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13 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

14 ORENTAL JAMES SIMPSON,

15 Appellant,

16 vs.

17 PAUL DORSEY,

18 Respondent.

**Supreme Court Case No.: 83199**  
District Court Case No.: A807284

**RESPONDENT'S REPLY TO**  
**APPELLANT'S RESPONSE TO**  
**ORDER TO SHOW CAUSE**

19 Plaintiff/Respondent, Paul Dorsey ("Dorsey"), by and through his counsel of record,  
20 hereby submits his Reply to Appellant's Response to Order to Show Cause. The Court has  
21 correctly observed that the documents before the Court, on their face, reveal jurisdictional  
22 defects. As discussed below, the Court's observation is correct. The challenged orders are  
23 not appealable because they pertain to an alleged defect in a writ of execution concerning  
24 the rate of interest. They do not affect any obligations under the judgment. Therefore,  
25 pursuant to NRAP 3A and *Gumm v. Mainor*, 118 Nev. 912, 59 P.3d 1220 (2002), the  
26 appeal should be dismissed as a matter of law.

1   **I.     STATEMENT OF RELEVANT FACTS**

2       **A.     The initial judgment (1997):** This is a straightforward foreign (California)  
3 judgment matter involving a valid and enforceable California judgment that was originally  
4 entered on March 10, 1997 by the Superior Court of California, County of Los Angeles, in  
5 favor of Dorsey's predecessor-in-interest Sharon Ruffo (the mother of Ronald Lyle  
6 Goldman) and against Orenthal James Simpson ("Appellant") in the total principal amount  
7 of \$1,275,000.

8       **B.     Assignment and domestication (2016-2020):** On July 22, 2016, Ms. Ruffo  
9 assigned the California judgment to Dorsey. On November 8, 2019, Dorsey became aware  
10 of a tort lawsuit filed by the Judgment Debtor against Cosmopolitan Hotels & Resorts, Inc.  
11 "Cosmopolitan") in Clark County District Court Case No. A-19-805061-C, entitled,  
12 "Orenthal J. Simpson vs. Nevada Property 1 LLC d/b/a The Cosmopolitan of Las Vegas."  
13 As such, on December 19, 2019, Dorsey filed the California judgment in Clark County,  
14 Nevada, and in accordance with the statutory requirements for domesticating a foreign  
15 judgment under Nevada's Uniform Enforcement of Foreign Judgments Act (NRS Ch. 17).  
16 On February 9, 2020, the domesticated judgment was personally served on the Appellant.  
17 Notably, he did not challenge or appeal the foreign judgment or move to stay enforcement  
18 of the foreign judgment.

19       **C.     Enforcement Activity (2021):** On or about February 24, 2021, Dorsey  
20 served a writ of garnishment on the Cosmopolitan. Additionally, on March 4, 2021,  
21 Dorsey moved the district court (Department XI) for a writ of attachment and/or order in  
22 aid of execution for any and all monies and/or settlement funds due to be paid by the  
23 Appellant arising out of the claims asserted by Appellant in the Cosmopolitan lawsuit. Just  
24 four days later, on March 8, 2021, the district court issued an order for Mr. Simpson to  
25 appear to explain and show cause why a writ of attachment and/or order in aid of execution  
26 should not issue as stated in the March 4th motion. The most relevant part of the order is  
27 the part of the order that stated, "IT IS HEREBY FURTHER ORDERED that the Judgment  
28

1 Debtor is hereby forbidden in the meantime from disposing of any property not exempt  
2 from execution.”

3 Despite this order from the district court, on March 26, 2021, Mr. Simpson, the  
4 Judgment Debtor, entered into a stipulation and order of dismissal agreement with the  
5 Cosmopolitan. Based on the agreement, the district court (Department V) dismissed Mr.  
6 Simpson’s case against the Cosmopolitan, with prejudice, on March 30, 2021.

7 On April 2, 2021 – just three days later - Dorsey filed a reply with the district court  
8 (Department XI) asking, in relevant part, for the defendant (Mr. Simpson) to be held in  
9 contempt of court for his clear violation of the Court’s March 8, 2021 order. On April 15,  
10 2021, the district court (Department XI) granted Dorsey’s March 4th motion for an order in  
11 aid of execution and ordered the Cosmopolitan not to pay any amount to the Judgment  
12 Debtor or his attorney unless and until the writ of garnishment served by Dorsey on the  
13 Cosmopolitan had been satisfied. The court order also stated in relevant part: “IT IS  
14 FURTHER ORDERED THAT if Plaintiff intends to pursue any contempt proceedings  
15 against Defendant that a separate Application for an Order to Show Cause Why Defendant  
16 Should Not Be Held In Contempt must be filed by Plaintiff.

17 Although Appellant has never legitimately disputed the debt owed to Dorsey, to  
18 date, he has failed to satisfy any amount of the judgment. Instead, he filed three motions  
19 which are the subject of this appeal. They all allege a defect in the writ of execution  
20 concerning the rate of interest designed to create confusion, and to delay enforcement of  
21 the judgment. Needless to say, the motions were denied. The judgment totals over five  
22 million dollars.

## 23 **II. LEGAL ARGUMENT**

24 Appellant never challenged the filing of the foreign judgment, and has never denied  
25 the validity and enforceability of the underlying judgment. The alleged defect in the writ  
26 of execution concerning the rate of interest does not affect the validity or enforceability of  
27 the underlying foreign judgment. As the Court’s Order to Show Cause explains, not all  
28 post judgment orders are appealable. This Court has long recognized that the mere fact

1 that an order in point of time is made after a final judgment has been entered does not  
2 render it appealable as a “special order” under NRAP 3A. *Gumm v. Mainor*, 118 Nev. 912,  
3 915, 59 P.3d 1220, 1222 (2002). In *Gumm*, the Court clarified that for an order made after  
4 final judgment to be appealable, it must: (1) be an order affecting the rights of some party  
5 to the action, growing out of the judgment previously entered, and (2) be an order affecting  
6 rights incorporated in the judgment. *Gumm*, at 919, 1225.

7 Here, Appellant appeals from four orders. The first was styled by the Appellant as a  
8 *motion for relief from judgment*. Yet, even a casual glance at the motion reveals that the  
9 motion does not seek Rule 60(b) relief and as such, the district court could not have  
10 committed reversible error by not vacating a judgment based on an alleged defect in the  
11 writ of execution concerning interest. Even assuming, for sake of argument, the motion is  
12 appealable, the district court’s discretion in deciding to deny the motion would have to be  
13 sustained on appeal since the evidence (or lack thereof) justified that decision. *See e.g.*,  
14 *Stoecklein v. Johnson Electric, Inc.*, 109 Nev. 268, 849 P.2d 305 (1993) (the district court  
15 has wide discretion in deciding whether to grant or deny a motion to set aside a judgment  
16 under Rule 60(b); its determination will not be disturbed on appeal absent an abuse of  
17 discretion).

18 In his Response, the Appellant concedes that this and the other orders being  
19 appealed from relate to one single issue – the writ of execution concerning interest.  
20 However, whether the interest rate expressed in the writ of execution is based on Nevada’s  
21 statutory interest rate of prime plus 2%, or California’s rate of 10% per annum, it has no  
22 bearing on Appellant’s liability or obligations to Dorsey under the judgment. Thus, none  
23 of the orders are appealable as “special orders” under NRAP 3A and, therefore, dismissal  
24 of the appeal in its entirety is appropriate as a matter of law.

### 25 **III. CONCLUSION**

26 The entire appeal is jurisdictionally defective because none of the challenged orders  
27 grant or deny a motion for a new trial. Instead, they relate to an alleged defect in a writ of  
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1 execution concerning the rate of interest. This is not an appealable issue. Therefore, the  
2 whole appeal should be dismissed.

3 DATED this 19<sup>th</sup> day of January, 2022.

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Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF systems.

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