELKO County Jail at ELKO NV 775 West Silver St 89801 (P.O. Box 7078)

5.) Defendant Gita Nervaiza, which has been the ELKO County Sheriff at all relevant times and acting under Color of State law and being sued in his official Capacity, Individual Capacity

6.) Defendant Michael Silva, which has been the ELKO County Jail's lieutenant at all relevant times under Color of State law and being sued in his official Capacity, and Individual Capacity

7.) Defendant Bobby Atkins, which has been ELKO County Jail Sergeant, at all relevant times under Color of State Law and being sued in his Official and Individual Capacity

8.) Defendant Jordan Grebenc, which has been ELKO County Jail Deputy, at all relevant times under Color of State Law and being sued in his official and Individual Capacity,

9.) Defendant Richie Jaspard, which has been ELKO County Jail Deputy, at all relevant times under Color of State Law and being sued in his official and Individual Capacity

10.) E. Gonzalez Defendant, which has been ELKO County Jail Deputy, at all relevant times under Color of State Law and being sued in her official and Individual Capacity

Exhaustion of Available Remedies

- 11.) Plaintiff exhausted administrative remedies before filing this Complaint
- 12.) Plaintiff on 8/22/2020 appealed to Jail Commander at 10:59:36 AM
- 13.) Jail only has five days to Respond according to their Policies
- 14.) Still no Response as of 9/08/2020
- 15.) Plaintiff Shannon David McCoy, sent Aitor Pervaiza, Sheriff letter of Intent on 8/19/2020, To Resolve Issue without Courts.
- 16.) Defendant Aitor Pervaiza, Sheriff never even attempted to resolve any issues.

17.) On August 14th at around 9:00 pm 2020, Plaintiff got his meds, "Glucose" Blood Test was done by Rosina (Nurse)

18.) Plaintiff's Glucose reading was 86, Rosina stated I should eat my sandwich if I had it still. Plaintiff did.

19.) Plaintiff gets 2 pieces of Bread, one mustard Pork and, a Piece of Cheese For Snack in case Glucose drops to low

20.) Plaintiff has no clock so times will be estimated,

22.) Around 1:00 Am on August 15th at 2020 Plaintiff was called to Law Library, Done with Law Library 1:40 am,

23.) 20 minutes later, Plaintiff started getting Shaky, and got on Intercom to let Deputy's know that plaintiff's Glucose level dropped and that it needed to be checked.

24.) Deputy Richie Jaspade came to my door and had it opened, went out on table where Deputy took my Glucose Reading

25.) Deputy Richie Jaspade, didn't even use ~~alcohol~~ alcohol wipe before, puncturing plaintiff's skin to get blood.

26.) Took Deputy Jaspade, "I think 2 times" to get it right. Then Deputy didn't even give Plaintiff a bandage for bleeding area. Glucose Reading was 84

27.) Deputy Richie Jaspade gave Plaintiff 2 glucose tablets, Defendant ate them.

28.) Deputy Richie Jaspade, Came back into Block # 4 and stated to Defendant to roll my stuff up per Sgt. Atkins request, on orders

29.) Defendant asked Deputy Richie Jaspade why? Deputy said Per Sergeant Atkins Order for medical reasons

30) Defendant's Glucose was low and symptoms are unstable, then Defendant find out being moved to B Block Ce 3 to top bunk.

31) Deputy Richie Espade said it was because of Adkins said I got enough food and Defendant shouldn't be here.

32) Plaintiff stated if it was for medical reason I would be in a Camerad room, not in same kind of Block and was pulled out of and moved to Top Bunk.

33) Plaintiff got even more ~~irritated~~ ^{irritated} and was getting more Shake and Sweaty, so plaintiff got on Titerdown to let Deputy know.

34) Deputy E. Gonzalez was in Control room who answered plaintiff distress call.

35) Deputy E. Gonzalez was rude and acted like I was putting her out of her way over my medical needs.

36.) Deputy Richie Jaspode and, Jordan Grebene came in B Block about 10 to 15 minutes after Plaintiff talked to E. Garza on Intercom (Distress)

37.) Deputy Richie Jaspode again took Plaintiff's Glucose reading, while Deputy Grebene watched.

38.) Deputy Richie Jaspode again didn't use alcohol pads or use bandage.

39. Plaintiff's Glucose reading was 72 and Deputy Rich Jaspode and Deputy Jordan Grebene gave Plaintiff 2 more Glucose tablets,

40.) Plaintiff was put back in same cell in B Block Room 3

41.) About 20 minutes plaintiff became really shaky, dizzy and blurry vision also started, so I got up and hit Intercom. (Distress call)

42.) Plaintiff was going to fall he thought Deputy E. Garza answered Intercom and was very rude and asked what

I wanted,

43.) Plaintiff stated he was dizzy and shaky and might fall. Defendant E. Gonzalez tried to make light of situation. He said well don't fall lay on the floor.

44.) Plaintiff made a comment back but can't remember what was said. Plaintiff made it to his mattress on the floor and layed out on it.

45.) Plaintiff not sure how much time lapsed between distress call and when Deputy Jordan Grebenc and Deputy Ritchie Jaspade showed up.

46.) When deputies opened Plaintiff's door in B Block Cell 3, they ordered Plaintiff (I think it was Jordan Grebenc) to get up. And I was being moved to Isolation where there is a camera in room.

47.) Plaintiff's memory is a little blurry but will depict the best of his ability as nobody knows how low Plaintiff's sugar level is at this point.

48) Deputy Jordan Grebenc told me to get up again, Plaintiff thinks he asked 3 or 4 times. Plaintiff stated he couldn't then Deputy Grebenc said so you need a wheel chair.

49) Plaintiff said yes or shook his head then Deputy Richie Laspade went after wheelchairs.

50) when the wheelchair arrived the deputies helped Plaintiff in chair and wheeled me to Isolation Cell 2.

51) Deputies had Trustees roll up Plaintiff's stuff and take it to Isolation 2.

52) As plaintiff came around corner to Isolation 2 Sergeant Bobby Atkins was standing by door.

53) As plaintiff was pulled in front of Sergeant Bobby Atkins, Deputy Richie Laspade and Deputy Jordan Grebenc, surrounded Plaintiff.

19 17
54.) Sergeant Bobby Atkins in a aggressive manner, started to state that plaintiff was a liar and how he is diabetic and knows my medical condition because of Sergeant Bobby Atkins has been Diabetic for 20 yrs.

55.) Sergeant Bobby Atkins then in a aggressive manner, started asking Plaintiff if he knew what normal was. Plaintiff mumbled something.

56.) Plaintiff just wanted help not yelled at so he got put of wheel chair and barely made it into the cell where he unrolled Mattress and just grabbed Blanket and crawled under it.

57.) None of them helped Plaintiff into Cell or even asked if he was okay.

58.) Plaintiff layed under covers for a couple hours shaking, being dizzy, heat flashes and wondering if he would ever see his daughter again.

19
59.) Defendants never checked Plaintiff's Glucose again or even called on Tenscom,

60.) Plaintiff feels Defendants left him to die in that room with no conscience at all for Plaintiff's medical state

61.) Plaintiff finally passed out after, what seemed like, forever.

62.) Plaintiff finally asked medical after 2 days why he was in Isolation, medical had no clue why I was in there.

63.) Plaintiff talked to Nurse Bailey and she stated she would release plaintiff back to population.

64.) Deputy's would not let nurse Bailey release me or move me.

65.) On 7/10/2020 Sgt Atkins, Deputy Greber and Deputy Hatch out of Retaliation Moved Plaintiff out of A Block to B Block

Claims of Relief

66) Paragraph 24, Deputy not medical provider
Doing Blood work on table people eat at
Deputy not trained on Glucose meter.

Culpable Negligence, Inadvertent Negligence
Joint Negligence Sergeant Atkins supervision

67) Paragraph 25 Deputy Laspade not trained
in medical Blood Borne Pathogens and
Puncture wounds, Put Plaintiff in harms
way could have contracted Mera due
in the clean area, Neglect, Negligence
Concurrent Negligence, Culpable Negligence
and gross negligence

68) Same as 67 (Paragraph)

69) Deputy Laspade on Paragraph 27
administered medication, Medical
Neglect, Gross Negligence, Negligent
and Culpable Negligence

70) Paragraph 29 Sergeant Atkins is
not medically trained, Gross Negligence
and Culpable Negligence

Pg #15

71.) Paragraph 30 Abuse of Power by
Sgt. Perkins Intentional Negligence

72.) Sgt Adkins on paragraph 32 Putting
Plaintiff in obvious harm, Intentional
Negligence, gross negligence, Negligent
deliberate Indifference

73.) Paragraph 37 same as Paragraph 67

74.) Paragraph 38 same as Paragraph 67

75.) Paragraph 39 same as Paragraph 69

76.) Paragraph 42 simple Negligence

77.) Paragraph 43 Simple negligence

78.) Paragraph 46 Concurrent Negligence
and gross Negligence

79.) Paragraph 48 Negligent infliction of
emotional distress, Negligence

80.) Paragraph 53, 54 Inexcusable Neglect,
Criminal Negligence, gross Negligence,
Negligence and medical Neglect, and
negligent infliction of emotional distress.

81.) Paragraph 55 same as paragraph 80

82.) Paragraph 56, 57 and 58 same as paragraph 80

83.) Paragraph 60, and 61 Criminal Negligence, Negligent infliction of emotional distress, gross negligence, Concurrent Negligence, Joint Negligence, Negligence is law negligent in Colon of State law, Intentional negligence, Deliberate Indifference

84.) Paragraph 65 Negligent infliction of emotional distress, Intentional negligence, Gross negligence and Joint Negligence

Case No. DC-CV-20-83

FILED

~~Sept 2020~~ 1

2020 OCT -5 P 4:05

In The Fourth Judicial District Court
of the State of Nevada, To and For the
County of Elko

Shannon David McElroy
Plaintiff,

Complaint

vs.

Aitor Navariza, Sheriff
Elko County Jail
Michael Silva, Lieutenant
Bobby Adkins, Sergeant
Jordan Grebense, Deputy
Richie Aspinde, Deputy
John Doe Hetch, Deputy
E. Gonzalez, Deputy
Defendants

Jury Trial Demanded

Comes now Plaintiff Shannon D. McElroy
and ask that said Plaintiff be pro-
se for Court Records. "Attorney of Record"

Verified Complaint For Damages, Intentional Tort and, Negligent tort.

1.) This is a state tort claim, filed by Shannon David McCoy, alleging violations in Intentional and Negligent tort, to be free from Intentional infliction of Emotional distress, libel, Duty of Care was Breached under Color of State law and caused Mental Injury along with emotional Distress. Plaintiff seeks damages under NRS 41.035

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6.) Defendant Michael Silva, which has been the ELKO County Jail's Lieutenant at all relevant times under Color of State Law and being Sued in his Official Capacity, and Individual Capacity

7.) Defendant Bobby Atkins, which has been ELKO County Jail Sergeant, at all relevant times under Color of State Law and being sued in his Official and Individual Capacity

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190
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6. Joint Negligence Sergeant Atkins supervision

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Pg 15

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84.) Paragraph 65 Negligent infliction of emotional distress, Intentional negligence, Gross negligence and Joint Negligence

Relief

85.) Aitor Navaiza, Sheriff Under NRS 41.035 and, NRS 41.031, NRS 41.039 Monetary damages, Compensatory damages in the sum of 100,000.00 dollars

86.) Elko County Jail, Elko County Under NRS 12.105, NRS 41.039, NRS 41.035 and, NRS 41.031, Monetary damages in the sum of 100,000.00 dollars

87.) Michael Silva, Lieutenant, Under NRS 41.035, 41.031 and NRS 41.039, Monetary damages, Compensatory damages in the sum of 100,000.00 dollars

88.) Bobby Atkins, Sergeant Under NRS 41.035, 41.031 and NRS 41.039, Monetary damages, Compensatory damages in the sum of 100,000.00 and Punitive Damage as a Jury sees fit.

89.) Joshua Grebner, Deputy Under NRS 41.035, 41.031 and NRS 41.039, Monetary damages, Compensatory damages in the sum of 100,000.00 dollars and Punitive Damages as Jury sees fit.

90.) Richie Jaspard, Deputy Under NRS 41.035, 41.031 and NRS 41.039; Monetary damages, Compensatory damages in the sum of 100,000.00 dollars and Punitive Damages as Jury sees fit

91.) John Doe Hatch, Deputy Under NRS 41.035, 41.031 and NRS 41.039; ~~Monetary~~ Monetary damages, Compensatory damages in the sum of 500.00 dollars

92.) E. Guralter Deputy Under NRS 41.035, 41.031 and NRS 41.039; Monetary damages, Compensatory ~~and damages~~ in the sum of 1000.00 dollars

93.) all To Exhaust Interest of Date of Judgement

pg 19

Verification Under Penalty OF Perjury

I do hereby Under the ~~penalty~~
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 NRS 208.165 and USC
§ 28 USC 1746 as I'm incarcerated

~~dated~~ this 9/10/2020

Shannon D. McGe

In Re Se

I certify under Rule 5 (C)(2) that
acting in Re Se, and that Plaintiff
on 9/10/2020 Put a Copy's of Complaint

in the US Mail of Complaint and
~~transcript~~

3 copy's District Court Clerk

571 Idaho St

ELKO NV. 89801

Dear Kristine,

11/17/20

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

I'm really sorry as I know you're 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-CU-20-77

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

DC-CU-20-83

DC-CU-20-115

DC-CU-20-103

EL-JC-CR-M-20-3885

Thank you so much,

Sincerely Harrison P. McCoy

Shannon M6y #633771
P.O. Box 2038
Elko NV. 89803

SALT LAKE CITY UT 840
25 NOV 2020PM 4:1



legal
mail

Kristine Jakeman
550 Court Street 3rd floor
Elko Nevada 89801-3518

legal
mail

89801-351850



Case Nos. ⁸³DC-CV-20-387 DC-CV-115/ DC-CV-20-103/ DC-CV-20-77

Dept. No. 1

FILED
2020 DEC 15 PM 4:11
ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 12

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-20-⁸³38, DC-CV-115, DC-CV-20-103, DC-CV-20-77 are **DISMISSED**.

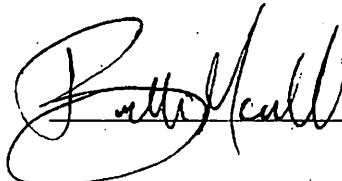
IT IS SO ORDERED this 15 day of December, 2020.


WILLIAM A. MADDOX
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

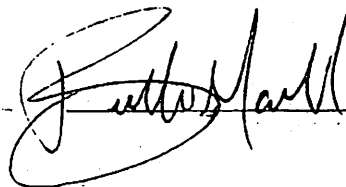


CERTIFICATE OF HAND DELIVERY

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-20-83
Dept. No. 2

FILED

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

2020 DEC 11 AM 9:59
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

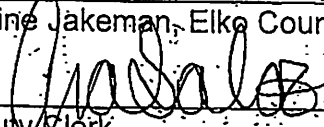
Roger H. Stewart, Esq.
569 Court St.
Elko, NV 89801
[Box in Clerk's Office]

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. ⁸³DC-CV-20-387 DC-CV-115/ DC-CV-20-103/ DC-CV-20-77

FILED

Dept. No. 1

2020 DEC 15 PM 4:11

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 12

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

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Plaintiff,

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Defendant.

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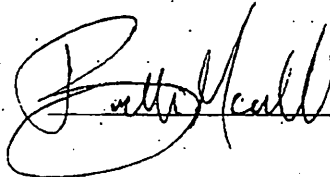
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SENIOR DISTRICT JUDGE

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

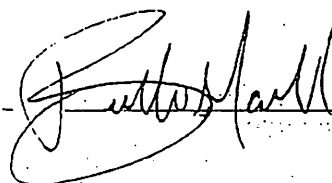


CERTIFICATE OF HAND DELIVERY

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]



Dear Marlene,

I'm truly sorry for the inconvenience as I have typed for a manilla envelope ^{for 3} days, I finally used one you sent me. I wasn't sure if I could just ask for copies as I needed to read some ones. But as you can see I didn't receive the last one it seems this jail takes my legal mail and then blames you.

Enclosed are two briefcases and narrative answering that its never there fault. I've put in two other law suits and want these to go in the one file that has Sgt BIDHAM as a defendant, thank you.

I'm really concerned my mail is not making out. I really believe this Jail is tampering with my mail and I'm losing this battle and getting tired of fighting for my rights.

Can you confirm I've got 3 law suits in and my Amended writ of Habeas Corpus got filed too. Thank you so very much for your time I am truly grateful for your time in this matter.

Sincerely, Harmon McCoy 10/8/2020

jlincdnt.agency = ELSO**jlincdnt.num = 20EL00475**

Location: *B Block*
 Nature: *Informational Report*
 Responsible Officer: *Lespade R T*
 Time Reported: *11/07/2020 06:00:00*
 Incident Beginning Time: *11/07/2020 11:06:44*
 Incident Completion Time: *11/07/2020 11:06:44*
 Clearance: *Cleared by Jail Incident*
 Log Event Number:
 Log Event Type:

Narrative

On 11/07/2020 at approximately 0600 I, Deputy LeSpade was passed a hand written grievance from Shannon McCoey dated 11/06/2020 from Sergeant Edgmond. I also recieved an handwritten kite dated 11/06/2020 and a appeal dated 11/05/2020. These items will be scanned and attached to this report along with other hand written kites and grievances he has over the several days of transitioning into a new inmate system. The only exception to this will be his request for a appeal on disciplinary that he recieved from a disciplinary committee that day. His info will be provided to the jail administrator as outlined in the disciplinary paperwork he was provided.

My response to the grievanced provided to me by Sergeant Edgmond to address dated 11-06-2020 is as follows:

In reference to this I must first inform you that we will no longer be excepting any more hand written kites now that the new system has been up for a few days now to go through the kiosk as directed in the inmate handbook.

In reference to your mail it goes out Mon-Fri excluding weekend and holidays. I am unaware of the full court process in reference to your summons and you will need to address that with the appropriate court as it is related directly to your legal affairs. I do know that in reference to things like our judgement of convictions from local courts that they follow certain procedural process with the court, clerks office, ect that delay when certified copies are recieved. Again, this is only speculation and should be addressed accordingly with the appropriate court if you have some kind of concerns related to whatever legal cases you have.

In reference to your other mail issues I do not know what 2-issus you have specifically as you did not provide any information or context on it. I did inquire with Deputy Holladay that informed me that you have attempted to accuse deputies of pening your mail as it was sealed with tape. He had informed me, as I will do now, that deputies have no reason to read your legal mail and that some attorney's offices often seal it in this manner. I will note that this is why deputies have inmates open legal mail in front of them only to determine that no staples, metal, or items not allowed in the jail are introduced in accordance for safety and security of the facility. In the chance of any human error you would be notified that it was open by accident.

In reference to selling your house The Sheriff had personally contacted the jail to inform staff that a subject had made arrangements with him in reference to that when we were addressing the Covid 19 outbreak in the jail. In reference to our shift that subject never came to the best my knowledge. I am unaware of any further things involved in reference to that. I am also aware that you provided an opportunity to raise your concerns, demands, issues with an Officer from Elko Police Department. I have also provided you the address to the FBI as you requested in one of your kites or grievances.

Staff had made repeated attempts to address your issues and have informed you accordingly. It seems that you continue to demand, grieve, harrass, complain, and conspire towards staff. Your issues have been addressed in your kites, grievances, and to you directly. You continually wish to debate, argue, demand, and dictate how the facility and staff operate according to your feelings and opinions.

In reference to the Sergeants, you have been informed repeatedly that they are not at at your beckoned call or demand. No where is this indicated as a right in the Handbook. You also are provided access to Sergeants accordingly through the kite and grievance system. They have repeatedly addressed your issues in this manner. I have no issue continuing to provide you Robert Wines Packets for civil representatio accordingly when we continue to reach impasses on addressing whatever issues or rights that you denied according to your opinion.

I believe much of this has already been addressed with you, but please feel free to address the inmate handbook you personally requested and were provided with with prior to disciplinary committee earlier in the week. However, we will continue to try to do our best to address and respond kites and grievances accordingly. Just to remind you

jlincdnt.agency = ELSO

jlincdnt.num = 20EL00475

again, the kites, grievances, and responses are documented accordingly.

I will provide McCoy with a copy of this along with his requests.

Officers Involved

Officer

Lespade R T

Inmates Involved

Name Number Participation Type Last First Middle

633221

MCCOY SHANNON DAVID

Law Incident Number:

From:

Approval Status:

To:

Date:

So #
633221

Grievance
Elko County Jail 11/6/2020

On 11/06/2020 I got up in the morning
I had mail on my floor unopened from
Tury Commissioner (Its pretty weird that
Court Clerk has a record of all this
But yet nothing is done by this Jail
To insure my mail is getting out or in.)

The letter was in response to me not getting
my summons to be issued. I sent letter
out on 25th of October

From the Court it shows that the
summons to issue 8 of them where
placed in Dec P/M Box @ 3:16 pm on
the 15th of October. This is Interval
mail. And the 3 issue with my mail
3 being legal and 1 of selling my
house

Tampering with legal mail is a Federal
offense and want a investigation done.
I feel this is retaliation for Exercising
my Constitutional right.

Shannon McGay 11/6/2020

Grievance

10/29/2020

SO # 633221

It's clear that there is no chain of command. We talked to 6 Deputy's asking for my legal cases that I needed for 14 days then I had to get my Habeas Corpus out. So I couldn't wait for Case law anymore which 4 days is Executive and a denial of the Courts because law library has to be adiquit which obviously it's not then the denial of your Sgt's assistance is blather disregard want action taken immediately. Time of fighting for a Constitutional Right.

Shannon McCoy
10/29/2020

I want a copy so when I sue I have records.

Copied at 1720

10-30-2020

SHD61

Case No. DC-CV-20-83

Sept. 20, 1

FILED

2020 DEC 16 A 10:29

ELKO CO. DISTRICT COURT
CLERK

In The Fourth Judicial District Court
of the State of Nevada, To and For the
County of ELKO

Shannon David McCay
Plaintiff,

vs

Complaint

Aitor Navariza, Sheriff
ELKO County Jail
Michael Silva, Lieutenant
Bobby Adkins, Sergeant
Jordan Grebner, Deputy
Rickie Laspore, Deputy
John Doe Hitch, Deputy
E. Gonzalez, Deputy
Defendants

Jury Trial Demanded

Comes now Plaintiff Shannon D. McCay
and ask that said Plaintiff be Pro-
se for Court Records. "Attorney afterword"

Verified Complaint For Damages, Intentional Tort and, Negligent tort.

1.) This is a state tort claim, filed by Shannon David McCoy, alleging violations in Intentional and Negligent tort, to be free from Intentional infliction of Emotional distress, libel, Duty of Care was Breached under Color of State law and Caused Mental Injury along with emotional Distress. Plaintiff seeks damages under NRS 41.035

Jurisdiction

2.) Jurisdiction of this Court is invoked pursuant to NRS 41.039 to that this Tort Claim arising under the Constitution of Nevada and in Elko County

3.) Jurisdiction of the Court is invoked pursuant to NRS 41.039 in that Defendant acted under Color of State law, of rights secured by Congress providing equal Right of Persons within the jurisdiction of the United States and, said deprivation, and happened in Elko County

3.) Jurisdiction of the Court is invoked pursuant to WRS 12.105 State and local government may be sued, the agency is in ELKO County

Parties

4.) Plaintiff, Shannon David McKay at all times relevant was a Pretrial detainee at the ELKO County Jail at ELKO NV 775 West Silver St 89801 (P.O. Box 7078)

5.) Defendant Gitan Dervaiza, which has been the ELKO County Sheriff at all relevant times and acting under Color of State law and being sued in his Official Capacity, Individual Capacity

6.) Defendant Michael Silva, which has been the ELKO County Jail's lieutenant at all relevant times under Color of State law and being sued in his Official Capacity, and Individual Capacity

7.) Defendant Bobby Atkins, which has been ELKO County Jail Sergeant, at all relevant times under Color of State Law and being sued in his Official and Individual Capacity

8.) Defendant Jordan Grebenc, which has been ELKO County Jail Deputy, at all relevant times under Color of State Law and being sued in his official and Individual Capacity

9.) Defendant Richie Laporte, which has been ELKO County Jail Deputy, at all relevant times under Color of State Law and being sued in his official and Individual Capacity

10.) E. Gonzalez Defendant, which has been ELKO County Jail Deputy, at all relevant times under Color of State Law and being sued in her official and Individual Capacity

Exhaustion of Available Remedies

- 11.) Plaintiff exhausted administrative remedies before filing this Complaint
- 12.) Plaintiff on 8/22/2020 appealed to Jail Commander at 10:59:36 AM
- 13.) Jail only has five days to Respond according to there Policies
- 14.) Still no Response as of 9/08/2020
- 15.) Plaintiff Shannon David McCoy, sent Aitor Nervaiza, Sheriff letter of Intent on 8/19/2020, To Resolve Issue with out Courts.
- 16.) Defendant Aitor Nervaiza, Sheriff never even attempted to resolve any issues.

- 17.) On August 14th at around 9:00 pm 2020, Plaintiff got his meds, "Glucose" Blood Test was done by Rosina (Nurse)
- 18.) Plaintiff's Glucose reading was 86, Rosina stated I should eat my sandwich if I had it still. Plaintiff did.
- 19.) Plaintiff gets 2 pieces of Bread, one mustard Rock and, a Piece of Cheese For Snack in case Glucose drops to low
- 20.) Plaintiff has no clock so times will be estimated,
- 21.) Around 1:00 Am on August 15th 2020 Plaintiff was called to Law Library, Done with Law Library 1:40 am.
- 22.) 20 minutes later, Plaintiff started getting Shaky, and got on Intercom to let Deputies know that plaintiff's Glucose level dropped and that it needed to be checked.

24.) Deputy Richie Jaspade came to my door and had it opened, went out on table where Deputy took my Glucose Reading

25.) Deputy Richie Jaspade, didn't even use ~~alcohol~~ alcohol wipe before, puncturing plaintiff's skin to get blood.

26.) Took Deputy Jaspade, "I think 2 times" to get it right. Then Deputy didn't even give Plaintiff a bandage for bleeding area. Glucose Reading was 84

27.) Deputy Richie Jaspade gave Plaintiff 2 glucose tablets, Defendant ate them.

28.) Deputy Richie Jaspade, Came back into Block # 4 and stated to Defendant to roll my stuff up per Sgt. Adkins request, on Orders

29.) Defendant asked Deputy Richie Jaspade why? Deputy said Per Sergeant Adkin Order for medical reasons

30.) Defendant's Glucose was low and symptoms are insitability, then Defendant find out being moved to B Block Cell 3 to top bunk.

31.) Deputy Richie Jaspard said it was because of Atkins said I get enough food and Defendant shouldn't be here.

32.) Plaintiff stated if it was for medical reasons I would be in a Camerac room, not in same kind of Block and was pulled out of and moved to Top Bunk.

33.) Plaintiff got even more ~~insitab~~ ^{irritated} and was getting more Shaky and Sweaty, so plaintiff got on Intercom to let Deputy know.

34.) Deputy E. Gonzalez was in Control room who answered plaintiff distress call.

35.) Deputy E. Gonzalez was rude and acted like I was putting her out of her way over my medical needs.

- 36.) Deputy Richie Jaspode and, Jordan Grebene came in B Block about 10 to 15 minutes after Plaintiff talked to E. Gonzalez on Intercom (Distress)
- 37.) Deputy Richie Jaspode again took Plaintiff's Glucose reading, while Deputy Grebene watched.
- 38.) Deputy Richie Jaspode again didn't use alcohol pads or use bandage.
39. Plaintiff's Glucose reading was 72 and Deputy Rich Jaspode and Deputy Jordan Grebene gave Plaintiff 2 more Glucose tablets,
- 40.) Plaintiff was put back in same cell in B Block Room 3
- 41.) About 20 minutes plaintiff became really Shaky, Dizzy and Blurry Vision also started, so I got up and hit Intercom (Distress call)
- 42.) Plaintiff was going to fall he thought Deputy E. Gonzalez answered Intercom and was very rude and asked what

I wanted,

43.) Plaintiff stated he was dizzy and shaky and might fall. Defendant E. Bowzaker tried to make light of situation. He said well don't fall lay on the floor.

44.) Plaintiff made a comment back but can't remember what was said. Plaintiff made it to his mattress on the floor and layed out on it.

45.) Plaintiff not sure how much time lapsed between distress call and when Deputy Jordan Grebene and Deputy Richik Lasparde showed up.

46.) When deputies opened Plaintiff's door in B Block Cell 3, they ordered Plaintiff (I think it was Jordan Grebene) to get up. And I was being moved to Isolation where there is a camera in room.

47.) Plaintiff's memory is a little blurry but will depict the best of his ability as nobody knows how low Plaintiff's sugar level is at this point.

- 48.) Deputy Jordan Grebenc told me to get up again, Plaintiff thinks he asked 3 or 4 times. Plaintiff stated he could, then Deputy Grebenc said so you need a wheel chair.
- 49.) Plaintiff said yes, or shook his head then Deputy Richie Laspade went after wheelchair.
- 50.) When the wheelchair arrived the deputies helped Plaintiff in chair and wheeled me to Isolation Cell 2.
- 51.) Deputies had Trustees roll up Plaintiff stuff and take it to Isolation 2.
- 52.) As plaintiff came around corner to Isolation 2 Sergeant Bobby Atkins was standing by door.
- 53.) As plaintiff was pulled in front of Sergeant Bobby Atkins, Deputy Richie Laspade and Deputy Jordan Grebenc, surrounded Plaintiff.

54.) Sergeant Bobby Atkins in a aggressive manner, started to state that plaintiff was a liar and how he is diabetic and knows my medical condition because of Sergeant Bobby Atkins has been diabetic for 20 yrs.

55.) Sergeant Bobby Atkins then in a aggressive manner, started asking Plaintiff if he knew what normal was. Plaintiff mumbled something.

56.) Plaintiff just wanted help not yelled at so he got out of wheel chair and barely made it into the cell where he unrolled mattress and just grabbed blanket and crawled under it.

57.) None of them helped Plaintiff into cell or even asked if he was okay.

58.) Plaintiff layed under covers for a couple hours shaking, being dizzy heat flashes and wondering if he would ever see his daughter again.

- 59.) Defendants never checked Plaintiff's Glucose again or even called on Tutan.com.
- 60.) Plaintiff feels Defendants left him to die in that room with no conscience at all for Plaintiff's medical state.
- 61.) Plaintiff finally passed out after, what seemed like, forever.
- 62.) Plaintiff finally asked medical after 2 days why he was in Isolation, medical had no clue why I was in there.
- 63.) Plaintiff talked to Nurse Bailey and she stated she would release plaintiff back to population.
- 64.) Defendants would not let nurse Bailey release me or move me.
- 65.) On 7/10/2020 Sgt Atkins, Deputy Greber and Deputy Hatch out of Retaliation Moved Plaintiff out of A Block to B Block.

Claims of Relief

66) Paragraph 24, Deputy not medical Nurse
Doing Blood work on table people eat at
Deputy not trained on Glucose meter.

Culpable Negligence, Inadvertent Negligence
Joint Negligence Sergeant Atkins supervise

67) Paragraph 25 Deputy Laspade not trained
in medical Blood Borne Pathogens and
Puncture wounds, Put Plaintiff in harms
way could have contracted Mera Dorr
in the clean area, Neglect, Negligence
Concurrent Negligence, Culpable Negligence
and gross negligence

68) Same as 67 (Paragraph)

69) Deputy Laspade on Paragraph 27
administered medication, Medical
Neglect, Gross Negligence, Negligent
and Culpable Negligence

70) Paragraph 29 Sergeant Atkins is
not medically trained, Gross Negligence
and Culpable Negligence

Pg 15

71.) Paragraph 30 Abuse of Power by
Sgt. Atkins Intentional Negligence

72.) Sgt Atkins on paragraph 32 Putting
Plaintiff in obvious harm, Intentional
Negligence, gross negligence, Negligent
deliberate Indifference

73.) Paragraph 37 same as Paragraph 67

74.) Paragraph 38 same as Paragraph 67

75.) Paragraph 39 same as Paragraph 69

76.) Paragraph 42 simple negligence

77.) Paragraph 43 simple negligence

78.) Paragraph 46 Concurrent Negligence
and gross negligence

79.) Paragraph 48 Negligent infliction of
emotional distress, Negligence

80.) Paragraph 53, 54 Inexcusable Neglect,
Criminal Negligence, gross Negligence,
Negligence and medical Neglect, and
negligent infliction of emotional distress.

81.) Paragraph 55 same as paragraph 80

82.) Paragraph 56, 57 and 58 same as paragraph 80

83.) Paragraph 60, and 61 Criminal Negligence
Negligent infliction of emotional distress,
gross negligence, Concurrent Negligence,
Joint Negligence, Negligence in law
Negligent in Colon of State law,
Intentional negligence, Deliberate
Indifference

84.) Paragraph 65 Negligent infliction of
emotional distress, Intentional negligence
Gross negligence and Joint Negligence

Relief

85.) Aitor Nenciza, Sheriff Under NRS 41.035 and, NRS 41.031, NRS 41.03 Monetary damages, Compensatory damages in the sum of 100,000.00 dollar

86.) EIKO County Jail, EIKO County Under NRS 12.105, NRS 41.037, NRS 41.035 and, NRS 41.031. Monetary damages in the sum of 100,000.00 dollars

87.) Michael Silva, Lieutenant, Under N 41.035, 41.031 and NRS 41.039, Monetary damages, Compensatory damages in the sum of 100,000.00 dollars

88.) Bobby Atkins, Sergeant Under NRS 41.035, 41.031 and NRS 41.039, Monetary damages, Compensatory damages in the sum of 100,000.00 and Punitive Damage as a Jury sees fit

89.) Joshua Crabbe, Deputy Under NR 41.035, 41.031 and NRS 41.039, Monetary damages, Compensatory damages in the sum of 100,000.00 dollars and Punitive Damages as Jury sees fit

90.) Richie Gasparde, Deputy Under NRS 41.035, 41.031 and NRS 41.039; Monetary damages, Compensatory damages in the sum of 100,000.00 dollars and Punitive Damages as Jury sees fit

91.) John Doe Hatch, Deputy Under NRS 41.035, 41.031 and NRS 41.039; ~~For~~ Monetary damages, Compensatory damages in the sum of 500.00 dollars

92.) E. Guralter Deputy Under NRS 41.035, 41.031 and NRS 41.039; Monetary damages, Compensatory ~~and~~ damages in the sum of 1000.00 dollars

93.) all To Ensure Interest of State of Judgement

pg 19

Unification Under Penalty OF Perjury

I do hereby Under the ~~penalty~~
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 NPS 208165 and USC
528 USC 1746 as I'm incarcerated

dated this 9/10/2020

Shannon D. McLog

In Pro Se

I certify under Rule 5 (C)(2) that
acting in Pro Se, and that Plaintiff
on 9/10/2020 Put a Copy's of Complaint
in the US Mail of Complaint and
~~Transcript~~

3 copies District Court Clerk
571 Idaho St
Elko NV. 89801

KRISTINE JAKEMAN
Elko County Clerk
550 Court Street, 3rd Floor
Elko, Nevada 89801-3518

FILED

DEC 28 P 3:15

ELKO CO. DISTRICT COURT
CLERK
DEPUTY

NOT IN CUSTODY



Initial _____ Date: _____

SHANNON D MCCOY INMATE #633221
PO BOX 2028
ELKO, NV 89803

Hasler	FIRST CLASS MAIL
12/16/2020	
US POSTAGE	\$000.80⁰
ELKO, NV	ZIP 89801
	011E12650738

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89801>3518		*2389-02495-24-21	

Case No. DC-CV-20-83
Dept. No. 2

FILED

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

2020 JUL 16 A 9:59
ELKO CO. DISTRICT COURT
CLERK _____

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

Kristine Jakeman, Elko County Clerk

By: *[Signature]*
Deputy Clerk

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

Dept. No. 1

FILED
2020 DEC 15 PM 4:11
ELKO CO DISTRICT COURT

CLERK _____ DEPUTY DB

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-20-⁸³38, DC-CV-115, DC-CV-20-103, DC-CV-20-77 are **DISMISSED**.

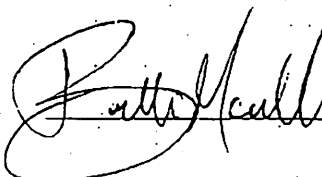
IT IS SO ORDERED this 15 day of December, 2020.


WILLIAM A. MADDOX
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

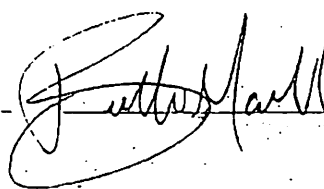


CERTIFICATE OF HAND DELIVERY

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

2021 JAN -7 PM 2:57

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY AB

Initial _____

Date _____



Shannon McCoy
P O Box 2028
Elko, NV 89803

NOT IN CUSTODY

NIXIE 841 DE 1 0012/26/20
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD



ZIP 89801
01E12650738

Hasler
12/16/2020
FIRST-CLASS MAIL
US POSTAGE \$000.65

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

FILED

2020 DEC 15 PM 4:14

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY AB

CIAL DISTRICT COURT

AND FOR THE COUNTY OF ELKO

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

tions, writs of habeas corpus, and complaints filed
ant"), who represented himself pro per. A hearing
ld on December 9, 2020. At said hearing, Defendant
Evidence of the Commission of a Felony, a Gross
C 52980). Pursuant to Defendant's guilty plea, the
that cases DC-CR-20-151, DC-CV-20-38, DC-CV-
ISSED.
of December, 2020.

William A. Maddox
WILLIAM A. MADDOX
SENIOR DISTRICT JUDGE

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 ll

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 18

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 14th 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 15th 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 *J. Corliss*

11 CERTIFICATE OF HAND DELIVERY

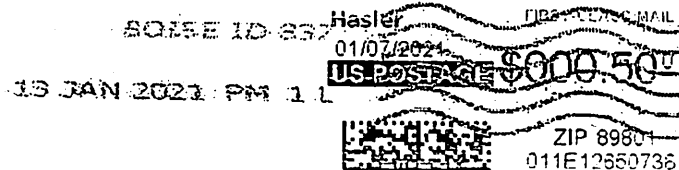
12 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
13 Court, Department 1, and that on this 15th day of January, 2021, I personally delivered a file-
14 stamped copy of the foregoing **SECOND AMENDED ORDER DISMISSING WRIT OF**
15 **HABEAS CORPUS** to:

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 *J. Corliss*

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



RECEIVED
CLERK
FOURTH JUDICIAL DISTRICT COURT

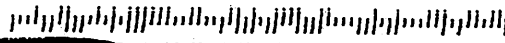
1-19-21
FOURTH JUDICIAL DISTRICT COURT
DEPT.1

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

**RETURN TO
SENDER**

NOT AT THIS
Address
Housed in Jefferson co.

89801-0001-0002




FILED

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

Dept. No. 1

2021 JAN -7 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

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
SENIOR DISTRICT JUDGE

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... ..
... ..
... ..

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... ..

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

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

SHANNON DAVID MCCOY
plaintiff,

vs.

Motion
For An
Extension
OF
Time

Aiton Navariza, Sheriff
ELKO COUNTY JAIL
Michael Silva, Lieutenant
Bobby Adkins, Sergeant
Jordan Grebene, Deputy
John Joe Hatch, Deputy
E. Gonzalez, Deputy
Richie Legrande, Deputy
defendants,

CLERK DEPUTY

ELKO CO DISTRICT COURT

2021 JAN 21 PM 2:13

FILED

Comes now, Plaintiff Shannon David McCoy in
Pro-Se and hereby gives notice & Authority in
the above-entitled Cause. Including all Motions
and Pleadings already on file

Procedural law

On September 18, 2020 Court recieved Motion to proceed as Indigent person and Complaint Plaintiff's Motion to proceed as Indigent person was stamped filed on September 18, 2020 at 2:00 pm. Complaint sent to X-1 asking if it should be filed.

On September 29, 2020 Court recieved summons on October 5, 2020 at 4:04 pm Complaint Stamp filed in District Court.

Summons that were recieved on September 29, 2020 were sent back to Plaintiff on October 5, 2020 based on no place for a Clerk's Signature.

On October 15, 2020 Court recieved new Summons from plaintiff with place for Clerk's Signature.

Plaintiff sent new Summons out on December 28, 2020 based on Rule 4 must have Plaintiff's address on Summons

Points & Authority's

Under WRCR Rule 4, Summons: (e) Time Limit for Service: (3) Timely motion to extend time:

If service of the summons and Complaint can not be served by the 120 day time frame, Plaintiff can file a motion for an Extension of time before the 120-day service period - on any extension thereof expires and shows 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.

Conclusion

Based on all the mitigating circumstances Covid 19, the retirement of Nancy Porter and how long it took to Issue Summons I ask this Honorable Court to grant plaintiff an Extension of time under WRCR Rule 4(e)(3)

Verification Under Penalty of Perjury

I do verify under the penalty of perjury that the above affidavit is true and correct and stated to the best of my knowledge based on motions and pleadings already in this Honorable Court and is signed in front of a Notary Public on this 12th day of January, 2021

Signed By: Shannon D. McCoy

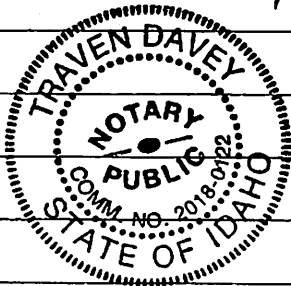
Shannon D. McCoy

In Pro-Se

200 Court House Way
Rigby Idaho 83442

Notary Signature Traven Davey Date 1-12-21

Residing at Jefferson County Sheriff's
Expiration Jan 2024



Case No: AC-CU-20-83

Expt 1

Motion For an Extension of Time

Verification of Mail

I Shannon David McCloy, put 3
Copies of Motion for an Extension
of time case no: DC-CV-20-083 in
the US Mail under NACF 5(c)(2) to

EIKO DISTRICT COURT CLERK
550 Idaho Street 3rd floor
EIKO NV 89301-2519

Dated this 12th day of January, 2021

Signed By: Shannon D. McCloy
Shannon D. McCloy, Jr.
200 Court House Way
Ripley Idaho 83442

Dear Kristine

FILED

JAN 21 PM 2:18

Please send all my mail to
this new address It is Shawan McCoy
200 Court House way Rigby Idaho
83442,

I'm also concerned as of case # DC
CV-083 on my summons the Court
has taken so long to issue them
that my 120 days is up February 5
2021. I'm not going to change address
as I'm still being held for Twin Falls
Idaho and my mail will be forged.
Please file this letter for me and
if you could send case summary
on case # DC-CV-20-83.

Would you like
this to be filed?

Thanks!

Shawan McCoy

Thank you for your time.

Shawan McCoy
In Pro Se
200 Court House way
Rigby Idaho 84331

To whom it may concern

Please send me Case Summary on

Case No: DC-CV-20-183; DC-CV-20-115;

DC-CV-20-83.

Thank you for your
Time

Jawon M Coe

P.O. Box
200 Court House Way
Rigby Idaho 83442

Case Nos. DC-CV-20-83

Dept. No. 1

FILED

2021 FEB -3 PM 2:33

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY *cm*

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

SHANNON DAVID MCCOY,

Plaintiff,

**ORDER GRANTING MOTION
FOR AN EXTENSION OF TIME**

V.

AITOR NARVAIZA, SHERIFF, ET AL

Defendant.

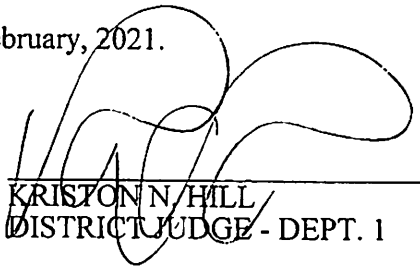
Before this Court is complaint, file by Shannon David McCoy (hereinafter "Plaintiff") on October 5, 2020. Plaintiff submitted summonses to the Elko County Clerk's Office on December 16, 2020. The Clerk's office then sent Plaintiff back the summonses for Plaintiff to serve upon the named Defendants in this case. However, the summonses were returned to the Clerk's Office, as Plaintiff had changed his address. Summonses were again sent to Plaintiff, using his new address, on January 21, 2021.

Pursuant to NRCP 4(e)(1), Plaintiff must serve a copy of the summons and complaint upon a defendant no later than 120 days after the complaint is filed. Thus, Plaintiff's 120 time limit for service is set to expire on February 2, 2021. Plaintiff timely filed a motion to extend this time limit pursuant to NRCP 4(e)(3). This Court finds good cause showing for an extension of time for Plaintiff to complete service of process.

1 Therefore, **IT IS HEREBY ORDERED** that Plaintiff's Motion for an Extension of Time
2 is GRNTED.

3 **IT IS FURTHER ORDERED** that plaintiff has an additional 30 days to complete
4 service of process.

5 **IT IS SO ORDERED** this 2nd day of February, 2021.

6
7
8 
9 _____
10 KRISTON N. HILL
11 DISTRICT JUDGE - DEPT. 1
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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 3rd day of February, 2021, I deposited for mailing in the
4 U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER GRANTING**
5 **MOTION FOR AN EXTENSION OF TIME** addressed to:

6 Shannon D. McCoy
7 200 Court House Way
8 Rigby, Idaho 84331

9 Deborah

10 CERTIFICATE OF HAND DELIVERY

11 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
12 Court, Department 1, and that on this 3rd day of February, 2021, I personally delivered a file-
13 stamped copy of the foregoing **ORDER GRANTING MOTION FOR AN EXTENSION OF**
14 **TIME** to:

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

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

20 Deborah

To confirm it may concern

Please send me Case Summary on

Case No: DC-CV-20-183; DC-CV-20-115;

DC-CV-20-83.

Thank you for your

Time

Lawson McCoy

Pro-Se

200 Court House Way
Ridgely Idaho 83442

Would you like
these documents
to be filed and
processed?

12-16-20

gms

DL

2021 FEB 19 P 4:43
CLERK

2021 FEB 19 P 4:43

FILED

FILED

2021 FEB 19 PM 2:25

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

Shannon A. McCoy
plaintiff

vs.

Aitor Norvaria, Sheriff
EIKO County Jail
Michael Silva, Lieutenant
Bobby Adkins, Sergeant
Jordan Grebenc, Deputy
John Joe Hotch, deputy
E. Gonzalez, deputy
Richie Lepage, deputy
defendant

Motion
For an
Extension
of
Time

Comes now, Plaintiff Shannon David McCoy in
pro-se and hereby gives Points & Authorities
in the above entitled Cause, Including
all Motions and Pleadings already on
file in this Honorable Court.

Procedural Law

On September 18, 2020 Court received Motion to proceed as Indigent person and Complaint. Plaintiff's Motion to proceed as indigent person was stamped filed on September 18, 2020 at 2:00 pm. Complaint sent to DC asking if it should be filed.

On September 29, 2020 Court received summons on October 5, 2020 at 4:04 pm. Complaint stamp filed in District Court.

Summons that were received on September 29, 2020 were sent back to plaintiff on October 5, 2020 based on no place for a Clerk signature.

On October 15, 2020 Court received new summonses from plaintiff for Clerk's signature.

Plaintiff sent new summonses out on December 28, 2020 based on Rule 4 must have Plaintiff's address on summonses.

On January 21, 2021 Plaintiff's Motion for an Extension of time was stamped filed

On January 21, 2021 Plaintiff's new Summons with the Current address should have been stamped filed (200 Court House way Rigby Idaho 83442)

On February 3, 2021, Order granting Motion for an Extension of time at 2:34 pm

Points & Authority's

Under WRCR Rule 4, Summons: (e) Time limit for Service: (3) Timely motion to Extend time:

If service of the summons and Complaint can not be served by the 120 day time frame, Plaintiff can file a motion for an Extension of time before the 120-day service period - or any extension thereof expires and shows good cause exists for

granting an extension of the service period
and set a reasonable date by which service
should be made.

Conclusion

Based on the facts that Plaintiff has not
received the Summons, from this Honorable
Court as of this date. I ask this
Court to Grant an Extension of time
for service as it is impossible to serve
defendants with out the summonses being
issued by the Court.

James D. McLeay
Pro Se
200 Court House Way
Rigby Idaho 83442

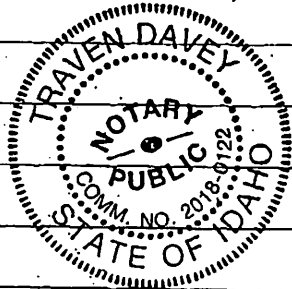
Dated this 14th day of February, 2021

Verifications Under Penalty of Perjury

I do Verifier Under the penalty of Perjury
that the above affidavit is true and correct
and is stated to the best of my knowledge
based on Motions and pleadings already
in this Honorable Court and is caused
in front of a Notary on this 15th day
of February 2021.

Signs BY: Shannon D. McLean
Shannon D. McLean
700 Court House Drive
Ridge, Id 83402

Notary Signature: Traven Davey DATE: 2-15-21
Residing at: Jefferson County Sheriff
Expiration: Jan 2024



Case No. NC-CU-20-83

Exhibit

Motion for Extension of Time

Verification of Mail

I Shannon David McCoy, in Pro Se
put 3 Copies of Motion for an
Extension of time Case NO: DC-CU-20-
83 in the US mail Under NRCP
5(c)(2) to

ELKO DISTRICT COURT
CLERK

550 Idaho Street 3rd floor
ELKO NV. 89801-3518

Dated this 14th day of February, 2021

Signed BY: Shannon D. McCoy
Shannon D. McCoy, Pro Se
200 Court House Way
Rigby Id. 83442

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 13th 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 to each defendant (Summons) to
EIKO District Court Clerk
550 Idaho Street 3rd Floor
EIKO NV. 89801-3518

Case No: DC-11-20-83

2021
JAN 19
AM 11:00
CLERK

Service of Summons

FILED

2021 MAR -8 PM 4:24

I TRAVIS ARNOLD, do hereby verify that Under Rule 4(C)(2)(3) 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, Richie Yeapora, Defendant In Case no: DC-CV-20-83 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 URS 208.165, and 28 USC § 1746

BW:

into

District Court Clerk
550 Court Street 3rd floor
EIKO NU: 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

Aiton Wandaiza, Sheriff

ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Adkins, Sergeant

Jordan Grebens, Deputy

John Joe Hatch, Deputy

E. Gonzalez, Deputy

Richie Desjardis, Deputy
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 address is 200 Court
House way Rigby Idaho 83442

Under 4.2(d)(4) Hereby summons defendants
~~Richie & Son, Deputy~~ to Answer
Complaint that is attached to the summons.

Under Rule 12(a)(2); Defendant has 45 days
to answer Complaint from date of service of
the summons.

Rule 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 David McCoy~~ Shannon David McCoy
Shannon David McCoy, Int Pro-Se
200 Court House Way
Reno, Idaho 83442

BY: ~~Shannon David McCoy~~ Date 2/18/21
DISTRICT COURT CLERK
450 Court Street 3rd floor
Reno, NV. 89801-3518

Service of Summons

FILED

2021 MAR -8 PM 4:24

I ~~TRAVIS ANDERSON~~, do hereby verify that Under Rule 4(c)(2)(3) I am ~~claim~~ ^{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, ~~E. Gonzalez~~, ^{Deputy} In Case no: DC-CV-20-83 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 ANDERSON~~ Document is signed Under Penalty of Perjury 18 USC 203.165, and 28 USC § 1746

BW:

Date

District Court Clerk

550 Court Street 3rd floor

EIKO NU: 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 Manuiza, Sheriff

ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Adkins, Sergeant

Jordan Grebenic, Deputy

John Joe Hatch, Deputy

E. Gonzalez, Deputy

Richie Desponde, Deputy

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 address is 200 Court
House way Rigby Idaho 83442

Under 4.2 (d)(4) Hereby summons defendants
~~E Gonzalez - Espinoza~~ to Answer
Complaint that is attached to the summons.

Under Rule 12(a)(2): Defendant has 45 days
to answer Complaint from date of service of
the summons.

Rule 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 David McCoy, Clerk of the Court
Shannon David McCoy, J.P. Pro-Se
200 Court House Way
Reno, Idaho 83442

BY: Theresa Thall Date: 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
ELKO NV. 89801-3518

Service of Summons

2021 MAR -8 PM 4:24

CLERK DEPUTY

I TRAVIS ARNOLD, do hereby verify that Under Rule 4(c)(2)(3) I am ~~not~~ part of this action and, over the age of 18 year old and I am of sound mind and a US Citizen;

On this date 2ND day of MARCH 2021, I served Defendant, John Doe Hatch, Inc., In Case no: DC-CV-20-83 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 18 USC 208.165 and 28 USC § 1746

BUT

into

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 Manuara, Sheriff
ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Adkins, Sergeant

Jordan Grebens, Deputy

John Joe Hatch, Deputy

E. Gonzalez, Deputy

Richie Despard, Deputy
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 address is 200 Court
House way Rigby Idaho 83442

Under 4.2 (d)(4) Hereby summons defendants
~~John Doe~~ ~~Hatch~~ ~~Deputy~~ to Answer
Complaint that is attached to the summons.

Under Rule 12(a)(2): Defendant has 45 days
to answer Complaint from date of service of
the summons.

Rule 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 David McCoy (McCoy, Shannon) McCoy
Shannon David McCoy, Int Pro-Se
200 Court House Way
Reno, Idaho 83442

BY: Kim Abbott Date 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
ELKO NV. 89801-3518

Service of Summons

FILED

2021 MAR -8 PM 4:23

I ~~TRAVIS WARD~~, do hereby verify that Under Rule 4(C)(2)(3) I am not a party 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, ~~Bobby Adkins~~, Sergeant In Case no: DC-CU-20-83 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 WARD~~ Document is signed Under Penalty of Perjury ORS 208.165, and 28 USC § 1746

BW: ~~into~~

District Court Clerk
550 Court Street 3rd floor
EIKO NU: 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 Navariza, Sheriff

ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Adkins, Sergeant

Jordan Grebens, Deputy

John Joe Hatch, Deputy

E. Gonzalez, Deputy

Richie Despres, Deputy

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 address is 200 Court
House way Rigby Idaho 83442

Under 4.2(d)(4) Hereby summons defendants
~~Bobby Adkins, Sergeant~~ to Answer
Complaint that is attached to the summons.

Under Rule 12(a)(2): Defendant has 45 days
to answer Complaint from date of service of
the summons.

Rule 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 David McCoy~~ Shannon McCoy
Shannon David McCoy, Int Pro-Se
200 Court House Way
Reno, Idaho 83442

BY: ~~Shannon McCoy~~ Date 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
ELKO NV. 89801-3518

Service of Summons

FILED

2021 MAR -8 PM 4:24

I Travis Arnold, do hereby verify that Under Rule 4(C)(2)(3) I am a party of this action and, over the age of 18 year old and I am of sound mind and a US Citizen;

On this date 2ND day of March 2021, I served Defendant, Wanda Grebowicz In Case No: DC-CU-20-83 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 18 USC 208.165 and 28 USC § 1746

BU:

into

District Court Clerk
550 Court Street 3rd floor
Elko NV: 89801-3518

CASE NO: DC-CV-20-83
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.

SUMMONS

Aitor Navariza, Sheriff

ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Adkins, Sergeant

Jordan Grebenic, Deputy

John Joe Hatch, Deputy

E. Gonzalez, Deputy

Richie Desjardis, Deputy

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 address is 200 Court
House way Rigby Idaho 83442

Under 4.2(d)(4) Hereby summons defendants
~~Isador Grenewick~~ Deputy to Answer
Complaint that is attached to the summons.

Under Rule 12(a)(2): Defendant has 45 days
to answer Complaint from date of service of
the summons.

Rule 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~~ David McCoy Shannon McCoy
Shannon David McCoy, Inf Pro-Se
200 Court House Way
Reno, Idaho 83442

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

FILED

Service of Summons

2021 MAR 8 PM 4:23
ELKO CO DISTRICT COURT

I Travis Arnold, do hereby verify
that Under Rule 4(c)(2)(3) I am not ^{CLERK} ^{DEPUTY} ~~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, ELKO COUNTY JAIL
In Case no: DC-CV-20-83 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 URS 208.165,
and 28 USC § 1746

BW:

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 Wandaiza, Sheriff
- ELKO COUNTY JAIL
Michael Silva, Lieutenant
Bobby Adkins, Sergeant
Jordan Grebenic, Deputy
John Joe Hatch, Deputy
E. Gonzalez, Deputy
Richie Despade, Deputy
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 address is 200 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 Rule 12(a)(2): Defendant has 45 days
to answer Complaint from date of service of
the summons.

Rule 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 David McCoy, Sheriff
Shannon David McCoy, Int. Pro-Se
200 Court House Way
Reno, Idaho 83442

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

Service of Summons

FILED

2021 MAR -8 PM 4:23

I TRAVIS WATSON, do hereby verify that Under Rule 4(C)(2)(3) I am not ^{an} 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 Navarillo, Sheriff
In Case no: DC-CV-20-83 this Summons with
a Copy of Complaint Attached.

☐ Hard delivered to Defendant in Person

☐ Left at Defendants Entity of Employment

☒ Placed in the US Mail

Served by: Travis Watson Document
is signed Under Penalty of Perjury 18 USC 165
and 28 USC § 1746

BW: Travis Watson Date

District Court Clerk
550 Court Street 3rd floor
Elko NV: 89801-3518

CASE NO: DC-CU-20-83
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.

SUMMONS

Aitor Navariza, Sheriff

ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Atkins, Sergeant

Jordan Grebenic, Deputy

John Joe Hatch, Deputy

E. Gonzalez, Deputy

Rickie Desjardis, Deputy

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 address is 200 Court
House way Rigby Idaho 83442

Under 4.2(d)(4) Hereby summons defendants
~~Aitor Navariza, Sheriff~~ to Answer
Complaint that is attached to the summons.

Under Rule 12(a)(2): Defendant has 45 days
to answer Complaint from date of service of
the summons.

Rule 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 David McCoy~~ Shannon McCoy
Shannon David McCoy, Int Pro-Se
200 Court House Way
Rigby Idaho 83442

BY: ~~Kim Hittall~~ Date 2/18/21

DISTRICT COURT CLERK
450 Court Street 3rd floor
ELKO NV. 89801-3518

Service of Summons

FILED

2021 MAR -8 PM 4:23

I, Travis Arnold, do hereby verify that Under Rule 4(C)(2)(3) I am a competent 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, Michael Silva, Lieutenant In Case no: DC-CU-20-83 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 URS 208.165, and 28 USC § 1746

BY:

Date

District Court Clerk

550 Court Street 3rd floor

EIKO NU: 89801-3518

CASE NO: DC-CV-20-83
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.

SUMMONS

Aitor Danuiz, Sheriff

ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Adkins, Sergeant

Jordan Grebene, Deputy

John Joe Hatch, Deputy

E. Gonzalez, Deputy

Richie Despose, Deputy

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 address is 200 Court
House way, Rigby Idaho 83442

Under 4.2(d)(4) Hereby summons defendant's Michael Silva, Lieutenant to Answer Complaint that is attached to the summons.

Under Rule 12(a)(2): Defendant has 45 days to answer Complaint from date of service of the summons.

Rule 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 David McCoy, Shannon McCoy
Shannon David McCoy, Inf Pro-Se
200 Court House Way
Reno, Idaho 83442

BY: Kim McCall Date: 2/18/21
DISTRICT COURT CLERK
550 Court Street 3rd floor
ELKO NV 89801-3518

1 Case Nos. DC-CV-20-83

2 Dept. No. 1

FILED

2021 MAR 26 PM 2:49

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY Am

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

9 SHANNON DAVID MCCOY,

10 Plaintiff,

**ORDER GRANTING SECOND
MOTION FOR AN EXTENSION
OF TIME**

11 V.

12 AITOR NARVAIZA, SHERIFF, ET AL

13 Defendant.
14 _____ /
15

16 Before this Court is a Complaint filed by Shannon David McCoy (hereinafter "Plaintiff") on
17 October 5, 2020. Plaintiff submitted summonses to the Elko County Clerk's Office on December 16,
18 2020. Pursuant to NRCP 4(e)(1), Plaintiff must serve summonses on his defendants within 120 days
19 of filing his complaint, unless granted an extension by this Court.

20 On January 21, 2021, Plaintiff timely moved for an extension of time in which to serve his
21 summonses. On February 3, 2021, the Court granted this motion and gave Plaintiff until March 4,
22 2021, to serve his summonses. On February 18, 2021, Plaintiff again timely moved the Court for an
23 extension of time in which to serve his summonses, as he had still not received his summonses back
24 from the Clerk's Office. As of March 8, 2021, all of Plaintiff's summonses have now been served.

25 Pursuant to NRCP 4(e)(3), the Court finds that Plaintiff has timely filed this motion and
26 shown good cause for granting an extension of time.

Therefore, **IT IS HEREBY ORDERED** that Plaintiff's Motion for an Extension of Time is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's time to serve the defendants in this matter was extended through March 9, 2021.

IT IS SO ORDERED this 20th day of March, 2021.

KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1

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 21st day of March, 2021, I deposited for mailing in the
4 U.S. mail at Elko, Nevada, postage prepaid, a copy of the foregoing **ORDER GRANTING**
5 **MOTION FOR AN EXTENSION OF TIME** addressed to:

6 Shannon D. McCoy
7 c/o Rosita McCoy
8 505 Copper Street #608
9 Elko, NV 89801

10 
11

12 CERTIFICATE OF HAND DELIVERY

13 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
14 Court, Department 1, and that on this 21st day of March, 2021, I personally delivered a file-
15 stamped copy of the foregoing **ORDER GRANTING MOTION FOR AN EXTENSION OF**
16 **TIME** to:

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

22 
23
24
25
26

1 CASE NO. : DC-CV-20-83

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 -5 PM 1:34

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY AB

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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; MICHAEL SILVA; BOBBY
19 ADKINS; JORDAN GREBENC; RICHIE
20 LESPADÉ; JOHN DOE HATCH; E.
21 GONZALEZ,

Defendants.

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

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

28 ///

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 . (See, Pl’s Compl., ¶¶ 17-65). This Court’s docket reflects Plaintiff’s Complaint
15 was submitted on September 18, 2020, and thereafter filed on October 5, 2020. The 120-day
16 limit for personal service of Defendants under NRCP Rule 4 would have expired on
17 February 2, 2021; however, Plaintiff filed a Motion for Extension of time and was provided
18 another 30 days via this Court’s Order dated February 2, 2021.

19 Thereafter, instead of pursuing proper personal service of the local government
20 officers and employees named in this suit as required by NRCP Rule 4.2(d)(4), the docket
21 reflects that Plaintiff had an associate send copies of the summonses to Defendants at
22 unknown address(es). (See, Service of Summons, filed March 9, 2021). As outlined in detail
23 below, this is insufficient to comply with Rule 4 requirement of personal service.

24
25 ¹. Defendants have attached a true, accurate and correct copy of relevant pages from
26 Plaintiff’s deposition transcript, taken April 4, 2007, in the matter of *Shannon McCoy v. Ronald*
27 *Skinner*, Case No. CV 6-10052, In the Sixth Judicial District Court of the State of Nevada, in and
28 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 With that in mind, following receipt of a purported Default Judgment in another of
2 Plaintiff's serial cases against the Jail Defendants (DC-CV-20-115) received by the Elko
3 County District Attorney's office, undersigned counsel requested a copy of the docket and
4 all filings from the Clerk of Court. Having learned that Plaintiff is now falsely claiming that
5 proper service was effected on all Defendants, they now make this special appearance to
6 respectfully request dismissal under Rule 4(d)(5) for failure to effect timely service.

7 **II. LEGAL ARGUMENT**

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

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

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

17 Here, Plaintiff's Complaint was filed October 5, 2020. The 120-day limit for personal
18 service of Defendants under NRCP Rule 4 would have expired on February 2, 2021;
19 however, Plaintiff filed a Motion for Extension of time and was provided another 30 days
20 via this Court's Order dated February 2, 2021. While Plaintiff claims to have effected
21 service on all Defendants through an associate who allegedly "Placed [the summonses] in the
22 US Mail" on March 2, 2020, this does not constitute personal service under Rule 4.2. (*See*,
23 Pl's Service of Summons). To the contrary, Rule 4.2 requires that Nevada's local officers
24 and employees be provided with actual personal service. Nevada's Rules of Civil Procedure
25 were recently rewritten, in part, to make this point crystal clear. In that regard,
26 NRCP Rule 4.2(d)(4) now reads as follows:

27 ///

28 ///

1 (4) *Local Officers and Employees.*

2 Any current or former public officer or employee of any county,
3 city, town, or other political subdivision of the State, or any
4 public entity of such a political subdivision, who is sued in his
5 or her official capacity or his or her individual capacity for an
6 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
or employee, or an agent designated by him or her to receive
service of process.

7 NRCP Rule 4.2(d) (2019).

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

9 The mandates of NRCP Rule 4 are not discretionary, and the Court “must” dismiss
10 the action *unless* the plaintiff shows good cause for why service was not accomplished. *See*,
11 Rule 4(e)(2) (2019). As noted above, Plaintiff has experience in litigation and should be well
12 aware that Rule 4 requires personal service. As such, Defendants respectfully suggest that
13 good cause does not exist for the failure to complete proper service. As our Supreme Court
14 has pointed out, inadvertence does not constitute “good cause.” *See, Dougan v. Gustaveson*,
15 108 Nev. 517, 835 P.2d 795 (1992); *Lacy v. Wen-Neva, Inc.*, 109 Nev. 341, 849 P.2d
16 260 (1993).

17 ///

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1 **III. CONCLUSION**

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

8 DATED this 2nd day of April, 2021.

9 ERICKSON, THORPE & SWAINSTON, LTD.

10 

11

Brent L. Ryman, Esq. (Bar No. 8648)
12 99 West Arroyo Street
13 Reno, Nevada 89509
14 Telephone: (775) 786-3930
15 *Attorneys for Defendants*
16
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EXHIBIT “1”

EXHIBIT “1”

1 Case No. CV 6-10052

2 Department No. 2

3

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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.,

Defendants.

15 _____/

16

17

VIDEO DEPOSITION OF

18

SHANNON McCOY

19

APRIL 4, 2007

20

CARSON CITY, NEVADA

21

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	NUMBER	DESCRIPTION	PAGE
8	Exhibit 1	Inmate Detail Record	7
9	Exhibit 2	Complaint	74
	Exhibit 3	Reply	75
10	Exhibit 4	NRS 212.187	78
	Exhibit 5	Diagram	98
11	Exhibit 6	Defendants Initial Disclosures	133
	Exhibit 7	Plaintiff's Initial Disclosures	146
12	Exhibit 8	Request Leave to Amend	178

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1 BE IT REMEMBERED that on WEDNESDAY, the 4th day
2 of APRIL, 2007, at the hour of 9:53 AM of said day, at
3 the offices of WARM SPRINGS CORRECTIONAL CENTER, 3301
4 East 5th Street, Carson City, Nevada, before me,
5 STEPHANIE ZOLKOWSKI, a notary public, personally
6 appeared SHANNON MCCOY, who was by me first duly sworn
7 and was examined as a witness in said cause.

8

9

-oOo-

10

11 THE VIDEOGRAPHER: This is the beginning of
12 videotape number one in the deposition of Shannon
13 McCoy taken by the Defendants in the matter of Shannon
14 McCoy versus Ronald Skinner, et al., case number CV
15 6-10052, held at the Warm Springs Correctional Center,
16 3301 East 5th Street in Carson City, Nevada on
17 April 4, 2007. The time is approximately 9:53 a.m.

18 The court reporter is Stephanie Zolkowski.
19 I'm Ray Davis, the videographer, an employee of
20 Sunshine Reporting located at 151 Country Estates
21 Circle in Reno, Nevada 89511.

22 This deposition is being videotaped at all

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 NRCP 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

Page 7

mccoy

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.

104

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 --

Page 137

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?

106

1 A No.

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

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?

↑

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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.

mccoy

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

111

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.

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

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.)

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17

SHANNON MCCOY

18

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1 STATE OF NEVADA)
2) ss.
3 COUNTY OF LYON)
4

5 I, STEPHANIE ZOLKOWSKI, a notary public in and
6 for the County of Lyon, State of Nevada, do hereby
7 certify:

8 That on WEDNESDAY, the 4th day of APRIL, 2007,
9 at the offices of WARM SPRINGS CORRECTIONAL CENTER,
10 3301 East 5th Street, Carson City, Nevada, personally
11 appeared SHANNON MCCOY, who was sworn by me, and was
12 deposed in the matter entitled herein;

13 That said deposition was taken in stenotype
14 notes by me, a Certified Shorthand Reporter, and
15 thereafter transcribed into typewriting as herein
16 appears;

17 That the foregoing transcript, consisting of
18 pages 1 through 214, is a full, true and correct
19 transcription of my stenotype notes.

20 DATED: At Carson City, Nevada, this 13th
21 day of April, 2007.

22

23

24

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

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, Apt. 608
14 Elko, NV 89801

15 DATED this 2nd day of April, 2021.

16 Louise M. Ligouri
17 Louise M. Ligouri
18
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28

DEPT No: 7

FILED

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.

Motion
For Change
of Address

Aitor Narvaiza, Sheriff
ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Atkins, sergeant

Jordan Greber, deputy

Richie Jaspard, deputy

John Joe Hatch, deputy

E. Gonzalez, deputy

defendants

Comes now plaintiff, Shannon David McCoy
in person and puts in above-entitled Motion
based on plaintiff's address has changed. Plaintiff
new address is "ISCI Shannon David McCoy
139747 Housing Unit 15A 14B P.O. Box 14
Boise ID. 83787"

KRISTINE JAKEMAN

Elko County Clerk
550 Court Street, 3rd Floor
Elko, Nevada 89801-3518

Return Service Requested

SHANNON DAVID MCCOY # 139747

N.I.C.I

236 RADAR RD

COTTONWOOD, ID 83522

FILED

To whom it may Concern:

2021 APR 27 AM 10:24

ELKO CO DISTRICT COURT

On Case NO: DC-CU-20-115

CLERK

DEPUTY

12

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 report~~ 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 everything 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 Sharon McLaughlin

RECEIVED

APR 26 11/1

Elko County Clerk

FILED

2021 APR 27 AM 10:31

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

Shannon David McCoy
plaintiff,

vs.

Motion
For
Extension of
Time

Aitor Navariza, Sheriff

Michael Silva, Lieutenant

Bobby Atkins, sergeant

Richie Zaspach, deputy

Jordan Grebenc, deputy

John Doe Hatch, deputy

E. Gonzalez, deputy

ELKO COUNTY JAIL,

defendants.

Comes now plaintiff, Shannon David McCoy in
pro-se in the above entitled cause and all
pleadings, motions with Points & Authority's
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. Motion to dismiss for failure to effect service of Process (Special Appearance).

Due to the transfer of Plaintiff from Jefferson County Jail to IDHO Prison Reception Center then to NICT (Northern Idaho Correction Institution), plaintiff still has never seen this motion.

On 3/15/21 plaintiff Shannon David McCoy called the Courts Clerk office and changed mailing address. Nothing was sent to this address instead was sent to P.O. Box 206 Twin Falls Idaho 83301 this address was changed over 2 months earlier.

On 4/5/2021 The Courts received plaintiffs Motion for change of address. This address was "ISCI Shannon David McCoy #139747 Housing Unit 15A14B P.O. Box 14 Boise Id. 83707 /

On 4/12/2021 The court received motion for change of address. This new address is plaintiff's current address "Shannon David McCoy #139747 NICT 236 Radar Rd. Cottonwood, Id 83522

As of 4/20/2021 plaintiff still has not seen there motion and is pretty sure the Case Summary is wrong and Defendants motion is for Case No. ~~13~~-CV-20-103 which this case summary has no motion by defendant.

Based on all this confusion plaintiff asked this honorable Court for a reasonable time to clear up the errors in Case Summary and to see the Motion to Dismiss so plaintiff can reply. Therefore an Extension of time should be granted.

Shannon D. McCoy
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. § 78 U.S.C. 1746 as I am incarcerated.

Dated this 21st day of April, 2021

Shannon D. McCoy #139747
In Pro-Se 236 Radar Rd
Cottonwood Id. 83522

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

1 Copy:

Erickson, Thorpe & Swainston
Attn: Brent L. Ryman
P.O. Box 3559
Reno NV. 89505-3559

3 copy's:

ELKO COUNTY COURT Clerk
550 Court St. 3rd floor
ELKO NV. 89801

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

FILED

To whom it may concern:

2021 APR 27 AM 10:31

ELKO CO DISTRICT COURT

Please file these and look over Case #
Summaries in cases AC-CO-20-83, 103
and 115 it seems you sending mail
to wrong address and hindering my
ability to fight my case.

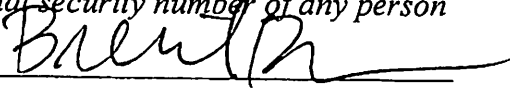
Thank You

Harmon D. May
to Ho-Se

1 CASE NO. : DC-CV-20-83

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 

FILED

2021 MAY -7 AM 10:40

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 Plaintiff,

14 vs.

15 AITOR NARVAIZA; ELKO COUNTY
16 JAIL; MICHAEL SILVA; BOBBY
17 ADKINS; JORDAN GREBENC; RICHIE
18 LESPADÉ; JOHN DOE HATCH; E.
19 GONZALEZ,

Defendants.

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

20 **NOTICE IS HEREBY GIVEN** that on May 4, 2021, counsel for Defendants,
21 AITOR NARVAIZA, ELKO COUNTY JAIL, MICHAEL SILVA, BOBBY ADKINS,
22 JORDAN GREBENC, RICHIE LESPADÉ, JOHN DOE HATCH, and E. GONZALEZ,
23 responding as employees of COUNTY OF ELKO, a political subdivision of the State
24 of Nevada, served a duplicate copy of its MOTION TO DISMISS FOR FAILURE TO
25 EFFECT SERVICE OF PROCESS on plaintiff, SHANNON DAVID McCOY, at his current
26 address:

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

as indicated in his Motion for Extension of Time.

DATED this 4th day of May, 2021.

ERICKSON, THORPE & SWAINSTON, LTD.



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

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 4th day of May, 2021.
15

16 Louise M. Ligouri
17 Louise M. Ligouri
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28

1 CASE NO. : DC-CV-20-83

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 MAY 14 AM 9:23

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY Am

7
8
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,

16 vs.

17 AITOR NARVAIZA; ELKO COUNTY
18 JAIL; MICHAEL SILVA; BOBBY
19 ADKINS; JORDAN GREBENC; RICHIE
20 LESPADÉ; JOHN DOE HATCH; E.
21 GONZALEZ,

Defendants.

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

22 COME NOW, Defendants, by and through their attorneys, ERICKSON, THORPE &
23 SWAINSTON, LTD., and BRENT L. RYMAN, ESQ., and, via this special appearance,
24 hereby present the following Reply in Support of their Motion to Dismiss for Failure to
25 Effect Service of Process, filed April 5, 2021. As outlined below, Plaintiff has not shown
26 that service was effected, and has not demonstrated good cause for his failure to effect
27 personal service within the allowed time. As such, dismissal is appropriate.

28 ///

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").¹ Upon review, it is clear that Plaintiff has never
5 effected personal service, and is instead attempting to rely on the fact that an associate mailed
6 copies of the summonses to Defendants. (*See*, Pl's Resp. Brief, p. 7, ll. 4-8) ("Travis Arnold
7 mailed summons and complaint for each defendant to Sheriff Aitor Narvaiza at 775 W. Silver
8 St. 89801 which he has control of per NRS."); (*see also*, Service of Summons, filed March 9,
9 2021). As explained in detail in Defendants' original Motion to Dismiss, mail service is
10 insufficient to comply with Rule 4 requirement for personal service. (*See*, Defs' Mot.,
11 pp. 3-4, ll. 17-7) (*citing*, NRCPC Rule 4.2(d) (2019)).

12 Since the time for Plaintiff to effect personal service is now long 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 Defendants

27
28 ¹. While Defendants' Motion to Dismiss was served via U.S. Mail to Plaintiff's address
on file on April 2, 2021, he did serve any response until his "Reply to Motion to Dismiss for
Failure to Effect Service of Process" dated May 3, 2021.

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

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

DATED this 10th day of May, 2021.

Louise M. Ligouri
Louise M. Ligouri

1 CASE NO. : DC-CV-20-83

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

FILED

2021 MAY 14 AM 9:23

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY GM

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.

REQUEST FOR REVIEW

15 AITOR NARVAIZA; ELKO COUNTY JAIL;
16 MICHAEL SILVA; BOBBY ADKINS;
17 JORDAN GREBENC; RICHIE LESPADÉ;
18 JOHN DOE HATCH; E. GONZALEZ,

19 Defendants.

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 21st day of April, 2021, be submitted to the Court
22 for review and 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 ///

26 ///

27 ///

28 ///

1 of record.

2 DATED this ¹²10 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*

EXHIBIT “1”

EXHIBIT “1”

1 CASE NO. : DC-CV-20-83

2 DEPT NO. : 1

3
4
5
6
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.

ORDER

12 AITOR NARVAIZA; ELKO COUNTY JAIL;
13 MICHAEL SILVA; BOBBY ADKINS;
14 JORDAN GREBENC; RICHIE LESPADÉ;
JOHN DOE HATCH; E. GONZALEZ,

15 Defendants.

16
17 On or about April 21, 2021, Defendant Nye County, by and through its counsel of record,
18 Brent L. Ryman, Esq. of Erickson, Thorpe & Swainston, Ltd., sent its Motion to Dismiss for Failure
19 to Effect Service of Process to the Court for filing, and on May 3, 2021, Plaintiff Shannon
20 David McCoy sent his Opposition to the Court for filing. Thereafter, Defendant Nye County sent
21 for filing its Reply in Support of Motion to Dismiss.

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

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

25 Dated this ____ day of _____, 2021.

26
27
28 _____
DISTRICT JUDGE

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 10th day of May, 2021.

Louise M. Ligouri
Louise M. Ligouri

To whom it may concern:

04/08/21

Please send all mail to me at the address on Motion and please send me any Responses made by Defendant, also could you please send me a Case Summary on all 3 Cases,

Thank you

Josiah A. McCoy

Ex Pro-Se

RECEIVED

APR 12 2021

Elko County Clerk

FILED
2021 MAY 18 PM 4:44
ELKO CO DISTRICT COURT
CLERK
DEPUTY MM

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 By: Shannon McCoy
Shannon D. McCoy, Pro

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

EIKO DISTRICT COURT	and	Aitor Norwaiza
550 Court St. 3rd floor		775 W. Silver St.
EIKO NV. 89801		EIKO NV. 89801

CASE NO: DC-CU-20-83

DEPT NO: 7

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

Shannon David McCoy
plaintiff,

vs.

Aitor Norwaiza, sheriff
ELKO COUNTY JAIL

Michael Silva, lieutenant

Bobby Askins, sergeant

Jordan Grebens, deputy

Richie Taspade, deputy

E. Gonzalez, deputy and John Doe Hatch

Defendants

Motion
of
Change of
Address

FILED
2021 MAY 18 PM 4:45
CLERK DEPUTY
ELKO CO DISTRICT COURT

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 NICT 236 Radar Rd. Cottonwood,
Id 83522

DEPT NO: 1

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

Shannon David McCay
plaintiff

vs.

Aitor Gonzalez, Sheriff
ELKO COUNTY SAIL
Michael Silva, Lieutenant
Bobby Atkins, sergeant
Jordan Grebene, deputy
Richie Inspode, deputy
John Doe Hatch, deputy
E. Gonzalez, deputy
defendants

Reply to Motion
to Dismiss for
Failure to effect
Service of Process

2021 MAY 13 PM 4:15

Comes now plaintiff Shannon David McCay in Pro's
and Reply's to Defendants motion to Dismiss
for failure to effect service of Process. Defendants
motion is moot based off of Procedural law and
motions and pleadings already on file. Defendants
are using fallacious information in the
Memorandum of Point & Authority presented to
Brent J. Ryman.

Memorandum of Points & Authorities

1.) Defendant's Attorney Brent J. Ryman is basing there motion on fallacious information, where as this fallacious information on a 12 ya 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 deceive this honorable Court by lying under penalty of perjury. This is a crime.

On page 2 line 11-14 Defendant Attorney argues availability of snack. This is not what Case no: DC-CV-70-83 is about. Its about Officers leaving plaintiff in Isolation shaking knowing his blood sugar was low and doing nothing about it.

On page 2 line 14-18 Plaintiff put second motion for Extension of time for service. Plaintiff had his server place summons in mail by the 2nd of March, 2021 to make sure summons where done within the ~~30~~ day Extension.

On page 2, line 19-23, defendant's argue plaintiff had associate send Copies of summons to defendant unknown address. It seems defendant's attorney Mr.

Ryman is allowing himself to put frivolous information into his motions to stall the Courts. Plaintiffs server of the summons and Complaint (Thavis Arnold) Under penalty of perjury Stated the address which he sent Cops to, this should be in the Court records! Address was 775 W. Silver St. EIKO NV. 89801 to Aitor Navarizo Sheriff. Under Rule 4.2 plaintiff is sure that the employees of a State entity can be served to the Sheriff or Attorney general.

On page 3, line 1-5 Defendants and there attorney are arguing a different case (JC-CU-20-115) and ask for dismissal Under Rule 4(d)(5) for failure to effect timely service. Plaintiffs case on JC-CU-20-115 is based off of denial of access to courts. See Exhibit 4 page 2 4(d)(5) that was printed off of EIKO County Tails 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 their attorney 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.

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

On 10/15/2020, plaintiffs summons were received at this honorable Court, then on 12/16/2020 summons were issued this was 2 months. It's unclear how summons were issued 1 day after court dismiss case accidentally and Plaintiff was transported 1 day after Court issued summons. On 12/17/2020 Elko County Jail transported Plaintiff to Jackson NV. (Transported by Michael Silva, Lieutenant) where Twin Falls County pick-up Plaintiff. Why plaintiffs mail was not forwarded raises some issues. Under *Simkins 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 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 (7th Cir 1981)

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 method of service.

The Due Process Clause of Nev. Art 1 § 8 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. *Marola v. State*, 120 Nev. 677 at 675, 99 P.3d 227 (2004); *Scarbo v. Dist. Ct* 125 Nev. 118 at 124, 206 P.3d 975 (2009); *Rice v. Dunn* 106 Nev. 100 787 P.2d 785 (1990)

On 1/4/2021, court received plaintiffs new summons with Twin Falls County Jails address per NRCP 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 Jails 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 into the Jefferson County Jail asking what their procedures are 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 attorney's advise. Corporal Raymond talked to the Civil Department which contacted their attorney and it was stated not to help me serve Summons based on it being out of Nevada. Plaintiff then requested help to have summons sent Certified Mail, once again was denied this process. Therefore

plaintiffs only action to serve defendants was Travis Arnold (He has served summons before) which was done per the summons that were approved by this honorable Court. Travis Arnold mailed summons and Complaint for each defendant to Sheriff Aitor Narvaiza at 775 W. Silver St. 89801 which he has control of per NRS. Under NRCP Rule 4.2 that the sheriff or Attorney general can take summons for all official and employees that work for that State entity Travis Arnold put summons and Complaint to every defendant in the U.S. Mail to a known address to Aitor Narvaiza 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 their attorney's advise, but she could sign an affidavit to prove she mailed out summons to Aitor Narvaiza, Sheriff from Travis Arnold for Plaintiff. 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 J. Ryman have used this Motion to Dismiss to impede and stop the process of this case. Defendants motion has raised issues on there part for perjury with lies in there Memorandum of Points and Authorities. Then Defendant 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 try multiple ways to serve said defendants with a 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 NRCP Rule 4.2 State Employees or Public Entity and there employees may be served summons on Sheriff or Attorney General. Its clear all Defendants were served as they responded.

Dated this 3rd day of May 2021

Shannon David McCoy #139747 236 Radar Rd
Cottonwood Idaho 83522

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(e)(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(e) 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

CASE NO: ~~DC-CU-20-103~~ / DC-CU-20-115 / DC-CU-20-103
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.

Aiton Noroiza, Sheriff
Michael Silva, Lieutenant
Bobby Atkins, Sergeant
John Oldham, Sergeant
Melanie Edmond, Sergeant
Rickie Jaspard, Deputy
Steve Satterthwaite, Sergeant
Jordan Grebene, Deputy
Doug Holladay, Deputy
John Doe Hatch, Deputy
E. Garzalet, Deputy
Medallus Medical
Colton Doe, Nurse
Bailey Doe, Nurse
Rochet Vachanathone, Director
John Doe, Doctor
Jane Doe, Doctor

Ex - Parte
Motion

CLERK DEPUTY

ELKO CO DISTRICT COURT

2021 MAY 18 PM 4:45

FILED

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.

Comes now Shannon David McLoey in Pro-Se in Case # PC-CU-20-115 in Ex-Parte and ask this honorable Court to fix the Case Summary and explain why Plaintiff's 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. McLoey to Judge Hill; "Copy mailed back to Mr. McLoey P.O. Box 206, Twin Falls ID 83301" Same thing 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 DC1 until 3/26/21 this is almost 3 month.

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

On Case No PC-CU-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-CU-20-115 there in

Default Judgment. If you look at the Exhibits I'm not being able to get Nevada Case law and is hindering 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 just 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 summary sheet that can't make sense. I can't answer motions I don't get on that are sent to wrong address.

Conclusion

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

Harmon Mc
Pro-Se 4/30/21

EXHIBIT 1

Resource Center Response

AH4

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.

EXHIBIT 2

Unit 13 A MB

IDOC Number: 129740
Date: 7/1/11

[illegible]

Staff Section

Reply: You have not been denied access to a court. All services and resources at the Executive Center are available to all eligible children and youth with disabilities with individualized supports.

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 316.02.01.00:
(Appendix last updated 2/14/12)

PRT3NCROCF

15A14B

IDOC Number: 139047
Date: 4/11/21

Issue/Concern: was denied legal copies in a case that is current out of Michigan (Civil) This is unconstitutional. This was done by Governor ~~the order~~

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

Staff Section

Reply: The user explained to me what was the problem and I was able to fix the type of case that was.

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

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.

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
15 Cottonwood, ID 83522

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

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.
24 Elko County District Attorney
540 Court Street, 2nd Floor
Elko, NV 89801
25 [Box in Clerk's Office]

26 


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

FILED

2021 MAY 20 PM 2:57

Dept. No. 1

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 

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

SHANNON DAVID MCCOY,
Plaintiff,

V.

AITOR NARVAIZA, SHERIFF, ET AL
Defendant.

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

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

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

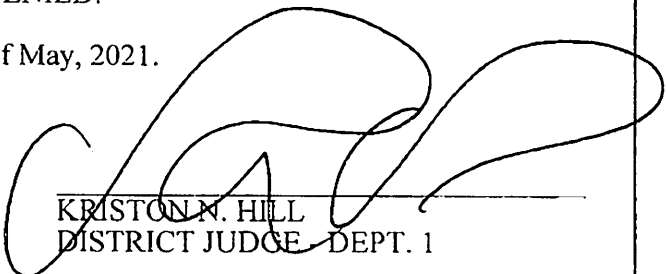
1 Service on a political subdivision of the State of Nevada, such as Elko County, must be
2 accomplished via personal service on the presiding officer of the governing body of the political
3 subdivision, or on an agent designated by the presiding officer to receive service. NRCP 4.2(d)(3).
4 Service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

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

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

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

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

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KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1

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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]

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1 CASE NO. : DC-CV-20-83

2 DEPT NO. : 1

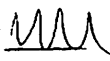
3 *The undersigned hereby affirms that*
4 *this document does not contain the*
5 *social security number of any person*

6 

FILED

2021 JUN -1 AM 11:03

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY 

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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 SHANNON DAVID McCOY,
13
14 Plaintiff,

15 vs.

NOTICE OF ENTRY OF ORDER

16 AITOR NARVAIZA; ELKO COUNTY
17 JAIL; MICHAEL SILVA; BOBBY
18 ADKINS; JORDAN GREBENC; RICHIE
19 LESPADÉ; JOHN DOE HATCH; E.
20 GONZALEZ,

21 Defendants.

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

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

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*

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.

IT IS SO ORDERED this 12th day of May, 2021.

231

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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FILED

CASE NO. : DC-CV-20-83

DEPT NO. : 1

2021 JUN -1 AM 11:03

ELKO CO DISTRICT COURT

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

CLERK _____ DEPUTY MM

Brent L. Ryman

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

SHANNON DAVID McCOY,
Plaintiff,

vs.

NOTICE OF ENTRY OF ORDER

AITOR NARVAIZA; ELKO COUNTY
JAIL; MICHAEL SILVA; BOBBY
ADKINS; JORDAN GREBENC; RICHIE
LESPADE; JOHN DOE HATCH; E.
GONZALEZ,

Defendants.

COME NOW, Defendants, AITOR NARVAIZA, ELKO COUNTY JAIL, MICHAEL SILVA, BOBBY ADKINS, JORDAN GREBENC, RICHIE LESPADE, JOHN DOE HATCH, and E. GONZALEZ, responding as employees of COUNTY OF ELKO, a political subdivision of the State of Nevada, by and through its attorneys, ERICKSON, THORPE & SWAINSTON, LTD., BRENT L. RYMAN, ESQ., and, hereby notices all parties and Pro Per Plaintiff that the Honorable Kriston N. Hill entered an ***Order Granting Motions to Dismiss and Denying Motions for Extension of Time and for Default Judgment*** on May 20, 2021. See a copy of the Order attached hereto as Exhibit 1.

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 
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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*
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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.

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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]



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

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

SHAWN D. McCloy,
Plaintiff

v.

Aitor Narvaiza, Sheriff

ELKO COUNTY JAIL

Michael Silva, Lieutenant

Bobby Atkins, Sergeant

Jordan Grebene, deputy

Richie Tespade, deputy

John DeHatch, deputy

E. Gonzalez, deputy

Defendants

NOTICE OF
Appeal

2021 JUN 11 PM 4:14
CLERK OF DISTRICT COURT
ELKO COUNTY, NEVADA
BY

Comes now plaintiff Shawn D. McCloy 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 A McGly 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 judgment (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 A McGly~~
Shannon A. McGly #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 WRS 208.165 and USC § 28 USC 1746 as I am incarcerated.

Dated this 8th day of June 2021,

~~Shannon D. McE~~
Shannon D. McE #139747
236 Radar Rd
Cottonwood Id. 83522

Pursuant to WRCP 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 Ryman	Neveda Supreme
550 Court St. 3 rd Floor	99 W. Arroyo St.	Court
EIKD NV. 89801	Reed NV. 89509	201 S. Carson
		Suite 201
		Carson City NV 89-