

DEPT NO: 1
CASE NO DC-CU-20-115

FILED

2021 JUN 21 PM 2:37

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

Electronically Filed
Jun 30 2021 10:10 a.m.

Elizabeth A. Brown
Clerk of Supreme Court

SHANNON DAVID MCCOY,
Plaintiff

v.

Airta Donvira, Sheriff
Michael Silva, Lieutenant
John Oldham, sergeant
Bobby Adkins, sergeant
Richie Tesparte, deputy
Jordan Grebens, deputy
ELKO COUNTY JAIL
Steve Satterthwaite, sergeant
Defendants

NOTICE OF
APPEAL

Comes now plaintiff Shannon D. McCoy in Pro-Se
and hereby gives notice to Defendant Attorney
Brent Ryman and to this Honorable Court.
Plaintiff's Motion for Notice of Appeal to the
Nevada Supreme Court. Based on all Motions
and pleadings filed in this Honorable Court.



Comes now plaintiff Shannon D. McCay and asserts the right to appeal, This appeal is based off of Order Granting Motions to dismiss and denying motions for extension of time and for default Judgement (Filed on 2021 May 20 at 2:58 pm); Order Denying Ex Parte Motions (Filed on 2021 May 20 Pm 2:57); And Summons the Court approved against all defendant on 11/10/2020 and Summons Returned on 12/16/2020 to all defendant, then the Motion for default Judgement which was mailed on 1/3/21 and not put in Summary until 3/26/21.

Plaintiff Prays this honorable Court will get transcripts and document in order to send to the Nevada Supreme Court for Plaintiff Appeal

Dated this 8th day of June, 2021

Shannon D. McCay
Shannon D. McCay #139747
236 Rocker Rd
Cottonwood Id. 83522

DC-CV-20-115
DEPARTMENT 1

FILED

2021 JUN 24 PM 3:45

ELKO CO DISTRICT COURT

IN THE FOURTH JUDICIAL DISTRICT COURT, CLERK _____ DEPUTY *am*

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

SHANNON D. MCCOY,
APPELLANT,
vs.

AITOR NARVAIZA, SHERIFF, ET AL
RESPONDENT.

CASE APPEAL STATEMENT

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

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

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

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): N/A
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: N/A
7. Indicate whether appellant is represented by appointed or retained counsel on appeal: NO
8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: NO
9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): NOVEMBER 10, 2020
10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

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

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

KRISTINE JAKEMAN, Elko County Clerk

By: 

ANNETTE MARSHALL Deputy Clerk

Case Summary

DC-CV-20-115 - MCCOY, SHANNON D VS. NARVAIZA, AITOR - ELKO COUNTY SHERIFF ET AL

Court: DC-CV-20-115

Agency: Elko County Clerk's Office

Type: Civil

CaseID: 20-74248

Status: Closed

Received Date: 11/5/2020

Status Date: 5/20/2021

Age: 232 days Active Age: 232 days

Involvements

HILL, KRISTON Judge -
PORTER, NANCY Judge, Inactive -
MCCOY, SHANNON Plaintiff -
ADKINS, BOBBY Defendant -
EDGMOND, MELONIE Defendant -
ELKO COUNTY JAIL, Defendant -
GREBENE, JORDAN Defendant -
HOLLADAY, DOUG Defendant -
LESPADE, RICHIE Defendant -
NARVAIZA, AITOR - ELKO COUNTY SHERIFF, Defendant -
OLDHAM, JOSHUA Defendant -
SATTERTHWAITE, STEVE Defendant -
SILVA MICHAEL Defendant -

Name Attributes

For: SGT MELONIE EDGMOND
Name Record Source - Name Record Converted
from JALAN - District Attorney
For: ELKO COUNTY JAIL
Name Record Source - Name Record Converted
from JALAN - Court
For: RICHIE DEPUTY LESPADE
Name Record Source - Name Record Converted
from JALAN - Public Defender
For: SHANNON DAVID MCCOY
Name Record Source - Name Record Converted
from JALAN - Court
Occupation: UNEMPLOYED
Place of Birth: SUPERIOR, MT
For: NARVAIZA, AITOR - ELKO COUNTY SHERIFF
Name Record Source - Name Record Converted
from JALAN - Court
For: SGT JOSHUA OLDHAM
Name Record Source - Name Record Converted
from JALAN - District Attorney
Title: COURT SECURITY DEPUTY

Issues

1. CVC09 - Tort - Negligence: Other [DC] Occurred: 11/10/2020
Tort - Negligence: Other [DC]

Case History

Date

Event Type Desc

Status

Case Summary

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

Pending - Case Status

Case Status Change

Closed - Case Status

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

11/5/2020 SUBMISSION OF MOTION TO PROCEED AS
INDIGENT PERSON - Document

SENT TO DC1 ASKING IF IT SHOULD BE FILED.

11/5/2020 SUBMISSION OF COMPLAINT - Document

SENT TO DC1 ASKING IF IT SHOULD BE FILED.

11/10/2020 SUBMISSION OF INMATE MAIL - Document

SENT TO DC1 ASKING IF IT SHOULD BE FILED. PLACED IN DC1 BOX @ 10:24 AM.

11/10/2020 NOTE FROM COURT DIRECTING CLERK TO
FILE DOCUMENTS - Document

11/10/2020 MOTION TO PROCEED AS INDIGENT
PERSON - Document

COPY MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 COMPLAINT - Document

COPY MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 MISC PLEADING - Document

KITE - COPY MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - AITOR NARVAIZA -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - LT MIKE SILVA -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - SGT OLDHAM -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - SGT EDGMOND -
Document

Case Summary

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - RICHIE LESPAGE -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - JORDAN GREBENE -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - DOUG HOLLADAY -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - ELKO COUNTY JAIL -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - SGT SATTERTHWAITE -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/10/2020 SUMMONS ISSUED - SGT ADKINS -
Document

MAILED TO SHANNON MCCOY C/O ELKO COUNTY DETENTION CENTER

11/17/2020 SUBMISSION OF LETTER FROM SHANNON
MCCOY - Document

RECEIVED LETTER FROM SHANNON MCCOY - SENT IT TO DC1 ASKING IF IT SHOULD BE FILED.
FILE CHK'D OUT, PLACED IN DC1 BOX @ 9:44 AM

11/19/2020 INMATE MAIL RECEIVED - Document

LETTER REGARDING SERVICE OF THE SUMMONSES RECEIVED IN MAIL FROM PLAINTIFF (DATE
STAMPED RECEIVED 11/19/2020) AND PLACED IN DC1 P/U BOX @12:49
ASKING IF DOCUMENT SHOULD BE FILE STAMPED.
NO COPIES PROVIDED.

11/19/2020 INMATE MAIL RECEIVED 11.19.2020, 10
SUMMONS TO BE FILED - Document

10 SERVED SUMMONSES RECEIVED IN MAIL FROM PLAINTIFF (DATE STAMPED RECEIVED
11/19/2020) AND PLACED IN DC1 P/U BOX @12:49
ASKING IF THEY SHOULD BE FILE STAMPED.
NO COPIES PROVIDED.

11/30/2020 INMATE MAIL RECIEVED 11.30.20 -
Document

SENT TO JUDGE 11.30.20 ASKING IF WANTS TO BE FILED

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

Case Summary

FILE CHECKED OUT PLACED IN DC1 P/U BOX

12/16/2020	LETTER FROM PLAINTIFF 12.16.20 - Document COPY MAILED TO PLAINTIFF AT PO BOX2028, ELKO, NV 89803
12/16/2020	LETTER FROM PLAINTIFF WITH DAILY LOGS - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (ELKO COUNTY JAIL) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (NARVAIZA) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (SATTERTHWAITE)- Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (OLDHAM) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (EDGMOND) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (HOLLADAY) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (GREBENC) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (LESPADE) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (ADKINS) - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	SUMMONS RETURNED (SILVA)- Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	LETTER FROM PLAINTIFF RE SERVICE OF SUMMONSES - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803
12/16/2020	LETTER FROM PLAINTIFF WITH ATTACHED GRIEVANCES - Document COPY MAILED TO PLAINTIFF AT PO BOX 2028, ELKO, NV 89803

Case Summary

1/7/2021 INMATE MAIL RECEIVED 01.07.21 - Document
FORWARDED TO DC1 FOR FILING DETERMINATION

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

1/7/2021 MAIL RETURN - Document

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

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

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

2/19/2021 MOTION FOR SUMMARY JUDGMENT - Document
FILE CHK'D OUT, PLACED IN DC1 BOX @ 2:54 PM - COPY MAILED TO SHANNON MCCOY, 200 COURT HOUSE WAY, RIGBY ID 83442

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

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 LETTER FROM MR. MCCOY TO JUDGE HILL - Document
PER DC1 STICKY NOTE TO FILED STAMP
A COPY MAILED BACK TO MR. MCCOY PO BOX206, TWIN FALLS, ID 83301

3/26/2021 DEFAULT JUDGMENT- Document
PER DC1 STICKY NOTE TO FILED STAMP
A COPY MAILED BACK TO MR. MCCOY PO BOX206, TWIN FALLS, ID 83301

3/26/2021 VERIFICATION UNDE PENALTY OF PERJURY - Document
PER DC1 STICKY NOTE TO FILED STAMP
A COPY MAILED BACK TO MR. MCCOY PO BOX206, TWIN FALLS, ID 83301

3/26/2021 MAIL RETURNED FILED 3.26.21 - Document

Case Summary

MR. MCCOY'S COY OF AMENDED ORDER FILED 1/20/21 RET'D BY USPS NOT DELIVERABLE AS
ADRS'D UNABLE TO FORWARD
FILE CHECKED OUT PLACED IN DC1 P/U BOX

4/5/2021 RECEIVED INMATE MAIL FOR MOTION FOR
CHANGE OF ADDRESS 4.5.21 - Document
PLACED IN DC1 BOX

4/5/2021 MOTION FOR CHANGE OF ADDRESS -
Document
MAILED COPIES
ORIG PLACED IN DC1'S PICK UP BOX

4/5/2021 MOTION TO DISMISS FOR FAILURE TO
EFFECT SERVICE OF PROCESS (SPECIAL
APPEARANCE) - Document
FILE CHECKED OUT PLACED IN DC1 P/U BOX
MAILED A COPY BACK TO ERICKSON, THORPE & SWAINSTON ATTN: BRENT L. RYMAN, ESQ. PO
BOX 3559 RENO, NV 89505-3559

4/5/2021 RETURNED MAIL FOR SHANNON MCCOY -
Document
THEIR FILE STAMPED COPY OF VERIFICATION AND DEFAULT JUDGMENT.

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 RECIEVED 04.26.21 -
Document
SENT TO DC 1 WITH NOTE ASKING IF JUDGE WOULD LIKE IT FILED.

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

Case Summary

FILED AT DIRECTION OF DEPT 1
COPY MAILED TO SHANNON MCCOY
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

4/27/2021 MOTION FOR AN EXTENSION OF TIME -
Document

FILED AT DIRECTION OF DEPT 1
COPIES MAILED TO SHANNON MCCOY
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

4/27/2021 NOTE ADDED TO FILE - Case Notes

CLERK MAILED DEFENDANT'S MOTION TO DISMISS (FILED 4/5/2021) TO PLAINTIFF AT
PLAINTIFF'S REQUEST

5/7/2021 NOTICE OF RE-SERVICE OF MOTION TO
DISMISS FOR FAILURE TO EFFECT SERVICE
PROCESS - Document

COPY RETURNED TO ERICKSON, THORPE & SWAINSTON IN SASE
FILE CHECKED OUT; PLACED IN DC1 PICKUP BOX

5/7/2021 INMATE MAIL - Document

PLACED IN DC1'S P/U BOX

5/10/2021 REQUEST FOR COPY OF MOTION FOR
SUMMARY JUDGMENT - Document

COPY MAILED TO SHANNON MCCOY - 236 RADAR RD, COTTONWOOD ID 83522 - COPY OF
MOTION FOR SUMMARY JUDGMENT ALSO MAILED TO HIM. FILE CHK'D OUT, PLACED IN DC1 BOX
@ 11:10 AM

5/14/2021 REPLY IN SUPPORT OF MOTIOM TO DISMISS
FOR FAILURE TO EFFECT SERVICE OF
PROCESS - Document

COPY MAILED TO RYMAN IN SASE

5/14/2021 REQUEST FOR REVIEW - Document

COPY MAILED TO RYMAN IN SASE
PLACED IN DC1 P/U BOX (FILED 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

Case Summary

5/20/2021	ORDER DENYING EX PARTE MOTION - Document ORIGINAL ORDER IN CASE DC-CV-20-83
5/20/2021	ORDER GRANTING MOTION TO DISMISS AND DENYING MOTION FOR EXTENSION TIME AND FOR DEFAULT JUDGMENT- Document ORIGINAL ORDER IN CASE DC-CV-20-83
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	NOTE ON FILE - Document NOTE ASKING IF INMATE MAIL (NOTICE OF APPEAL) SHOULD BE FILED
6/11/2021	NOTICE OF APPEAL - Document
6/21/2021	NOTICE OF APPEAL 6.21 - Document NOTICE OF APPEAL RECEIVED FROM THE SUPREME COURT. FILED PER DATE RECEIVED PER DIRECTION OF ELKO COUNTY CLERK'S OFFICE SUPERVISOR.
6/24/2021	CASE APPEAL STATEMENT- Document SIGNED AND SEALED
6/24/2021	CLERK'S CERTIFICATION - Document SIGNED AND SEALED. APPEAL FILED WITH THE SUPREME COURT
6/25/2021	CLERK'S CERTIFICATION 6.25 - Document

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.

25
26

KRISTON N. HILL
DISTRICT JUDGE - DEPT. 1


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

CERTIFICATE OF MAILING

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

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

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



CERTIFICATE OF HAND DELIVERY

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

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



Case No. DC-CV-20-115

Dept. No. 1

FILED

2021 JUN 25 PM 2:48

ELKO CO DISTRICT COURT

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

CLERK _____ DEPUTY *am*

Shannon D. McCoy,

Appellant,

vs.

CLERK'S CERTIFICATION

Aitor Narvaiza, Sheriff, et al

Respondent,

I, KRISTINE JAKEMAN, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. DC-CV-20-115, Dept. 1, Shannon D. McCoy, Appellant, vs. Aitor Narvaiza, Sheriff et al, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on June 25, 2021.

KRISTINE JAKEMAN, ELKO COUNTY CLERK

By

Annette Marshall

Annette Marshall, DEPUTY CLERK

CERTIFICATE OF SERVICE


I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. DC-CV-20-115, Dept. 1, Shannon D. McCoy, Appellant, vs. Aitor Narvaiza, Sheriff et al, Respondent, as appears on file and of record in this Court, to the following:

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

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

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

DATED this 25th, day of June, 2021.



Annette Marshall, Deputy Clerk