

1 **NOAS**

2 **TYRONE KEITH ARMSTRONG**

3 3713 Brentcove Drive

4 North Las Vegas, Nevada 89032

5 Telephone: (702) 491-8426

6 Email: [performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)

7 *Plaintiff Pro Se*

Electronically Filed  
Sep 28 2021 11:59 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 TYRONE KEITH ARMSTRONG, ) Case No: A-19-796941-C  
11 ) Dept No: XVIII  
12 Plaintiff, )

13 vs. )

14 )  
15 U.S. BANK NATIONAL )  
16 ASSOCIATION, as Trustee for )  
17 Structured Asset Securities )  
18 Corporation Mortgage Pass-Through )  
19 Certificates, Series 2007-BC3; )  
20 OCWEN LOAN SERVICING, LLC; )  
21 PHH MORTGAGE CORPORATION;) )  
22 WESTERN PROGRESSIVE- )  
23 NEVADA, INC.; DOES 1 through 20;) )  
24 and ROE BUSINESS ENTITIES 1 )  
25 through 20; )

26 Defendants. )

27 **NOTICE OF APPEAL**

28 TO: ALL PARTIES AND THEIR COUNSELS OF RECORD:

1 NOTICE IS HEREBY GIVEN that Plaintiff Pro Se, Tyrone Keith  
2 Armstrong (“Plaintiff-Appellant”), hereby appeals to the Supreme Court of the  
3 State of Nevada from the *Order Denying Plaintiff’s Motion for Partial Summary*  
4 *Judgment and Granting Defendant’s Countermotions for Summary Judgment of*  
5 *Statutes of Limitations Grounds* entered in this action on August 25, 2021 (Notice  
6 of Entry of Order filed August 26, 2021).  
7

8  
9 Pursuant to the Order to Proceed in Forma Pauperis entered herein on  
10 December 22, 2020,<sup>1</sup> Plaintiff-Appellant is exempt from payment of fees and  
11 respectfully moves to proceed on appeal without payment of filing fees.  
12

13 **DATED** this 15<sup>th</sup> day of September, 2021.  
14

15  
16 By: /s/ Tyrone K. Armstrong  
17 TYRONE K. ARMSTRONG  
18 3713 Brentcove Drive  
19 North Las Vegas, Nevada 89032  
20 (702) 491-8426  
21 performanceoneautomotive@gmail.com  
22 *Plaintiff Pro Se*  
23  
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28 <sup>1</sup> Order to Proceed in Forma Pauperis attached as Exhibit 1.

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of September, 2021, I served a true and correct copy of the foregoing *Notice of Appeal*, via the Court designated electronic service and/or U.S. Mail, first class postage prepaid, addressed to the following:

HOUSER, LLP  
Jeffrey S. Allison, Esq.  
6671 S. Las Vegas Boulevard  
Las Vegas, Nevada 89119  
Email: [jallison@houser-law.com](mailto:jallison@houser-law.com)  
*Attorney for:*  
*Ocwen Loan Servicing, LLC;*  
*PHH Mortgage Corporation;*  
*Western Progressive-Nevada, Inc.*

FOX ROTHSCHILD, LLP  
Kevin M. Sutehall, Esq.  
John L. Grossman, Esq.  
1980 Festival Plaza Drive Ste. 700  
Las Vegas, Nevada 89135  
[ksutehall@foxrothschild.com](mailto:ksutehall@foxrothschild.com)  
[jgrossman@foxrothschild.com](mailto:jgrossman@foxrothschild.com)  
*Attorneys for U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3*

By: /s/ Tyrone K. Armstrong  
TYRONE K. ARMSTRONG  
3713 Brentcove Drive  
North Las Vegas, Nevada 89032  
(702) 491-8426  
[performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)  
*Plaintiff Pro Se*

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# EXHIBIT 1

OIFP

Name: Tyrone Keith Armstrong  
Address: 3713 Brentcove Drive  
City, State, Zip: N. Las Vegas, NV  
Phone: (702) 491-8426  
Email: performanceoneautomotive  
Self-Represented

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Tyrone K. Armstrong  
Plaintiff,  
  
vs.  
U.S. Bank, N.A., et. al.  
Defendant.

CASE NO.: A-19-796941-C  
DEPT: XVIII

**Order to Proceed in Forma Pauperis**

Upon consideration of the movant's Application to Proceed in Forma Pauperis, and it appearing that there is not sufficient income, property, or resources with which to maintain the action, and good cause appearing therefore:

**IT IS HEREBY ORDERED** that (name) Tyrone Keith Armstrong  
shall be permitted to proceed In Forma Pauperis with this action pursuant to the terms of this Order.

**IT IS FURTHER ORDERED** that if the above-named party prevails in this action, the Court shall enter an order pursuant to NRS 12.015 requiring the opposing party to pay the Court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

**IT IS FURTHER ORDERED** that the above-named party shall be permitted to commence or defend the action without costs. The Clerk of Court shall file or issue any necessary writ, process, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this State shall make personal service of any necessary writ, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that this Order shall not apply to costs for transcripts or recordings of court proceedings. A separate application and order shall be required to waive any such fees.

**IT IS FURTHER ORDERED** that this Order shall expire one year from the date the Order is filed. The party shall be required to reapply for any further waiver after this Order expires.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. **Dated this 22nd day of December, 2020**

*Mary Kay Holthus*

DISTRICT COURT JUDGE  
**BBB 07E 3737 1046**  
**Mary Kay Holthus**  
**District Court Judge**

Respectfully Submitted:

(Signature) \_\_\_\_\_

(Printed Name) Tyrone Keith Armstrong

In Proper Person

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

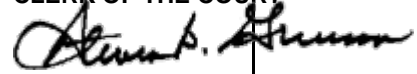
4		
5		
6	Tyrone Armstrong, Plaintiff(s)	CASE NO: A-19-796941-C
7	vs.	DEPT. NO. Department 18
8	US Bank National Association,	
9	Defendant(s)	

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/22/2020

15	Kevin Sutehall	ksutehall@foxrothschild.com
16	Jeffrey Allison	jallison@houser-law.com
17	Jeffrey Allison	jallison@houser-law.com
18	Jeffrey Allison	jallison@houser-law.com
19	Jeffrey Allison	jallison@houser-law.com
20	Jeffrey Allison	jallison@houser-law.com
21	Tyrone Armstrong	performanceoneautomotive@gmail.com
22	Doreen Loffredo	dloffredo@foxrothschild.com
23	John Grossman	jgrossman@foxrothschild.com
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ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK**

TYRONE KEITH ARMSTRONG,

Plaintiff(s),

vs.

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee for Structured Asset Securities Corporation  
Mortgage Pass-Through Certificates, Series 2007-  
BC3; OCWEN LOAN SERVICING, LLC; PHH  
MORTGAGE CORPORATION; WESTERN  
PROGRESSIVE-NEVADA, INC.,

Defendant(s),

Case No: A-19-796941-C

Dept No: XVIII

**CASE APPEAL STATEMENT**

1. Appellant(s): Tyrone K. Armstrong

2. Judge: Mary Kay Holthus

3. Appellant(s): Tyrone K. Armstrong

Counsel:

Tyrone K. Armstrong  
3713 Brentcove Dr.  
North Las Vegas, NV 89032

4. Respondent (s): U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3



1 Counsel:

2 Mark J. Connot, Esq.  
3 1980 Festival Plaza Dr., Ste 700  
4 Las Vegas, NV 89135

5 Respondent (s): Ocwen Loan Servicing, LLC; PHH Mortgage Corporation; Western Progressive-  
6 Nevada, Inc.

7 Counsel:

8 Jeffrey S. Allison, Esq.  
9 9970 Research Dr.  
10 Irvine, CA 92675

11 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
12 Permission Granted: N/A

13 Respondent(s)'s Attorney Licensed in Nevada: Yes  
14 Permission Granted: N/A

15 Respondent(s)'s Attorney Licensed in Nevada: Yes  
16 Permission Granted: N/A

17 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

18 7. Appellant Represented by Appointed Counsel On Appeal: N/A

19 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, December 22, 2020  
20 \*\*Expires 1 year from date filed

21 Appellant Filed Application to Proceed in Forma Pauperis: No  
22 Date Application(s) filed: N/A

23 9. Date Commenced in District Court: June 18, 2019

24 10. Brief Description of the Nature of the Action: Appeal from Lower Court

25 Type of Judgment or Order Being Appealed: Summary Judgment

26 11. Previous Appeal: No

27 Supreme Court Docket Number(s): N/A

28 12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

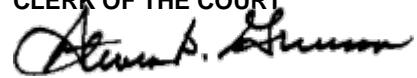
1 Dated This 21 day of September 2021.

2 Steven D. Grierson, Clerk of the Court

3  
4 /s/ Amanda Hampton

5 Amanda Hampton, Deputy Clerk  
6 200 Lewis Ave  
7 PO Box 551601  
8 Las Vegas, Nevada 89155-1601  
9 (702) 671-0512

10 cc: Tyrone K. Armstrong



1 **RTPR**

2 TYRONE KEITH ARMSTRONG

3 3713 Brentcove Drive

4 North Las Vegas, Nevada 89032

5 Telephone: (702) 491-8426

6 Email: [performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)

7 *Plaintiff Pro Se*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 TYRONE KEITH ARMSTRONG, )

Case No: A-19-796941-C

11 Plaintiff, )

Dept No: XVIII

12 )  
13 vs. )

14 U.S. BANK NATIONAL )

15 ASSOCIATION, as Trustee for )

16 Structured Asset Securities )

17 Corporation Mortgage Pass-Through )

18 Certificates, Series 2007-BC3; )

19 OCWEN LOAN SERVICING, LLC; )

20 PHH MORTGAGE CORPORATION;) )

21 WESTERN PROGRESSIVE- )

22 NEVADA, INC.; DOES 1 through 20;) )

23 and ROE BUSINESS ENTITIES 1 )

through 20; )

24 Defendants. )

25 **REQUEST FOR TRANSCRIPTS OF PROCEEDINGS**

26 TO: YVETTE G. SISON, COURT RECORDER

1 TYRONE KEITH ARMSTRONG, plaintiff named above, requests  
2 preparation of a transcript of the proceedings before the district court as follows:

3 Judge hearing the proceeding: Honorable Mary K. Holthus  
4

5 Eighth Judicial District Court, Case Number A-19-796941-C, Department 18:

6 **June 02, 2021**  
7

8 Number of copies required: 1

9 This notice requests a transcript of only those portions of the district court  
10 proceedings that Plaintiff reasonably and in good faith believes are necessary to  
11 determine whether appellate issues are present.  
12

13 I recognize that I must serve a copy of this form on the above named court  
14 reporter and opposing counsel, and that the above named court reporter shall have  
15 twenty-one (21) days from the receipt of this notice to prepare and submit to the  
16 district court the transcript requested herein.  
17  
18

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1 I hereby certify that on September 13, 2021, I ordered the transcripts listed  
2 above from the court reporter named above, and paid the required deposit on  
3 September 14, 2021.  
4

5 **DATED** this 15<sup>th</sup> day of September, 2021.  
6

7  
8 By: /s/ Tyrone K. Armstrong  
9 TYRONE K. ARMSTRONG  
10 3713 Brentcove Drive  
11 North Las Vegas, Nevada 89032  
12 (702) 491-8426  
13 performanceoneautomotive@gmail.com  
14 *Plaintiff Pro Se*  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of September, 2021, I served a true and correct copy of the foregoing *Request for Transcript of Proceedings*, via the Court designated electronic service and/or U.S. Mail, first class postage prepaid, addressed to the following:

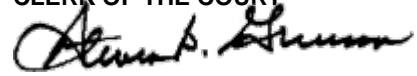
HOUSER, LLP  
Jeffrey S. Allison, Esq.  
6671 S. Las Vegas Boulevard  
Las Vegas, Nevada 89119  
Email: [jallison@houser-law.com](mailto:jallison@houser-law.com)  
*Attorney for:*  
*Ocwen Loan Servicing, LLC;*  
*PHH Mortgage Corporation;*  
*Western Progressive-Nevada, Inc.*

FOX ROTHSCHILD, LLP  
Kevin M. Sutehall, Esq.  
John L. Grossman, Esq.  
1980 Festival Plaza Drive Ste. 700  
Las Vegas, Nevada 89135  
[ksutehall@foxrothschild.com](mailto:ksutehall@foxrothschild.com)  
[jgrossman@foxrothschild.com](mailto:jgrossman@foxrothschild.com)  
*Attorneys for U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3*

Via Email to the following:

YVETTE G. SISON, COURT RECORDER  
[sisony@clarkcountycourts.us](mailto:sisony@clarkcountycourts.us)

By: /s/ Tyrone K. Armstrong  
TYRONE K. ARMSTRONG  
3713 Brentcove Drive  
North Las Vegas, Nevada 89032  
(702) 491-8426  
[performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)  
*Plaintiff Pro Se*



1 **NPNR**

2 **TYRONE KEITH ARMSTRONG**

3 3713 Brentcove Drive

4 North Las Vegas, Nevada 89032

5 Telephone: (702) 491-8426

6 Email: [performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)

7 *Plaintiff Pro Se*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 **TYRONE KEITH ARMSTRONG,** )

Case No: A-19-796941-C

11 )  
12 Plaintiff, )

Dept No: XVIII

13 vs. )

14 )  
15 **U.S. BANK NATIONAL** )

16 **ASSOCIATION, as Trustee for** )

17 **Structured Asset Securities** )

18 **Corporation Mortgage Pass-Through** )

19 **Certificates, Series 2007-BC3;** )

20 **OCWEN LOAN SERVICING, LLC;** )

21 **PHH MORTGAGE CORPORATION;**)

22 **WESTERN PROGRESSIVE-** )

23 **NEVADA, INC.; DOES 1 through 20;**)

24 **and ROE BUSINESS ENTITIES 1** )

through 20; )

25 **Defendants.** )

26 **NOTICE OF POSTING AND ACCEPTANCE**  
27 **OF COST/SUPERSEDEAS BOND ON APPEAL**  
28

1 WHEREAS, a judgment was entered in the above-captioned case, on  
2 August 25, 2021, in favor of Defendant and against Plaintiff; a notice of entry of  
3 order was entered on August 26, 2021; and a Notice of Appeal was filed on  
4 September 15, 2021, with appropriate fees or waivers.  
5

6 NOW THEREFORE, Appellant Tyrone Keith Armstrong posts his  
7 cost/supersedeas bond in the amount of \$500.00 in accordance with NRCP  
8 62(d)(1), NRAP 7 and/or NRAP 8(a)(1);<sup>1</sup> and all other fees and security are waived  
9 in accordance with the Order to Proceed in Forma Pauperis entered herein on  
10 December 22, 2020.<sup>2</sup>  
11

12 **DATED** this 15<sup>th</sup> day of September, 2021.  
13

14  
15 By: /s/ Tyrone K. Armstrong  
16 TYRONE K. ARMSTRONG  
17 3713 Brentcove Drive  
18 North Las Vegas, Nevada 89032  
19 (702) 491-8426  
20 [performanceautomotive@gmail.com](mailto:performanceautomotive@gmail.com)  
21 *Plaintiff Pro Se*  
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27 <sup>1</sup> Proof of Payment of supersedeas bond attached as Exhibit 1.

28 <sup>2</sup> Order to Proceed in Forma Pauperis entered on 12/22/2020 attached as Exhibit 2.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 15<sup>th</sup> day of September, 2021, I served a true and correct copy of the foregoing *Notice of Posting and Acceptance of Cost/Supersedeas Bond*, via the Court designated electronic service and/or U.S. Mail, first class postage prepaid, addressed to the following:

HOUSER, LLP  
Jeffrey S. Allison, Esq.  
6671 S. Las Vegas Boulevard  
Las Vegas, Nevada 89119  
Email: [jallison@houser-law.com](mailto:jallison@houser-law.com)  
*Attorney for:*  
*Ocwen Loan Servicing, LLC;*  
*PHH Mortgage Corporation;*  
*Western Progressive-Nevada, Inc.*

FOX ROTHSCHILD, LLP  
Kevin M. Sutehall, Esq.  
John L. Grossman, Esq.  
1980 Festival Plaza Drive Ste. 700  
Las Vegas, Nevada 89135  
[ksutehall@foxrothschild.com](mailto:ksutehall@foxrothschild.com)  
[jgrossman@foxrothschild.com](mailto:jgrossman@foxrothschild.com)  
*Attorneys for U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3*

By: /s/ Tyrone K. Armstrong  
TYRONE K. ARMSTRONG  
3713 Brentcove Drive  
North Las Vegas, Nevada 89032  
(702) 491-8426  
[performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)  
*Plaintiff Pro Se*

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# EXHIBIT 1

# OFFICIAL RECEIPT

District Court Clerk of the Court 200 Lewis Ave, 3rd Floor Las Vegas, NV 89101

Payor  
America First Credit Union

Receipt No.  
**2021-57329-CCCLK**

Transaction Date  
09/15/2021

Description		Amount Paid
On Behalf Of Armstrong, Tyrone Keith		
A-19-796941-C		
Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)		
Appeal Bond		
Appeal Bond		500.00
SUBTOTAL		500.00
PAYMENT TOTAL		500.00
Cashier Check (Ref #135048754) Tendered		
		500.00
Total Tendered		500.00
Change		0.00
09/15/2021	Cashier	Audit
12:04 PM	Station AIKO	37941903

## OFFICIAL RECEIPT



America First Federal Credit Union  
P.O. Box 9199 • Ogden, Utah 84409

THIS DOCUMENT HAS A TRUE WATERMARK AND HOLOGRAM.  
ABSENCE OF THESE FEATURES WILL INDICATE A COPY.



# Official Check

Cashier's Check

49-55  
1031

No. 135048754

Date: 08/30/21

Void After 90 Days

PAY Five Hundred Dollars And 00/100 Cents

\*\*\*\$500.00\*\*\*

TO  
THE  
ORDER  
OF  
CLERK OF THE COURT

Payable through BOKF, NA EUFAULA, OK

MEMO: Supersedeas Bond; A-19-796941-C

Thayne Shaffer

⑈ 135048754 ⑈ ⑆ 103100551 ⑆ 0140012839269 ⑈

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# EXHIBIT 2

OIFP

Name: Tyrone Keith Armstrong  
Address: 3713 Brentcove Drive  
City, State, Zip: N. Las Vegas, NV  
Phone: (702) 491-8426  
Email: performanceoneautomotive  
Self-Represented

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Tyrone K. Armstrong  
Plaintiff,  
  
vs.  
U.S. Bank, N.A., et. al.  
Defendant.

CASE NO.: A-19-796941-C  
DEPT: XVIII

**Order to Proceed in Forma Pauperis**

Upon consideration of the movant's Application to Proceed in Forma Pauperis, and it appearing that there is not sufficient income, property, or resources with which to maintain the action, and good cause appearing therefore:

**IT IS HEREBY ORDERED** that (name) Tyrone Keith Armstrong  
shall be permitted to proceed In Forma Pauperis with this action pursuant to the terms of this Order.

**IT IS FURTHER ORDERED** that if the above-named party prevails in this action, the Court shall enter an order pursuant to NRS 12.015 requiring the opposing party to pay the Court, within five (5) days, the costs which would have been incurred by the prevailing party, and those costs must then be paid as provided by law.

**IT IS FURTHER ORDERED** that the above-named party shall be permitted to commence or defend the action without costs. The Clerk of Court shall file or issue any necessary writ, process, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that the Sheriff or other appropriate officer within this State shall make personal service of any necessary writ, pleading, or paper without charge.

**IT IS FURTHER ORDERED** that this Order shall not apply to costs for transcripts or recordings of court proceedings. A separate application and order shall be required to waive any such fees.

**IT IS FURTHER ORDERED** that this Order shall expire one year from the date the Order is filed. The party shall be required to reapply for any further waiver after this Order expires.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. **Dated this 22nd day of December, 2020**

*Mary Kay Holthus*

DISTRICT COURT JUDGE  
**BBB 07E 3737 1046**  
**Mary Kay Holthus**  
**District Court Judge**

Respectfully Submitted:

(Signature) \_\_\_\_\_

(Printed Name) Tyrone Keith Armstrong

In Proper Person

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Tyrone Armstrong, Plaintiff(s) | CASE NO: A-19-796941-C  
7 vs. | DEPT. NO. Department 18  
8 US Bank National Association,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 12/22/2020

15 Kevin Sutehall ksutehall@foxrothschild.com  
16 Jeffrey Allison jallison@houser-law.com  
17 Jeffrey Allison jallison@houser-law.com  
18 Jeffrey Allison jallison@houser-law.com  
19 Jeffrey Allison jallison@houser-law.com  
20 Jeffrey Allison jallison@houser-law.com  
21 Tyrone Armstrong performanceoneautomotive@gmail.com  
22 Doreen Loffredo dloffredo@foxrothschild.com  
23 John Grossman jgrossman@foxrothschild.com  
24  
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## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-19-796941-C**

**Tyrone Armstrong, Plaintiff(s)**  
**vs.**  
**US Bank National Association, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 18**  
 Judicial Officer: **Holthus, Mary Kay**  
 Filed on: **06/18/2019**  
 Cross-Reference Case Number: **A796941**

**CASE INFORMATION**Case Type: **Other Title to Property**

Case  
Status: **06/18/2019 Open**

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-19-796941-C  
 Court Department 18  
 Date Assigned 06/18/2019  
 Judicial Officer Holthus, Mary Kay

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Armstrong, Tyrone Keith</b>	<b>Pro Se</b> 702-491-8426(H)
<b>Defendant</b>	<b>BNC Mortgage Inc</b> Removed: 04/23/2020 Dismissed	
	<b>Ocwen Loan Servicing LLC</b>	<b>Allison, Jeffrey S.</b> <i>Retained</i> 949-679-1111(W)
	<b>PHH Mortgage Corporation</b> Removed: 08/25/2021 Dismissed	<b>Allison, Jeffrey S.</b> <i>Retained</i> 949-679-1111(W)
	<b>US Bank National Association</b>	<b>Connot, Mark J</b> <i>Retained</i> 702-262-6899(W)
	<b>Western Progressive-Nevada Inc</b>	<b>Allison, Jeffrey S.</b> <i>Retained</i> 949-679-1111(W)
<b>Counter Claimant</b>	<b>US Bank National Association</b>	<b>Connot, Mark J</b> <i>Retained</i> 702-262-6899(W)
<b>Counter Defendant</b>	<b>Armstrong, Tyrone Keith</b>	<b>Pro Se</b> 702-491-8426(H)
<b>Subpoena'd (Non) Party</b>	<b>First American Title Insurance Company</b>	<b>Maurice, Aaron R.</b> <i>Retained</i> 702-463-7616(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

06/18/2019



Complaint

# CASE SUMMARY

CASE NO. A-19-796941-C

	<p>Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[1] Verified Complaint</i></p>
06/18/2019	<p> Initial Appearance Fee Disclosure            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[2] Initial Appearance Fee Disclore</i></p>
06/18/2019	<p> Lis Pendens            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[3] Lis Pendens</i></p>
06/19/2019	<p> Complaint            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[4]</i></p>
06/25/2019	<p> Ex Parte            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[5] Ex Parte Motion for a Temporary Restraining Order; or Alternatively for an Order to Show Cause</i></p>
06/26/2019	<p> Ex Parte Application            Party: Counter Defendant Armstrong, Tyrone Keith  <i>[6] Ex Parte Application for an Order Shortening Time</i></p>
06/27/2019	<p> Clerk's Notice of Hearing  <i>[7] Notice of Hearing</i></p>
06/27/2019	<p> Application to Proceed in Forma Pauperis            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[8] Application to Proceed in Forma Pauperis</i></p>
06/27/2019	<p> Order to Proceed In Forma Pauperis            Granted for: Counter Defendant Armstrong, Tyrone Keith  <i>[9] Order to Proceed in Forma Pauperis</i></p>
06/28/2019	<p> Temporary Restraining Order            Filed by: Counter Defendant Armstrong, Tyrone Keith  <i>[10] Order Granting Plaintiff Tyrone Keith Armstrong's Temporary Restraining Order</i></p>
06/28/2019	<p> Notice of Entry of Order  <i>[11] Notice of Entry of TRO</i></p>
06/28/2019	<p> Notice of Posting of Cost Bond  <i>[12] Notice of Posting of Cost Bond</i></p>
06/28/2019	<p> Summons  <i>[13] Summons</i></p>
07/05/2019	<p> Affidavit of Service            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[14] U.S. Bank, N.A.; Ocwen Loan Servicing, LLC; PHH Mortgage Corporation; Western Progressive-Nevada, Inc.; BNC Mortgage, Inc.</i></p>
07/07/2019	<p> Notice of Posting</p>

# CASE SUMMARY

CASE NO. A-19-796941-C

	<p>Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[15] Notice of Posting of Summons</i></p>
07/07/2019	<p> Notice of Posting            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[16] Notice of Posting of Summons</i></p>
07/09/2019	<p> Opposition            Filed By: Counter Claimant US Bank National Association; Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc  <i>[17] Opposition to Ex Parte Motion for and Order to Show Cause re Preliminary Injunction</i></p>
07/09/2019	<p> Initial Appearance Fee Disclosure            Filed By: Counter Claimant US Bank National Association; Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc  <i>[18] Initial Appearance Fee Disclosure</i></p>
07/22/2019	<p> Motion to Dismiss            Filed By: Counter Claimant US Bank National Association; Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc  <i>[19] Notice of Motion and Motion to Dismiss Complaint</i></p>
07/22/2019	<p> Request for Judicial Notice            Filed By: Counter Claimant US Bank National Association; Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc  <i>[20] Request for Judicial Notice in Support of Motion to Dismiss Complaint</i></p>
07/22/2019	<p> Clerk's Notice of Hearing  <i>[21] Notice of Hearing</i></p>
07/31/2019	<p> Declaration            Filed By: Counter Claimant US Bank National Association; Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc  <i>[22] Declaration of Non-Monetary Status of Defendant</i></p>
08/01/2019	<p> Notice of Withdrawal            Filed by: Counter Defendant Armstrong, Tyrone Keith  <i>[23] Notice of Withdrawal</i></p>
08/04/2019	<p> Objection            Filed By: Counter Defendant Armstrong, Tyrone Keith  <i>[24] Plaintiff's Objection to Defendants' Request for Judicial Notice</i></p>
08/05/2019	<p> Miscellaneous Filing            Filed by: Counter Defendant Armstrong, Tyrone Keith  <i>[25] Plaintiff's Exhibits 1-4</i></p>
08/30/2019	<p> Default            Filed By: Counter Defendant Armstrong, Tyrone Keith            Default Prty: Defendant BNC Mortgage Inc  <i>[26]</i></p>

# CASE SUMMARY

CASE NO. A-19-796941-C

09/05/2019	 Opposition and Countermotion Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[27] Plaintiff's Opposition to Motion to Dismiss and Countermotion for Summary Judgment; or Alternatively Motion for Continuance Under NRCP 56(d)</i>
09/06/2019	 Clerk's Notice of Hearing <i>[28] Notice of Hearing</i>
09/06/2019	 Certificate of Mailing Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[29] BNC Mortgage, Inc.</i>
09/10/2019	 Notice of Hearing Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[30] Notice of Hearing of Prove Up</i>
09/10/2019	 Application for Default Judgment Party: Counter Defendant Armstrong, Tyrone Keith <i>[31] Application for Default Judgment Against BNC Mortgage, Inc. and Prove Up Hearing</i>
09/11/2019	 Clerk's Notice of Hearing <i>[32] Notice of Hearing</i>
09/11/2019	 Clerk's Notice of Hearing <i>[33] Notice of Hearing</i>
09/11/2019	 Certificate of Mailing Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[34] BNC Mortgage, Inc. - Notice of Hearing 10/23/2019 at 9:00am</i>
09/12/2019	 Notice of Rescheduling <i>[35] Notice of Rescheduling</i>
09/20/2019	 Notice of Bankruptcy Filed By: Defendant BNC Mortgage Inc <i>[36] Notice of Bankruptcy</i>
09/20/2019	 Initial Appearance Fee Disclosure Filed By: Defendant BNC Mortgage Inc <i>[37] Defendant BNC Mortgage LLC Incorrectly Designated in the Caption as BNC Mortgage, Inc. Initial Appearance Fee Disclosure</i>
09/27/2019	 Substitution of Attorney Filed by: Counter Claimant US Bank National Association <i>[38] Substitution of Counsel</i>
10/01/2019	 Reply Filed by: Counter Claimant US Bank National Association; Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc <i>[39] Reply to Opposition to Motion to Dismiss Complaint; Opposition to Counter-Motion for Summary Judgment</i>

# CASE SUMMARY

CASE NO. A-19-796941-C

10/13/2019	 Reply to Opposition Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[40] Plaintiff's Reply to Opposition to Countermotion for Summary Judgment</i>
10/15/2019	 Notice of Rescheduling <i>[41] Notice of Rescheduling</i>
11/04/2019	 Status Report Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[42] Status Report Re: Relief from Bankruptcy Automatic Stay</i>
11/06/2019	 Reply in Support Filed By: Counter Claimant US Bank National Association <i>[43] Reply in Support of Motion to Dismiss Complaint; Joinder to Co-Defendants' Reply and Opposition; and Opposition to Counter-Motion for Summary Judgment</i>
11/08/2019	 Motion to Strike <i>[44] Plaintiff's Motion to Strike Defendant U.S. Bank's Reply Filed on November 06, 2019; and Ex Parte Motion for an Order Shortening Time</i>
11/08/2019	 Order Shortening Time <i>[45] Order Shortening Time</i>
11/08/2019	 Notice of Entry of Order <i>[46] Notice of Entry of Order Shortening Time</i>
11/12/2019	 Opposition to Motion Filed By: Counter Claimant US Bank National Association <i>[47] Defendant U.S. Bank National Association's Opposition to Plaintiff's Motion to Strike Reply Filed on November 6, 2019; and Ex Parte Motion for an Order Shortening Time</i>
11/18/2019	 Notice of Withdrawal Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[48] Notice of Withdrawal</i>
11/25/2019	 Order Filed By: Counter Claimant US Bank National Association <i>[49] Order on Defendants' Motion to Dismiss Complaint; Plaintiff's Opposition and Countermotion for Summary Judgment; and Plaintiff's Motion to Strike Defendant U.S. Bank National Association's Reply Filed on November 6, 2019</i>
11/25/2019	 Notice of Entry of Order Filed By: Counter Claimant US Bank National Association <i>[50] Notice of Entry of Order on Defendants' Motion to Dismiss Complaint; Plaintiff's Opposition and Countermotion for Summary Judgment; and Plaintiff's Motion to Strike Defendant U.S. Bank National Association's Reply Filed on November 6, 2019</i>
12/09/2019	 Answer to Complaint Filed by: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc <i>[51] Answer to Complaint</i>
12/10/2019	 Answer to Complaint Filed by: Counter Claimant US Bank National Association <i>[52] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities</i>

# CASE SUMMARY











CASE NO. A-19-796941-C

*Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's Answer to Complaint*

12/14/2019	 Notice of Early Case Conference Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[53] Notice of Early Case Conference</i>
01/21/2020	 Status Report Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[54] Status Report Re: Defendant BNC Mortgage, Inc.</i>
01/29/2020	 Notice of Change of Firm Name Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc <i>[55] Notice of Change of Firm Name</i>
02/06/2020	 Defendants Case Conference Report Filed By: Counter Claimant US Bank National Association; Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc <i>[56] Defendants' Case Conference Report</i>
02/07/2020	 Early Case Conference Report Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[57] Plaintiff's Individual Case Conference Report</i>
02/12/2020	 Status Report Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[58] Status Report Re: Wire Transfer and/or Negotiated Check</i>
02/25/2020	 Offer of Judgment Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[59] Offer of Judgment</i>
04/06/2020	 Order <i>[60] Order Scheduling Mandatory Case Management Conference</i>
04/06/2020	 Notice of Intent to Participate Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[61] Notice of Intent to Appear by Communication Equipment</i>
04/22/2020	 Scheduling and Trial Order <i>[62] SCHEDULING ORDER and ORDER SETTING CIVIL JURY TRIAL, PRE-TRIAL CONFERENCE/CALENDAR CALL</i>
04/23/2020	 Clerk's Notice of Nonconforming Document <i>[63] Clerk's Notice of Nonconforming Document</i>
04/23/2020	 Stipulation and Order for Dismissal <i>[64] Stipulation and Order of Voluntary Dismissal RE: Defendant BNC Mortgage, Inc.</i>
04/23/2020	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[65] Notice of Entry of Order</i>

# CASE SUMMARY

CASE NO. A-19-796941-C

07/30/2020	 Stipulation and Order Filed by: Counter Claimant US Bank National Association <i>[66] Stipulation and Order Permitting Issuance of Subpoena</i>
10/13/2020	 Motion Filed By: Counter Claimant US Bank National Association <i>[67] Defendant U.S. Bank National Association, As Trustee For Structured Asset Securities Corporation Mortgage Pass- Through Certificates, Series 2007- BC3's Motion to Extend Discovery Deadlines and Trial on Order Shortening Time (First Request)</i>
10/13/2020	 Certificate of Service Filed by: Counter Claimant US Bank National Association <i>[68] Certificate of Service</i>
10/16/2020	 Motion Filed By: Counter Claimant US Bank National Association <i>[69] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion for Leave to Issue Subpoenas Duces Tecum Pursuant to NRCF 45 and Administrative Order 20-17</i>
10/16/2020	 Declaration Filed By: Counter Claimant US Bank National Association <i>[70] Declaration of Kevin M. Sutehall in Support of Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion for Leave to Issue Subpoenas Duces Tecum Pursuant to NRCF 45 and Administrative Order 20-17</i>
10/19/2020	 Clerk's Notice of Hearing <i>[71] Notice of Hearing</i>
10/19/2020	 Opposition to Motion Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[72] Plaintiff's Opposition and Evidentiary Objections to Defendant U.S. Bank's Motion to Extend Discovery Deadlines</i>
10/20/2020	 Affidavit of Service Filed By: Counter Claimant US Bank National Association <i>[73] Affidavit of Service</i>
10/20/2020	 Motion for Partial Summary Judgment Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[74] Plaintiff's Motion for Partial Summary Judgment</i>
10/21/2020	 Clerk's Notice of Hearing <i>[75] Notice of Hearing</i>
10/26/2020	 Order Granting Motion Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[76] Order Granting Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass- Through Certificates, Series 2007-BC3's Motion to Extend Discovery Deadlines and Trial on Order Shortening Time (First Request)</i>
10/26/2020	 Stipulation and Order Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[77] Stipulation and Order to Reschedule Hearing on Plaintiff's Motion for Partial Summary Judgment</i>

# CASE SUMMARY

CASE NO. A-19-796941-C

10/26/2020	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[78] Notice of Entry of Stipulation and Order</i>
10/26/2020	 Motion for Protective Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[79] Objection to Defendant U.S. Bank's Motion to Issue Subpoena Duces Tecum and Plaintiff's Motion for Protective Order</i>
10/27/2020	 Notice of Entry of Order Filed By: Counter Claimant US Bank National Association <i>[80] Notice of Entry of Order</i>
10/27/2020	 Application to Proceed in Forma Pauperis Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[81] Application to Proceed in Forma Pauperis</i>
11/09/2020	 Reply in Support Filed By: Counter Claimant US Bank National Association <i>[82] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Reply in Support of Motion for Leave to Issue Subpoenas Duces Tecum Pursuant to NRCP 45 and Administrative Order 20-17; and Opposition to Plaintiff's "Motion for Protective Order"</i>
11/16/2020	 Motion to Compel Filed By: Counter Claimant US Bank National Association <i>[83] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong</i>
11/16/2020	 Clerk's Notice of Hearing <i>[84] Notice of Hearing</i>
11/16/2020	 Reply to Opposition Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[85] Reply to Defendant U.S. Bank's Opposition to Plaintiff's Motion for Protective Order</i>
11/16/2020	 Subpoena Electronically Issued Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[86] Subpoena Duces Tecum</i>
11/23/2020	 Motion for Protective Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[87] Objection to Defendant U.S. Bank's Motion to Compel NRCP 35 Examination Upon Plaintiff and Motion for Protective Order</i>
11/24/2020	 Affidavit of Service Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[88] Affidavit of Service</i>
11/25/2020	 Clerk's Notice of Hearing <i>[89] Notice of Hearing</i>
12/07/2020	



# CASE SUMMARY

CASE NO. A-19-796941-C

	 Motion for Leave to File <i>[90] Motion for Leave to File First Amended Complaint</i>
12/07/2020	 Motion to Consolidate Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[91] Motion to Consolidate Hearing Dates</i>
12/07/2020	 Clerk's Notice of Hearing <i>[92] Notice of Hearing</i>
12/07/2020	 Clerk's Notice of Hearing <i>[93] Notice of Hearing</i>
12/08/2020	 Order Shortening Time Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[94] Order Shortening Time on Motion for Protective Order Originally Scheduled for 12/29/20</i>
12/08/2020	 Ex Parte Application Party: Counter Defendant Armstrong, Tyrone Keith <i>[95] Ex Parte Application for an Order Shortening Time on Motion for Protective Order</i>
12/08/2020	 Notice of Entry of Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[96] Notice of Entry of Order</i>
12/09/2020	 Reply in Support Filed By: Counter Claimant US Bank National Association <i>[97] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Reply in Support of Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong</i>
12/09/2020	 Response Filed by: Counter Claimant US Bank National Association <i>[98] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Response to Plaintiff's Objection to Defendant U.S. Bank's Motion to Compel NRCP 35 Examination Upon Plaintiff and Motion for Protective Order</i>
12/14/2020	 Ex Parte Application Party: Counter Defendant Armstrong, Tyrone Keith <i>[99] Ex Parte Application for an Order Shortening Time on Motion to Take Leave to Amend Complaint</i>
12/15/2020	 Notice of Rescheduling of Hearing <i>[100] Notice of Rescheduling Hearing</i>
12/16/2020	 Declaration Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[101] Declaration of Plaintiff Tyrone Keith Armstrong in Support of Compliance with the Discovery Commissioner's Order of November 24, 2020</i>
12/17/2020	 Discovery Commissioners Report and Recommendations <i>[102] Discovery Commissioner s Report and Recommendations -Originals</i>

# CASE SUMMARY

CASE NO. A-19-796941-C

12/18/2020	 Response Filed by: Counter Claimant US Bank National Association <i>[103] Defendant U.S. Bank National Association, As Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's Response to Plaintiff's Motion for Leave to File First Amended Complaint; and Countermotion for Extension of Discovery Deadlines (Second Request)</i>
12/21/2020	 Joinder Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc <i>[104] Joinder to Defendant U.S. Bank National Associates, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's Response to Plaintiff's Motion for Leave to File First Amended Complaint; and Countermotion for Extension of Discovery Deadlines</i>
12/22/2020	 Order to Proceed In Forma Pauperis Granted for: Counter Defendant Armstrong, Tyrone Keith <i>[105] Order to Proceed In Forma Pauperis</i>
12/23/2020	 Subpoena Electronically Issued Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[106] Subpoena Duces Tecum: First American Title Insurance Company</i>
12/30/2020	 Affidavit of Service Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[107] First American Title Insurance Company</i>
12/30/2020	 Opposition to Motion Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[108] Opposition to Defendants' Countermotion for Extension of Discovery Deadlines (Second Request)</i>
01/04/2021	 Order <i>[109] Order RE. Discovery Commissioner s Report and Recommendations</i>
01/12/2021	 Discovery Commissioners Report and Recommendations Filed By: Counter Claimant US Bank National Association <i>[110] Discovery Commissioner s Report and Recommendations</i>
01/12/2021	 Discovery Commissioners Report and Recommendations Filed By: Counter Claimant US Bank National Association <i>[111] Discovery Commissioner s Report and Recommendations</i>
01/15/2021	 Subpoena Electronically Issued Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[112] Subpoena Duces Tecum: Equifax</i>
01/15/2021	 Subpoena Electronically Issued Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[113] Subpoena Duces Tecum: Experian</i>
01/15/2021	 Subpoena Electronically Issued Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[114] Subpoena Duces Tecum: Trans Union LLC</i>

# CASE SUMMARY

CASE NO. A-19-796941-C

01/22/2021	 Motion to Compel Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[115] Plaintiff's Motion to Compel Production of Documents from First American Title Insurance Company</i>
01/25/2021	 Clerk's Notice of Hearing <i>[116] Notice of Hearing</i>
01/29/2021	 Order <i>[117] Order RE. Discovery Commissioner s Report and Recommendations</i>
01/29/2021	 Order <i>[118] Order RE. Discovery Commissioner s Report and Recommendations</i>
01/29/2021	 Stipulated Protective Order Filed By: Counter Claimant US Bank National Association <i>[119] Stipulated Protective Order</i>
01/29/2021	 Motion for Protective Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[120] Plaintiff's Motion for Protective Order</i>
01/30/2021	 Notice of Entry of Stipulation and Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[121] Notice of Entry of Stipulated Protective Order</i>
02/02/2021	 Clerk's Notice of Hearing <i>[122] Notice of Hearing</i>
02/03/2021	 Order Granting Motion Filed By: Counter Claimant US Bank National Association <i>[123] Order Granting Plaintiff's Motion for Leave to File First Amended Complaint and Defendant U.S. Bank National Association, As Trustee for Structured Asset Securities Corporation Mortgage Pass- Through Certificates, Series 2007- BC3's Countermotion for Extension of Discovery Deadlines ( Second Request)</i>
02/04/2021	 Opposition to Motion to Compel <i>[124] First American Title Insurance Company's Opposition to Plaintiff's Motion to Compel</i>
02/05/2021	 Notice of Entry of Order Filed By: Counter Claimant US Bank National Association <i>[125] Notice of Entry of Order</i>
02/09/2021	 Joinder to Opposition to Motion Filed by: Counter Claimant US Bank National Association <i>[126] Joinder to Opposition to Plaintiff's Motion to Compel Production of Documents from First American Title Insurance Company</i>
02/10/2021	 Recorders Transcript of Hearing <i>[127] Recorders Partial Transcript of Hearing - All Pending Motions - heard Dec. 17, 2020</i>
02/12/2021	 Opposition to Motion Filed By: Counter Claimant US Bank National Association <i>[128] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities</i>

# CASE SUMMARY

CASE NO. A-19-796941-C

*Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Opposition to Plaintiff's Motion for Protective Order*

02/12/2021



Joinder

Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc  
[129] Joinder to U.S. Bank's Opposition to Plaintiff's Motion for Protective Order

02/16/2021



Discovery Commissioners Report and Recommendations

Filed By: Counter Claimant US Bank National Association  
[130] Discovery Commissioner s Report and Recommendations -Originals

02/19/2021



Order Shortening Time

[131] Defendant U.S. Bank National Association, As Trustee for Structured Asset Securities Corporation Mortgage Passthrough Certificates, Series 2007-Bc3 S Renewed Motion to Compel Nrcp 35 Examination Of Plaintiff Tyrone Keith Armstrong Hearing On Shortened Time Requested Before Discovery Commissioner

02/19/2021



Motion to Seal/Redact Records

Filed By: Counter Claimant US Bank National Association  
[132] Motion to Seal Exhibit 2-A to Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-3B's Renewed Motion to Compel NRCP 35 Examination on Plaintiff Tyrone Keith Armstrong

02/19/2021



Filed Under Seal

Filed By: Counter Claimant US Bank National Association  
[133] SEALED PER MINUTE ORDER 2/22/21 Exhibit 2-A to Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong [Motion to Seal Filed Concurrently Herewith]

02/19/2021



Order

[134] Order RE. Discovery Commissioner s Report and Recommendations

02/22/2021



Clerk's Notice of Hearing

[135] Notice of Hearing

02/27/2021



Opposition

Filed By: Counter Defendant Armstrong, Tyrone Keith  
[136] Reply to Defendant U.S. Bank's Opposition to Plaintiff's Motion for Protective Order; and Opposition to Defendant U.S. Bank's Motion to Renew NRCP 35 Examination

02/27/2021



First Amended Complaint

Filed By: Counter Defendant Armstrong, Tyrone Keith  
[137] Plaintiff's First Amended Complaint

03/03/2021



Notice of Withdrawal

Filed by: Counter Defendant Armstrong, Tyrone Keith  
[138] Notice of withdrawal

03/03/2021



Subpoena Electronically Issued

Filed by: Counter Defendant Armstrong, Tyrone Keith  
[139] Amended Subpoena Duces Tecum

03/08/2021



Receipt of Copy

# CASE SUMMARY

CASE NO. A-19-796941-C

Filed by: Counter Defendant Armstrong, Tyrone Keith  
[140] Subpoena Duces Tecum: First American Title Insurance Company

03/12/2021	 Answer and Counterclaim Filed By: Counter Claimant US Bank National Association [141] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Answer to Plaintiff's First Amended Complaint and Counterclaim
03/15/2021	 Answer Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation [142] Answer to First Amended Complaint
03/15/2021	 Declaration Filed By: Defendant Western Progressive-Nevada Inc [143] Declaration of Non-Monetary Status re First Amended Complaint
03/15/2021	 Subpoena Electronically Issued Filed by: Counter Defendant Armstrong, Tyrone Keith [144] Subpoena Duces Tecum: Nationwide Legal Nevada, LLC
03/15/2021	 Notice Filed By: Defendant Western Progressive-Nevada Inc [145] Notice of Amendment to Declaration of Non-Monetary Status
03/18/2021	 Notice of Change of Hearing [146] Notice of Change of Hearing
03/18/2021	 Notice of Change of Hearing [147] Amended Notice of Change of Hearing
03/18/2021	 Affidavit of Service Filed By: Counter Defendant Armstrong, Tyrone Keith [148] Affidavit of Service - Nationwide Legal Nevada, LLC
03/18/2021	 Declaration Filed By: Counter Defendant Armstrong, Tyrone Keith [149] Declaration of Tyrone Keith Armstrong in Support of Due Diligence RE: Medical Records
03/26/2021	 Answer to Counterclaim Filed By: Counter Defendant Armstrong, Tyrone Keith [150] Plaintiff's Answer to Defendant U.S. Bank's Counterclaim to Plaintiff's First Amended Complaint
04/01/2021	 Declaration Filed By: Counter Defendant Armstrong, Tyrone Keith [151] Declaration of Tyrone Keith Armstrong RE: Due Diligence in Support of Medical Records; and Subpoena Return from First American Title Insurance Company
04/05/2021	 Motion for Partial Summary Judgment Filed By: Counter Defendant Armstrong, Tyrone Keith [152] Plaintiff's Amended Motion for Partial Summary Judgment Vol. 1
04/05/2021	

# CASE SUMMARY


CASE NO. A-19-796941-C


	 Motion for Partial Summary Judgment Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[153] Plaintiff's Amended Motion for Partial Summary Judgment Vol. 2 Plaintiff's Documents</i>
04/05/2021	 Request for Judicial Notice Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[154] Request for Judicial Notice in Support of Plaintiff's Amended Motion for Partial Summary Judgment</i>
04/05/2021	 Clerk's Notice of Hearing <i>[155] Notice of Hearing</i>
04/05/2021	 Ex Parte Application Party: Counter Defendant Armstrong, Tyrone Keith <i>[156] Ex Parte Application for an Order Shortening Time on Plaintiff's Amended Motion for Partial Summary Judgment Vol. 1</i>
04/12/2021	 Notice of Rescheduling of Hearing <i>[157] Notice of Rescheduling Hearing</i>
04/14/2021	 Opposition Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc <i>[158] Opposition to Plaintiff's Motion and Amended Motion for Partial Summary Judgment; Counter-Motion for Summary Judgment</i>
04/14/2021	 Response Filed by: Counter Claimant US Bank National Association <i>[159] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Response to Plaintiff's October 20, 2020 Motion for Partial Summary Judgment; and Joinder to PHH/Ocwen Opposition to Plaintiff's Motion and Amended Motion for Partial Summary Judgment; Countermotion for Summary Judgment</i>
04/15/2021	 Filing Fee Remittance Filed By: Counter Claimant US Bank National Association <i>[160] Filing Fee Remittance</i>
04/19/2021	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant US Bank National Association <i>[161] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Opposition to Plaintiff's Amended Motion for Partial Summary Judgment; and Countermotion for Summary Judgment</i>
04/19/2021	 Appendix Filed By: Counter Claimant US Bank National Association <i>[162] Appendix to Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Opposition to Plaintiff's Amended Motion for Partial Summary Judgment; and Countermotion for Summary Judgment</i>
04/19/2021	 Joinder Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation <i>[163] Joinder to Opposition to Plaintiff's Amended Motion for Partial Summary Judgment</i>
04/19/2021	 Discovery Commissioners Report and Recommendations


# CASE SUMMARY


CASE NO. A-19-796941-C


Filed By: Counter Claimant US Bank National Association  
[164] *Discovery Commissioner s Report and Recommendations*


04/19/2021  Discovery Commissioners Report and Recommendations  
[165] *Discovery Commissioner s Report and Recommendations -Originals*


04/23/2021  Ex Parte Application  
Party: Counter Defendant Armstrong, Tyrone Keith  
[166] *Plaintiff's Ex Parte Application to Take Leave to File Omnibus Motion/Response/Opposition/Reply RE: Partial Summary Judgment*

04/27/2021  Subpoena Electronically Issued  
Filed by: Counter Defendant Armstrong, Tyrone Keith  
[167] *Subpoena Duces Tecum - Clark County Recorder*

04/30/2021  Affidavit of Service  
Filed By: Counter Defendant Armstrong, Tyrone Keith  
[168] *Affidavit of Service*


05/03/2021  Notice of Change of Hearing  
[169] *Notice of Change of Hearing - (Incorrect Date)*

05/03/2021  Notice of Change of Hearing  
[170] *Amended Notice of Change of Hearing*


05/03/2021  Ex Parte Application  
Party: Counter Defendant Armstrong, Tyrone Keith  
[171] *Plaintiff's Ex Parte Application for an Extension of Time to Submit Reply to Defendants' Oppositions to Plaintiff's Amended Motion for Partial Summary Judgment, and Opposition to Defendants' Countermotions for Summary Judgment*


05/06/2021  Order  
[172] *Order RE. Discovery Commissioner s Report and Recommendations*

05/06/2021  Order  
[173] *Order RE. Discovery Commissioner s Report and Recommendations*

05/10/2021  Motion for Protective Order  
Filed By: Counter Defendant Armstrong, Tyrone Keith  
[174] *Plaintiff's Motion for Protective Order*

05/11/2021  Clerk's Notice of Hearing  
[175] *Notice of Hearing*

05/11/2021  Supplement  
Filed by: Counter Claimant US Bank National Association  
[176] *Supplement to Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's Opposition to Plaintiff's Amended Motion for Partial Summary Judgment; and Countermotion for Summary Judgment*

05/12/2021  Reply to Opposition  
Filed by: Counter Defendant Armstrong, Tyrone Keith  
[177] *Reply to Defendant U.S. Bank's Opposition to Plaintiff's Amended Motion for Partial Summary Judgment; and Opposition to Defendant's Countermotion for Summary Judgment*



# CASE SUMMARY

CASE NO. A-19-796941-C

05/12/2021



## Reply to Opposition

Filed by: Counter Defendant Armstrong, Tyrone Keith  
[178] Reply to Defendant Ocwen, PHH and Westerns' Opposition to Plaintiff's Amended Motion for Partial Summary Judgment; and Opposition to Defendants' Countermotion for Summary Judgment

05/12/2021



## Declaration

Filed By: Counter Defendant Armstrong, Tyrone Keith  
[179] Declaration of Tyrone Keith Armstrong in Support of Amended Motion for Partial Summary Judgment

05/17/2021



## Discovery Commissioners Report and Recommendations

[180] Discovery Commissioner s Report and Recommendations -Originals

05/19/2021



## Reply in Support

Filed By: Counter Claimant US Bank National Association  
[181] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Reply in Support of Countermotion for Summary Judgment

05/19/2021



## Joinder

Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc  
[182] Joinder to U.S. Bank National Association, as Trustee's Reply to Opposition to Counterclaim

05/21/2021



## Supplement

Filed by: Counter Claimant US Bank National Association  
[183] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Supplemental Reply in Support of Countermotion for Summary Judgment

05/24/2021



## Opposition to Motion For Protective Order

Filed By: Counter Claimant US Bank National Association  
[184] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Opposition to Plaintiff's Motion for Protective Order

05/24/2021



## Declaration

Filed By: Counter Claimant US Bank National Association  
[185] Declaration of Kevin M. Sutehall in Support of Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Opposition to Plaintiff's Motion for Protective Order

05/29/2021



## Supplemental

Filed by: Counter Defendant Armstrong, Tyrone Keith  
[186] Plaintiff's Supplemental Reply in Support of Motion for Partial Summary Judgment

05/31/2021



## Reply to Opposition

Filed by: Counter Defendant Armstrong, Tyrone Keith  
[187] Reply to Defendant U.S. Bank's Opposition to Plaintiff's Motion for Protective Order

06/02/2021



## Motion for Protective Order

Filed By: Counter Defendant Armstrong, Tyrone Keith  
[188] Plaintiff's Motion for Protective Order



# CASE SUMMARY

CASE NO. A-19-796941-C

06/02/2021	 Notice Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[189] Notice of Objection Re: Deposition Testimony of Trina Reynolds and Bank of America NRCF 30(b)(6) Representative</i>
06/02/2021	 Order <i>[190] Order RE. Discovery Commissioner's Report and Recommendations</i>
06/02/2021	 Clerk's Notice of Hearing <i>[191] Clerk's Notice of Hearing</i>
06/03/2021	 Notice of Withdrawal of Attorney Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[192] Notice of Withdrawal of Attorney</i>
06/16/2021	 Opposition to Motion For Protective Order Filed By: Counter Claimant US Bank National Association <i>[194] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Opposition to Plaintiff's Motion for Protective Order</i>
06/16/2021	 Declaration Filed By: Counter Claimant US Bank National Association <i>[195] Declaration of Kevin M. Sutehall in Support of Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Opposition to Plaintiff's Motion for Protective Order</i>
06/16/2021	 Supplemental Points and Authorities Filed by: Counter Claimant US Bank National Association <i>[196] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Supplemental Points and Authorities to Countermotion for Summary Judgment</i>
06/16/2021	 Supplemental Points and Authorities Filed by: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc <i>[197] Supplemental Brief Regarding Statutes of Limitations Barring First Amended Complaint; Joinder to Supplemental Points and Authorities to Countermotion for Summary Judgment</i>
06/20/2021	 Motion for Protective Order Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[198] Plaintiff's Re-Noticed Motion for Protective Order RE: Deposition Testimony of Trina Reynolds</i>
06/21/2021	 Clerk's Notice of Hearing <i>[199] Notice of Hearing</i>
06/24/2021	 Objection to Discovery Commissioners Report and Recommend Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[200] Objection to the Discovery Commissioner's Report and Recommendations of May 21, 2021; or Alternatively Motion to Amend</i>
06/30/2021	 Supplemental Points and Authorities Filed by: Counter Defendant Armstrong, Tyrone Keith

# CASE SUMMARY

CASE NO. A-19-796941-C

*[201] Plaintiff's Supplemental Points and Authorities RE: Statute of Limitations in Support of Motion for Partial Summary Judgment*

07/06/2021



Opposition to Motion For Protective Order

Filed By: Counter Claimant US Bank National Association

*[202] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Opposition to Plaintiff's Re-Noticed Motion for Protective Order Re: Deposition Testimony of Trina Reynolds*

07/06/2021



Declaration

Filed By: Counter Claimant US Bank National Association

*[203] Declaration of Kevin M. Sutehall in Support of Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Opposition to Plaintiff's Re-Noticed Motion for Protective Order Re: Deposition Testimony of Trina Reynolds*

07/08/2021



Response

Filed by: Counter Claimant US Bank National Association

*[204] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Response to Plaintiff's Objection to the Discovery Commissioner's Report and Recommendations of May 21, 2021, or Alternatively Motion to Amend*

07/08/2021



Declaration

Filed By: Counter Claimant US Bank National Association

*[205] Declaration of Kevin M Sutehall in Support of Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's Response to Plaintiff's Objection to the Discovery Commissioner's Report and Recommendations of May 21, 2021, or Alternatively Motion to Amend*

07/13/2021



Reply in Support

Filed By: Counter Claimant US Bank National Association

*[206] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Reply in Support of its Supplemental Points and Authorities to its Countermotion for Summary Judgment*

07/13/2021



Reply in Support

Filed By: Defendant Ocwen Loan Servicing LLC; Defendant PHH Mortgage Corporation; Defendant Western Progressive-Nevada Inc

*[207] Reply Re Supplemental Brief Regarding the Statutes of Limitations Barring Plaintiff's First Amended Complaint; and Joinder to Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's Reply in Support of its Supplemental Points and Authorities to Countermotions for Summary Judgment*

07/16/2021



Supplemental Brief

Filed By: Counter Claimant US Bank National Association

*[208] Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC's Supplemental Briefing Concerning Fees and Costs Incurred in Relation to Its Opposition to Plaintiff's Motion for Protective Order*

07/20/2021



Discovery Commissioners Report and Recommendations

*[209] Amended Discovery Commissioner's Report and Recommendations*

07/20/2021



Order

*[210] Order RE. Discovery Commissioner's Amended Report and Recommendations*

# CASE SUMMARY

CASE NO. A-19-796941-C

07/20/2021	 Reply to Opposition Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[211] Reply to Defendant U.S. Bank's Opposition to Plaintiff's Re-Noticed Motion for Protective Order RE: Deposition Testimony of Trina Reynolds</i>
07/20/2021	 Reply to Opposition Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[212] Reply to Defendant U.S. Bank's Response to Plaintiff's Objection to the DCR&amp;R of May 21, 2021</i>
07/23/2021	 Response Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[213] Response to Defendant U.S. Bank's Supplemental Briefing Concerning Fees and Costs</i>
07/29/2021	 Discovery Commissioners Report and Recommendations Filed By: Counter Claimant US Bank National Association <i>[214] Discovery Commissioner's Report and Recommendations</i>
08/03/2021	 Recorders Transcript of Hearing <i>[215] Recorder's Transcript Re: All Pending Motions - July 28, 2021</i>
08/16/2021	 Order Filed By: Counter Claimant US Bank National Association <i>[216] Order RE. Discovery Commissioner s Report and Recommendations</i>
08/24/2021	 Discovery Commissioners Report and Recommendations <i>[217] Discovery Commissioner s Report and Recommendations -Originals</i>
08/25/2021	 Order Granting Summary Judgment <i>[218] Order Denying Plaintiff's Amended Motion for Partial Summary Judgment and Granting Defendants' Countermotions for Summary Judgment of Statutes of Limitations Grounds</i>
08/26/2021	 Notice of Entry of Order Filed By: Counter Claimant US Bank National Association <i>[219] Notice of Entry of Order Denying Plaintiff's Amended Motion for Partial Summary Judgment and Granting Defendants' Countermotions for Summary Judgment of Statutes of Limitations Grounds</i>
09/10/2021	 Order Filed By: Counter Claimant US Bank National Association <i>[220] Order RE. Discovery Commissioner's Report and Recommendations</i>
09/15/2021	 Notice of Appeal Filed By: Counter Defendant Armstrong, Tyrone Keith <i>[221] Notice of Appeal</i>
09/15/2021	 Request Filed by: Counter Defendant Armstrong, Tyrone Keith <i>[222] Request for Transcripts of Proceedings</i>
09/15/2021	 Notice of Posting of Cost Bond Filed By: Counter Defendant Armstrong, Tyrone Keith

# CASE SUMMARY

CASE NO. A-19-796941-C

[223] Notice of Posting and Acceptance of Cost/Supersedeas Bond on Appeal

09/15/2021



Motion to Stay

Filed By: Counter Defendant Armstrong, Tyrone Keith

[224] Motion and Notice of Motion to Stay Judgment Pending Appeal Pursuant to NRCP 62(d)(1) and NRAP 7

09/16/2021



Clerk's Notice of Hearing

[225] Notice of Hearing

09/16/2021



Ex Parte Application

Party: Counter Defendant Armstrong, Tyrone Keith

[226] Ex Parte Application for an Order Shortening Time on Motion and Notice of Motion to Stay Judgment Pending Appeal Pursuant to NRCP 62(d)(1) and NRAP 7

09/17/2021



Clerk's Notice of Hearing

[227] Notice of Hearing

09/21/2021



Case Appeal Statement

Filed By: Counter Defendant Armstrong, Tyrone Keith

Case Appeal Statement

## **DISPOSITIONS**

04/23/2020

**Order of Dismissal Without Prejudice** (Judicial Officer: Holthus, Mary Kay)

Debtors: BNC Mortgage Inc (Defendant)

Creditors: Tyrone Keith Armstrong (Plaintiff)

Judgment: 04/23/2020, Docketed: 04/24/2020

08/16/2021

**Order** (Judicial Officer: Holthus, Mary Kay)

Debtors: Tyrone Keith Armstrong (Plaintiff)

Creditors: US Bank National Association (Defendant)

Judgment: 08/16/2021, Docketed: 08/17/2021

Total Judgment: 4,560.00

08/25/2021

**Summary Judgment** (Judicial Officer: Holthus, Mary Kay)

Debtors: Tyrone Keith Armstrong (Plaintiff)

Creditors: US Bank National Association (Defendant), PHH Mortgage Corporation (Defendant)

Judgment: 08/25/2021, Docketed: 08/26/2021

08/25/2021

**Order of Dismissal With Prejudice** (Judicial Officer: Holthus, Mary Kay)

Debtors: Tyrone Keith Armstrong (Plaintiff)

Creditors: US Bank National Association (Defendant), PHH Mortgage Corporation (Defendant)

Judgment: 08/25/2021, Docketed: 08/26/2021

## **HEARINGS**

07/10/2019



**Motion for Temporary Restraining Order** (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

07/10/2019, 07/31/2019, 07/31/2019

MOTION FOR TPO

Granted;

Matter Continued;

Matter Heard;

Journal Entry Details:

Jeffery Allison, Esq. present for Deft. via Conference Call. Edward Vargas, Esq. present on behalf of Deft. Court advised Mr. Allison it placed the instant matter on calendar to figure out what was going on. Mr. Allison indicated they did not receive notice of the instant hearings. Court inquired if Mr. Allison had looked into the instant case at all. Mr. Allison advised there

# CASE SUMMARY

CASE NO. A-19-796941-C

wasn't a foreclosure sale going forward and sale was on hold; therefore, as long as there was a hold nothing would take place. Colloquy between parties regarding facts of case. Court noted Mr. Armstrong stated the loan was paid in full a couple of years ago. Statements by Mr. Allison. Mr. Vargas advised Mr. Allison to follow the money and see who was making payments. Upon Court's inquiry, Mr. Allison indicated there was a Motion to Dismiss on for September 4, 2019; however, he had a conflict with date and would be requesting that Motion continued to the following week. **COURT SO ORDERED.** Court advised Mr. Allison to get any documents for Plaintiff to pursue information ahead of time. Mr. Allison requested that Plaintiff provide any documentation to show this might be fraud or identity theft, and include any conclusions that had been reached. Mr. Vargas indicated Deft. had police report, IRS identity theft claim and a claim with North Las Vegas Police Report. Mr. Vargas indicated he would send documents over. **COURT DIRECTED** Mr. Allison to take a look at the original note, where funds were released and who was making payments. **COURT FURTHER ORDERED,** Ex parte Motion for a Temporary Restraining Order was hereby **VACATED** and Motion to Dismiss was continued. Parties agreed that order would be sufficient as opposes to an Order. 9/25/19 9:00 AM **MOTION TO DISMISS;**

Granted;

Matter Continued;

Matter Heard;

Journal Entry Details:

Edward Vargas, Esq. present on for Plaintiff. Court noted there was no need for the Temporary Restraining Order (TPO) because there was no foreclosure sale. Statements by Mr. Vargas regarding foreclosure sale. Court indicated it couldn't do anything about it; however, if they tried anything again parties would have to come back and the Court would proceed accordingly. Colloquy between parties regarding case facts. Following colloquy, Ramin Zabeti spoke on behalf of Mr. Armstrong stating it appears the bank had something that resembles Mr. Armstrong's signature and driver's license which was used on loan documents. Statements by Mr. Vargas indicating fraud. Court noted **MATTER TRAILED** to look into getting the bank on the phone. **MATTER RECALLED.** Same parties present. Law Clerk advised parties the District Attorney's Office had been contacted, and noted the bank was located in California; however, they would be able to appear by phone that afternoon at 2:30 pm. **COURT ORDERED,** matter **CONTINUED** until the afternoon. 7/31/19 2:30 PM **CONTINUED: MOTION FOR TPO;**

Granted;

Matter Continued;

Matter Heard;

Journal Entry Details:

Ramin Zaeeti present on behalf of Tyrone Armstrong. Court noted it was concerned that no one from the bank would show up; further indicating the affidavit of service was filed on July 2, 2019 and the Bank filed a Motion last night, July 9, 2019. Mr. Zaeeti noted they had filed a document and served. Court inquired if Mr. Armstrong has spoke with the Bank, because the Court believed someone with the same name received a second mortgage on Mr. Armstrong's house and the Court didn't know how that could be fixed. Court noted it would keep Temporary Restraining Order (TRO) in effect; further noted, the bank filed the Motion last night, July 9, 2019 and they canceled the scheduled foreclosure sale. **COURT ORDERED,** matter **CONTINUED** for 30 days. Court noted it seemed as though there was a typo and it would try to get someone from the bank to be present. Mr. Armstrong requested an order to serve someone. Court noted it appears service had been effective; therefore, the bank had until July 23, 2019 to answer Complaint as long as they stop the sale. 7/31/19 9:00 AM **CONTINUED: MOTION FOR TEMPORARY RESTRAINING ORDER;**

08/07/2019

**CANCELED Motion for Temporary Restraining Order (9:00 AM)** (Judicial Officer: Holthus, Mary Kay)

*Vacated - Previously Decided*

*Ex Parte Motion for A Temporary Restraining Order; or Alternatively for An Order to Show Cause*

10/01/2019



**Minute Order (4:20 PM)** (Judicial Officer: Holthus, Mary Kay)

Minute Order - No Hearing Held;


Journal Entry Details:

*This COURT FINDS, Defendant BNC Mortgage, Inc., filed a Notice of Bankruptcy on September 20, 2019. Therefore, pursuant to 11 U.S.C. 362(a)(1) and (362)(a)(3) of the Bankruptcy Code, the filing of the Notice of Bankruptcy operates as a Stay of the commencement or continuation of a judicial, administrative, or other action or proceeding against the debtor. Therefore, COURT ORDERS, any action against Defendant BNC*

# CASE SUMMARY

CASE NO. A-19-796941-C

*Mortgage, Inc. is stayed and Plaintiff's Motion Prove-Up Hearing against Defendant BNC Mortgage, Inc., having been scheduled before this Court on October 23, 2019, is hereby vacated. CLERK'S NOTE: The above minute order has been distributed to: Colt B. Dodrill, Esq. - cbdodrill@wolfewyman.com and Keith Armstrong, Proper Person-performanceoneautomotive@gmail.com //10-1-19/ dy ;*

10/23/2019	<b>CANCELED Motion for Prove Up</b> (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated - Duplicate Entry Notice of Hearing of Prove Up</i>
10/23/2019	<b>CANCELED Motion for Prove Up</b> (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated Prove-up for Default Judgment Against BNC Mortgage, Inc.</i>
11/13/2019	<b>Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Notice of Motion and Motion to Dismiss Complaint; Request for Judicial Notice Denied;</i>
11/13/2019	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Plaintiff's Opposition to Motion to Dismiss and Countermotion for Summary Judgment; or Alternatively Motion for Continuance Under NRCP 56(d) Denied;</i>
11/13/2019	<b>Motion to Strike</b> (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Plaintiff's Motion to Strike Defendant US Bank's Reply Filed on November 6, 2019; and Ex Parte Motion for an Order Shortening Time Denied;</i>
11/13/2019	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Matter Heard; Journal Entry Details: Ed Vargas, Esq. present for Plaintiff in limited capacity. NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT; REQUEST FOR JUDICIAL NOTICE...PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTION FOR SUMMARY JUDGMENT; OR ALTERNATIVELY MOTION FOR CONTINUANCE UNDER NRCP 56 (d)...PLAINTIFF'S MOTION TO STRIKE DEFENDANT US BANK'S REPLY FILED ON November 6, 2019; AND EX PARTE MOTION FOR AN ORDER SHORTENING TIME Statements by Mr. Vargas. Court noted the instant case was disturbing; additionally, it didn't know what more Mr. Armstrong could do with the claims being ongoing for some time, and still the question of where the funds went. Arguments by Mr. Sutehall. Arguments by Mr. Allison. Court noted it was looking for the original note, payout or any documents. Following colloquy, COURT ORDERED, Notice of Motion and Motion to Dismiss Complaint; Request For Judicial Notice was hereby DENIED; Plaintiff's Opposition to Motion to Dismiss and Countermotion For Summary Judgment; Or Alternatively Motion For Continuance Under NRCP 56(d) was hereby DENIED; and Plaintiff's Motion To Strike Defendant Us Bank's Reply Filed On November 6, 2019; and Ex Parte Motion For An Order Shortening Time was hereby DENIED. Court FINDS more discovery needed to be completed. Parties to prepare their respective Orders and submit to opposing counsel for approval as to form and content. CLERK'S NOTE: The above minute order has been distributed to: Tyrone Armstrong (nevadastateliens@aol.com), Jeffrey Allison, Esq. (jallison@houser-law.com), and Kevin Sutehall, Esq. (ksutehall@foxrothschild.com) //11-18-19/ dy;</i>
04/15/2020	 <b>Mandatory Rule 16 Conference</b> (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Matter Heard; Journal Entry Details:  Tyrone Armstrong, Plaintiff, Jeffrey Allison, Esq. and Kevin Sutehall, Esq. present via Court Call. Mr. Sutehall indicated Plaintiff wasn't disclosing damages until the middle of October 2020. Court referred parties to Judge Wiese's Department; further, advised parties to contact Department 30 to set up a settlement conference if needed. COURT ORDERED, discovery cutoff is January 7, 2021; adding parties, amended pleadings, and initial expert disclosures DUE October 8, 2020; rebuttal expert disclosures DUE November 6, 2020; dispositive motions TO BE FILED BY February 5, 2021, trial ready date April 5, 2021. 6/16/21 9:00 AM</i>



# CASE SUMMARY

CASE NO. A-19-796941-C

CALENDAR CALL 6/28/21 1:00 PM BENCH TRIAL ;

10/21/2020



**Motion for Discovery** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

*to extend discovery deadlines on OST*

Granted;

Journal Entry Details:

*Tyrone Armstrong, Jeffrey Allison, Esq and Kevin Sutehall, Esq. present via Bluejeans video conference. Colloquy between parties. Arguments by Mr. Sutehall. Court noted trials were likely to be moved in time; therefore, ORDERED, Motion to Extend Discovery Deadlines on OST were hereby GRANTED due to COVID-19. Mr. Armstrong agreed to more time; however, requested that the Court lock counsel into a firm date. Arguments by Mr. Sutehall and Mr. Allison. Colloquy between parties regarding trial dates. Following colloquy, Court indicated it would leave dates in place with the understanding they would try to get to it. COURT FURTHER ORDERED, discovery cutoff is April 8, 2021; adding parties, amended pleadings, and initial expert disclosures DUE January 8, 2021; rebuttal expert disclosures DUE February 8, 2021; dispositive motions TO BE FILED BY May 7, 2021. COURT FURTHER ORDERED, trial date STANDS. Mr. Sutehall to prepare the Order and submit for approval as to form and content. Court inquired if Mr. Armstrong was able to get an attorney through Pro Bono, which he indicated he wasn't. 6/16/21 9:00 AM CALENDAR CALL 6/28/21 1:00 PM JURY TRIAL;*

11/24/2020

**CANCELED Motion for Leave** (9:00 AM) (Judicial Officer: Truman, Erin)

*Vacated*

*Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion for Leave to Issue Subpoenas Duces Tecum Pursuant to NRCP 45 and Administrative Order 20-17*

11/24/2020



**Motion for Protective Order** (9:00 AM) (Judicial Officer: Truman, Erin)

*Objection to Defendant U.S. Bank's Motion to Issue Subpoena Duces Tecum and Plaintiff's Motion for a Protective Order*

Granted in Part; Objection to Defendant U.S. Bank's Motion to Issue Subpoena Duces Tecum and Plaintiff's Motion for a Protective Order

Journal Entry Details:

*Mr. Armstrong stated the 2004 loan was satisfied in 2016. Argument by Mr. Armstrong. If Commissioner grants the Subpoena, can it be limited or tailored? Mr. Sutehall stated Plaintiff's Motion for Protective Order was untimely, and Mr. Armstrong opposed many forms of discovery, and a discovery continuance. Mr. Sutehall provided a history of the case; this Motion concerns a 2004 loan, and Plaintiff claims the 2004 loan was settled or satisfied on 10-26-2016, but Plaintiff failed to provide documents. Mr. Sutehall asked for documentation on the 2004 loan. Nothing further from Mr. Allison. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; alternative relief provided; Deft will Subpoena bank records from 2007 and 2016 from the entities requested; Plaintiff is allowed 30 days to obtain copies of all payments, checks to Bank of America regarding the 2004 loan; anything in bank records for BAC and Bank of America regarding the loan at issue. If Plaintiff has not provided the documents within 30 days, Commissioner may allow additional bank records to Deft. COMMISSIONER RECOMMENDED, Deft will Subpoena tax records, and utility providers to see who paid them; within 14 days, Mr. Armstrong will provide utilities account numbers for the property at issue, and the parcel number and address. Mr. Sutehall requested homeowner insurance carriers. COMMISSIONER RECOMMENDED, provide policy numbers from all carriers who maintained insurance on the property from 2004 through 2016; if information is not provided, then more bank records may be obtained from the bank. Discovery cutoff is April 2021. COMMISSIONER RECOMMENDED, Plaintiff will provide the information within two weeks, by 12-8-2020; Status Check SET. Commissioner modified the Subpoenas to the banks for January 1st through December 31st for 2007 and 2016. Mr. Sutehall to prepare the Report and Recommendations, and Plaintiff and Mr. Allison to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. 12-18-2020 9:30 a.m. Status Check: Plaintiff's compliance;*

11/24/2020

**CANCELED All Pending Motions** (9:00 AM) (Judicial Officer: Truman, Erin)

*Vacated*

12/17/2020

**Motion to Compel** (9:30 AM) (Judicial Officer: Truman, Erin)

# CASE SUMMARY

CASE NO. A-19-796941-C

*Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong*  
 Denied Without Prejudice;

12/17/2020

**Motion for Protective Order (9:30 AM)** (Judicial Officer: Truman, Erin)

*Objection to Defendant U.S. Bank's Motion to Compel NRCP 35 Examination Upon Plaintiff and Motion for Protective Order*  
 Granted in Part;

12/17/2020



**All Pending Motions (9:30 AM)** (Judicial Officer: Truman, Erin)

Matter Heard;

Journal Entry Details:

*Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong Objection to Defendant U.S. Bank's Motion to Compel NRCP 35 Examination Upon Plaintiff and Motion for Protective Order*  
 Argument by Mr. Sutehall. Mr. Allison deferred to Mr. Sutehall. Mr. Armstrong stated the case is about proof of payment. Argument by Mr. Armstrong. Upon Commissioner's inquiry, Plaintiff stated his brain injury occurred in 2001 from a car accident. Mr. Armstrong has sought treatment since 2001, but Mr. Armstrong invoked the privilege of a doctor and patient relationship. Upon Commissioner's inquiry, Mr. Sutehall has not requested medical records from Plaintiff for five years prior to the signing of documents. Argument by Mr. Sutehall. Mr. Armstrong offered to provide documents today. **COMMISSIONER RECOMMENDED**, Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong is **DENIED WITHOUT PREJUDICE**; alternative relief was provided, and Deft will first obtain Plaintiff's medical records from five years prior for mental health and cognitive difficulties; the Motion for a Rule 35 examination can be renewed if the Court extends the dates. **COMMISSIONER RECOMMENDED**, Status Check SET. **COMMISSIONER RECOMMENDED**, Objection to Defendant U.S. Bank's Motion to Compel NRCP 35 Examination Upon Plaintiff and Motion for Protective Order is **GRANTED IN PART** and **DENIED IN PART** as stated. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong and Mr. Allison to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to [DiscoveryInbox@clarkcountycourts.us](mailto:DiscoveryInbox@clarkcountycourts.us). A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. 1-29-2021 9:30 a.m. Status Check: Medical discovery;

12/18/2020



**Status Check (9:30 AM)** (Judicial Officer: Truman, Erin)

**12/18/2020, 12/31/2020**

Status Check: Plaintiff's compliance

Matter Continued; Status Check: Plaintiff's compliance

Matter Heard; Status Check: Plaintiff's Compliance

Journal Entry Details:

*Argument by Mr. Sutehall and Mr. Armstrong. COMMISSIONER RECOMMENDED, US Bank will Subpoena the records for the relevant timeframe in the prior Report and Recommendation for payments made to the loan; upon Mr. Sutehall's request, Commissioner allowed from the date of the loan through 2017. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to [DiscoveryInbox@clarkcountycourts.us](mailto:DiscoveryInbox@clarkcountycourts.us). A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.;*

Matter Continued; Status Check: Plaintiff's compliance

Matter Heard; Status Check: Plaintiff's Compliance

Journal Entry Details:

*Mr. Sutehall stated Plaintiff complied with the fourth paragraph of the Recommendation, and counsel is waiting for documents from the Subpoena for bank records. Mr. Sutehall stated Plaintiff is claiming he is indigent, he cannot pay the bank copy costs, and he cannot provide documents due to a flood at his house. Argument by Mr. Sutehall; counsel requested proof of payment on the loan. Mr. Sutehall requested to enlarge the Subpoena to provide documents. Commissioner stated the information is not due from Plaintiff until 12-24-2020.*

*COMMISSIONER RECOMMENDED, by 12-24-2020, copies of payments and checks are due from Plaintiff regarding the loan at issue; matter CONTINUED. 12-31-2020 10:00 a.m. Status Check: Plaintiff's compliance* **CLERK'S NOTE: This Minute Order was electronically served**






EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-19-796941-C**

by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl ;

12/24/2020	<p><b>CANCELED Status Check: Compliance</b> (3:00 AM) (Judicial Officer: Truman, Erin)</p> <p><i>Vacated</i></p> <p><i>Status Check: Compliance / 11-24-2020 DCRR</i></p>
12/29/2020	<p><b>CANCELED Motion to Consolidate</b> (9:30 AM) (Judicial Officer: Truman, Erin)</p> <p><i>Vacated</i></p> <p><i>Plaintiff's Motion to Consolidate Hearing Dates</i></p>
01/06/2021	<p> <b>Motion for Leave</b> (10:00 AM) (Judicial Officer: Holthus, Mary Kay)</p> <p><i>Plaintiff's Motion for Leave to File First Amended Complaint</i></p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Tyrone Armstrong, Jeffrey Allison, Esq. and Kevin Sutehall, Esq. present via Bluejeans video conference. Upon Court's inquiry, statements by Mr. Armstrong. Following statements, COURT ORDERED, Plaintiff's Motion for Leave to File First Amended Complaint was hereby GRANTED due to not being technically unopposed. Upon Court's inquiry, arguments by Mr. Sutehall requesting trial date be set later on in the year. Court advised it would give some time; however, would like for parties to think of resetting the trial date and go back to Commissioner Truman and figure out settlement issues. Mr. Armstrong noted there was a Motion pending for Summary Judgment on April 28, 2021. Court advised Mr. Armstrong he may need to amend his Motion. Further statements by Mr. Armstrong. Following colloquy, Court further indicated it would give defense additional time in discovery. Colloquy between parties regarding trial setting. Following colloquy, COURT ORDERED, trial VACATED and RESET. 8/25/21 9:00 AM CALENDAR CALL 9/7/21 1:00 PM JURY TRIAL ;</i></p>
01/28/2021	<p><b>CANCELED Status Check: Compliance</b> (3:00 AM) (Judicial Officer: Truman, Erin)</p> <p><i>Vacated</i></p> <p><i>Status Check: Compliance / 12-17-2020 DCRR</i></p>
01/29/2021	<p> <b>Status Check</b> (9:30 AM) (Judicial Officer: Truman, Erin)</p> <p><i>Status Check: Medical discovery</i></p> <p>Matter Continued; Status Check: Medical discovery</p> <p>Request of counsel</p> <p>Journal Entry Details:</p> <p><i>Mr. Armstrong stated he provided documents to Defense counsel in accordance with Commissioner's Recommendation. Arguments by Mr. Armstrong and Mr. Sutehall. COMMISSIONER RECOMMENDED, Mr. Armstrong is required to provide HIPAA compliant authorizations within one week from today, by 2-5-2021. Colloquy. Mr. Sutehall will serve Mr. Armstrong by Monday or Tuesday; if authorizations are provided at that time, Plaintiff must return signed provider specific, HIPAA compliant authorizations within one week from the date Mr. Armstrong received it. If there are any objections, bring it to the Court immediately. If authorizations are not signed, Commissioner stated Mr. Sutehall can prepare a Motion to Compel. COMMISSIONER RECOMMENDED, Status Check SET. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. 3-5-2021 9:30 a.m. Status Check: Medical discovery / authorizations;</i></p>
02/04/2021	<p><b>CANCELED Status Check: Compliance</b> (3:00 AM) (Judicial Officer: Truman, Erin)</p> <p><i>Vacated</i></p> <p><i>Status Check: Compliance / 12-31-2020 DCRR</i></p>
02/22/2021	<p> <b>Minute Order</b> (3:00 PM) (Judicial Officer: Holthus, Mary Kay)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>This Court, having reviewed the pleadings and papers on file herein, upon the request of the above-named Defendant US Bank National Association, through counsel Kevin M. Sutehall, Esq., and for good cause appearing, IT IS HEREBY ORDERED that upon request of this Court, Exhibit 2-A to Defendant US Bank National Association, as Trustee for Structured</i></p>

# CASE SUMMARY

CASE NO. A-19-796941-C

*Asset Securities Corporation Mortgage Pass-Through Certifications, Series 2007 BC3 S Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong shall be filed under seal pursuant to Nevada Rules Governing Sealing and Redacting Court Records, Rule 3. CLERK'S NOTE: The above minute order has been electronically served to parties via email and/or Odyssey File & Serve. // 2-22-21/ dy;*

03/02/2021

**Motion to Compel** (9:30 AM) (Judicial Officer: Truman, Erin)

*Plaintiff's Motion to Compel Production of Documents from First American Title Insurance Company*  
Judicial Economy  
Denied;

03/02/2021

**Motion for Protective Order** (9:30 AM) (Judicial Officer: Truman, Erin)

*Plaintiff's Motion for Protective Order*  
Granted in Part;

03/02/2021

**Motion to Compel** (9:30 AM) (Judicial Officer: Truman, Erin)

*Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass through Certificates, Series 2007-BC3 S Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong Hearing on Shortened Time*  
Denied;

03/02/2021



**All Pending Motions** (9:30 AM) (Judicial Officer: Truman, Erin)

Matter Heard;

Journal Entry Details:


*ATTORNEY PRESENT: Edward Vargas, #8702, present for Plaintiff in an unbundled capacity. (1) Plaintiff's Motion for Protective Order (2) Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass through Certificates, Series 2007-BC3 S Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong Hearing on Shortened Time (3) Plaintiff's Motion to Compel Production of Documents from First American Title Insurance Company Argument by Mr. Vargas regarding a title insurance claim made in 2015, and counsel doesn't know how the attorney client privilege applies. Argument by Mr. Vargas. Ms. Wood stated 2019 is the only claim she is aware of, it was identified on documents in the privilege log, and in the Subpoena. The property is 3713 Brentcove, North Las Vegas, NV 89032. Ms. Wood stated First American Title Insurance Company was not the policy issuing Agent, however, her office already agreed to accept service on the Subpoena to look for documents. COMMISSIONER RECOMMENDED, (3) Plaintiff's Motion to Compel Production of Documents from First American Title Insurance Company is DENIED; alternative relief provided; Plaintiff is allowed to re-serve a Subpoena on First American Title Insurance Company for any and all claims for the property at 3713 Brentcove, North Las Vegas, NV 89032 from 2015 through the present time. COMMISSIONER RECOMMENDED, once the documents and privilege log are produced, counsel must met and confer. Ms. Wood agreed to accept service on a modified Subpoena. COMMISSIONER RECOMMENDED, issue the Subpoena as soon as possible, and respond as soon as possible; Status Check SET in 30 days. Ms. Wood will work with counsel if a different Status Check date is needed, and contact the Discovery office. After serving the Subpoena for Plaintiff, Mr. Vargas will prepare a Notice of Withdrawal. Mr. Vargas to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. Ms. Wood is not a party in the case, therefore, she disconnected from the Hearing. Colloquy regarding Ramin Zabeti, a percipient witness. Commissioner can look at documents 1 through 3 in camera. Argument by Mr. Sutehall. Colloquy regarding a Subpoena to a Third Party. COMMISSIONER RECOMMENDED, (1) Plaintiff's Motion for Protective Order is GRANTED IN PART and DENIED IN PART; all communications between Ramin Zabeti and Plaintiff must be responded to for this property dispute; any documents requested related to the Subpoena within Ramin Zabeti's possession, custody, or control must be produced. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Vargas to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. Commissioner stated a Rule 35 examination is not proportional to this case as Mr. Armstrong's capacity cannot be assessed at the time the Contract was entered into (2007). Commissioner stated an Evidentiary Hearing may be appropriate. Argument by Mr. Sutehall. COMMISSIONER RECOMMENDED,*

# CASE SUMMARY

CASE NO. A-19-796941-C


(2) Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass through Certificates, Series 2007-BC3 S Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong Hearing is DENIED; alternative relief provided; Plaintiff is Directed to identify his health insurance Carrier since he is not providing medical providers; Commissioner allowed the medical health Carrier since 2007, and Deft is allowed to Subpoena a List of claims since 2007 to obtain the records directly from the Carrier. Mr. Vargas stated Mr. Armstrong has been on Medicare about 20 years. COMMISSIONER RECOMMENDED, Mr. Armstrong must contact Medicare, and provide a printout of medical providers who submitted claims on Mr. Armstrong's behalf including mental health treatment; provide the information to Defs within two weeks. Colloquy. COMMISSIONER RECOMMENDED, by 3-16-2021, Mr. Armstrong is required to request the information from Medicare, but redact the amount of treatment; names of providers including mental health, or for cognitive issues must remain unredacted; redact the names of providers who are not related to this issue; provide to Mr. Sutehall a copy of the correspondence, and the Request to Medicare. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Vargas to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. At the request of counsel, COMMISSIONER RECOMMENDED, the 3-5-2021 Status Check is VACATED. 3-19-2021 9:30 a.m. Status Check: Medicare claims 4-2-2021 9:30 A.M. Status Check: Subpoena to First American Title Insurance Company ;

03/04/2021 **CANCELED Status Check: Compliance (3:00 AM)** (Judicial Officer: Truman, Erin)  
Vacated  
Status Check: Compliance / 1-29-2021 DCRR

03/19/2021  **Status Check (10:00 AM)** (Judicial Officer: Young, Jay)  
**03/19/2021, 04/02/2021**  
Status Check: Medicare claims  
Matter Continued; Status Check: Medicare claims  
Matter Heard;  
Matter Continued; Status Check: Medicare claims  
Matter Heard;  
Journal Entry Details:  
Mr. Armstrong submitted a Declaration last night, and Mr. Sutehall reviewed it. COMMISSIONER RECOMMENDED, matter CONTINUED two weeks to determine if documentation is provided, and proof of submission is submitted by Mr. Armstrong. If the documents are submitted to Mr. Sutehall before 4-2-2021, Plaintiff and Mr. Sutehall's appearance is not needed. Mr. Sutehall addressed the Declaration, and it is not clear what Mr. Armstrong is asking for; records from Medicare are needed, but Mr. Armstrong requested records from the Social Security Administration. Mr. Armstrong always goes through Social Security for his medical records. Commissioner stated the records are being provided to avoid a Rule 35 examination, and records from medical providers must be provided from Medicare. If Mr. Armstrong has asked the wrong entity for documents, and the records are not provided to Deft, Commissioner will be Strongly Inclined to Order a Rule 35 examination. Mr. Armstrong understood the Commissioner's concerns. Commissioner stated providing the records was an effort to protect Mr. Armstrong's privacy, but Mr. Armstrong may be seeking the records from the wrong entity. 4-2-2021 10:00 a.m. Status Check: Medicare claims;

03/24/2021 **CANCELED Motion to Seal/Redact Records (10:00 AM)** (Judicial Officer: Hardcastle, Kathy)  
Vacated - Previously Decided  
Defendants' Motion to Seal Exhibit 2-A to Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-3B's Renewed Motion to Compel NRCP 35 Examination on Plaintiff Tyrone Keith Armstrong

04/02/2021 **Status Check (10:00 AM)** (Judicial Officer: Young, Jay)  
Status Check: Subpoena to First American Title Insurance Company  
Matter Heard;

04/02/2021  **All Pending Motions (10:00 AM)** (Judicial Officer: Young, Jay)  
Matter Heard;


**CASE SUMMARY****CASE NO. A-19-796941-C****Journal Entry Details:**

*Status Check: Subpoena to First American Title Insurance Company Status Check: Medicare claims Mr. Armstrong filed a Declaration last night. Mr. Sutehall addressed the medical EOBs, the fragmented partial production of mental health records, and Mr. Sutehall requested a HIPAA release. Mr. Armstrong stated the records were requested 3-19-2021. Colloquy. COMMISSIONER RECOMMENDED, Status Check SET in 30 days. Commissioner will alert Judge Holthus of the issue, and counsel would request an extension from Judge Holthus. Ms. Woods stated her client is a non-party, and Mr. Armstrong served a Subpoena on her client. Argument by Ms. Woods regarding production of documents from the 2015 claim, and Ms. Woods agreed to provide a COR Affidavit in response to the second Subpoena. If Plaintiff believes the privilege log is inappropriate, Commissioner stated Plaintiff must reach out to Ms. Woods. Counsel offered to produce the documents for an in camera review. Argument by Mr. Armstrong. COMMISSIONER RECOMMENDED, Status Check SET for Commissioner to review the privilege log in camera. Commissioner will review the Motion and the pleadings. Submit the in camera by dropping it off in person, or mailing it to DiscoveryInbox@clarkcountycourts.us. 5-7-2021 10:00 a.m. Status Check: Subpoena to First American Title / Medicare claims / In camera review of privilege log;*

04/08/2021 **CANCELED Status Check: Compliance (3:00 AM)** (Judicial Officer: Truman, Erin)  
*Vacated*  
*Status Check: Compliance / 3-2-2021 DCRR (Ms. Wood)*

04/08/2021 **CANCELED Status Check: Compliance (3:00 AM)** (Judicial Officer: Truman, Erin)  
*Vacated*  
*Status Check: Compliance / 3-2-2021 DCRR (Mr. Sutehall)*

04/08/2021 **CANCELED Status Check: Compliance (3:00 AM)** (Judicial Officer: Truman, Erin)  
*Vacated*  
*Status Check: Compliance / 3-2-2021 DCRR (Mr. Sutehall)*

05/14/2021  **Status Check (10:00 AM)** (Judicial Officer: Young, Jay)  
*Status Check: Subpoena to First American Title / Medicare claims / In camera review of privilege log*  
 Matter Heard; Status Check: Subpoena to First American Title / Medicare claims / In camera review of privilege log  
**Journal Entry Details:**  
*Commissioner reviewed the documents in camera submitted by First American Title Insurance Company, and each document was properly withheld based on privilege. Ms. Wood to prepare the Report and Recommendations, and Mr. Armstrong has 48 hours to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. 6-4-2021 10:00 a.m. Status Check: Compliance / 5-14-2021 DCRR During the Hearing, Mr. Armstrong sent a message to Discovery stating he is present, but he was muted. Colloquy. Court Recorder unmuted Mr. Armstrong.. Mr. Armstrong received the second set of Medicare records, and served them on Deft. Mr. Armstrong received one page out of 188 pages from the 2015 title insurance claim. Argument by Mr. Armstrong. Mr. Sutehall stated Ms. Wood disconnected from the Hearing as she was part of the prior discussion. Mr. Armstrong heard Commissioner's ruling on the in camera submission. Mr. Armstrong requested Commissioner require Ms. Wood to provide the documents. Commissioner advised Mr. Armstrong that he must conduct a meet and confer with Ms. Wood before bringing a Motion before the Commissioner. Commissioner inquired if the mental health providers were included in the records. Mr. Armstrong didn't look at the records he served on Mr. Sutehall. COMMISSIONER RECOMMENDED, Mr. Armstrong and Mr. Sutehall must conduct a phone or in-person conference; Mr. Armstrong must give Mr. Sutehall a List of mental health providers, or Commissioner will Order a Rule 35 examination. Mr. Armstrong suggested Mr. Sutehall obtain the records. Commissioner stated Mr. Armstrong has the obligation to provide the records. COMMISSIONER RECOMMENDED, Mr. Armstrong must give a List of providers and mental health providers that Mr. Armstrong treated with, and give it to Mr. Sutehall; if the List is not provided to Mr. Sutehall by 5-21-2021, Commissioner will Grant a Rule 35 examination. COMMISSIONER RECOMMENDED, Status Check SET. 5-21-2021 10:00 A.M. Status Check: Medicare records, and a List of providers, and mental health providers CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl;*



# CASE SUMMARY

CASE NO. A-19-796941-C

05/21/2021



**Status Check** (10:00 AM) (Judicial Officer: Young, Jay)

*Status Check: Medicare records, and a List of providers, and mental health providers*

Matter Heard;

Journal Entry Details:

*Commissioner noted at the last meeting, Mr. Armstrong was instructed to provide a list of medical providers. Mr. Sutehall advised Plaintiff filed a document that identified 6 providers for mental health services, 4 of the names were new; of which 3 out of the 4 have been served a subpoena. However, Plaintiff has objected to the subpoenas. Mr. Sutehall also requested Mr. Armstrong return the HIPPA release. Mr. Armstrong withdrew his objection to the subpoenas. Colloquy regarding the HIPPA release. COMMISSIONER RECOMMENDED: HIPPA releases due by 5/24/2021 and status check SET. Mr. Sutehall to prepare a report and recommendation to include the steps Defendant has taken and that HIPPA releases were due by 5/24/2021, provide to Plaintiff for review and approval and submit to the discovery in box within 14 days of the hearing to avoid a sanction. 06/11/2021 10:00 AM STATUS CHECK;*

06/02/2021

**Motion for Partial Summary Judgment** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

*Plaintiff's Motion for Partial Summary Judgment*

Motion Denied;

06/02/2021

**Motion for Partial Summary Judgment** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

*Plaintiff's Amended Motion for Partial Summary Judgment Vol. 1*

Motion Denied;

06/02/2021

**Counter-motion** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

*Opposition to Plaintiff's Motion and Amended Motion for Partial Summary Judgment; Counter-Motion for Summary Judgment*

Decision Made;

06/02/2021

**Joinder** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

**06/02/2021, 07/28/2021**

*Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corp Mortgage Pass-Through Certificates, Series 2007-BC3's Response to Plaintiff's October 20,2020 Motion for Partial Summary Judgment and Joinder to PHH/OCWEN Opposition to Plaintiff's Motion and Amended Motion for Partial Summary Judgment; Counter-motion for Summary Judgment*

Matter Continued;

Granted;

Matter Continued;

Granted;

06/02/2021

**Joinder** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

*Joinder to Opposition to Plaintiff's Amended Motion for Partial Summary Judgment*

Decision Made;

06/02/2021



**All Pending Motions** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

Matter Heard;

Journal Entry Details:

*APPEARANCES: Edward Vargas, Esq. present in special capacity for Pltf. Kevin Sutehall, Esq. present for Def. US Bank. PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT VOL. 1...DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORP MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S RESPONSE TO PLAINTIFF'S October 20,2020 MOTION FOR PARTIAL SUMMARY JUDGMENT AND JOINDER TO PHH/OCWEN OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT...JOINDER TO OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT...OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTER-MOTION FOR SUMMARY JUDGMENT Arguments by Mr. Vargas and Mr. Sutehall including issues pertaining to material facts, identify theft, and statute of limitations. COURT FINDS issues of act exist; therefore, ORDERED, Motions DENIED with exception to Counter-motion on statute of limitations issue.*

# CASE SUMMARY

CASE NO. A-19-796941-C


Colloquy regarding time for briefing the issue. COURT FURTHER ORDERED, Mr. Sutehall to file supplemental brief on statute of limitations by 6/16/21; response to supplement due by 6/30/21; reply brief due by 7/14/21; hearing SET 7/28/21 at 10:00 a.m. Upon inquiry by Mr. Sutehall, Court stated an order may be prepared after the continued hearing. CONTINUED TO: 7/28/21 10:00 AM DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORP MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S RESPONSE TO PLAINTIFF'S October 20,2020 MOTION FOR PARTIAL SUMMARY JUDGMENT AND JOINDER TO PHH/OCWEN OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT CLERK'S NOTE: Minutes prepared utilizing the JAVS recording. /cd 7-13-2021/;


06/11/2021 CANCELED **Motion for Protective Order** (9:30 AM) (Judicial Officer: Young, Jay)  
Vacated  
Plaintiff's Motion for Protective Order

06/11/2021 CANCELED **Status Check: Compliance** (10:00 AM) (Judicial Officer: Young, Jay)  
Vacated  
Status Check: Compliance

06/16/2021 CANCELED **Calendar Call** (10:00 AM) (Judicial Officer: Holthus, Mary Kay)  
Vacated - per Attorney or Pro Per

06/28/2021 CANCELED **Bench Trial** (1:00 PM) (Judicial Officer: Holthus, Mary Kay)  
Vacated - per Attorney or Pro Per

07/09/2021  **Motion for Protective Order** (9:00 AM) (Judicial Officer: Young, Jay)  
Plaintiff's Motion for Protective Order  
Discovery Hearing Requested  
Denied; Plaintiff's Motion for Protective Order  
Journal Entry Details:  
No further argument by Mr. Armstrong or Mr. Sutehall. COMMISSIONER RECOMMENDED, motion is DENIED; the Countermotion is GRANTED pursuant to Rule 37(a)(5)(B); Mr. Sutehall has seven days to supplement the pleadings regarding the Request for Fees and Costs; Mr. Armstrong has seven days to file a response, and a Status Check is SET in 21 days. Commissioner Directed Mr. Sutehall to utilize the Form on the Eighth Judicial District Court's website. A template Report and Recommendation was created to assist counsel on Attorney Fees and Costs. Mr. Armstrong requested Commissioner defer the attorney fees to Trial. COMMISSIONER RECOMMENDED, Request is DENIED, but Request to Deter Payment until after Trial is UNDER ADVISEMENT. Mr. Sutehall to prepare the Report and Recommendations, and a proposed Order for fees and costs. Mr. Armstrong to approve as to form and content. If necessary, submit opposing Orders in Word with redlines so the Commissioner can see the changes. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, the Status Check will be vacated. 7-30-2021 IN CHAMBERS Status Check: Attorney fees and costs 8-6-2921 10:00 a.m. Status Check: Compliance / 7-9-2021 DCRR;

07/23/2021  **Motion for Protective Order** (9:30 AM) (Judicial Officer: Young, Jay)  
Plaintiff's Re-Noticed Motion for Protective Order RE: Deposition Testimony of Trina Reynolds  
Denied; Plaintiff's Re-Noticed Motion for Protective Order RE: Deposition Testimony of Trina Reynolds  
Journal Entry Details:  
Argument by Mr. Armstrong. Commissioner inquired why Mr. Armstrong did not appear at the deposition. Mr. Sutehall stated the deposition was 5-7-2021, discovery has since closed, and Mr. Armstrong had Notice of the deposition. Argument by Mr. Sutehall; counsel requested fees for having to prepare the Motion. Mr. Armstrong did not receive a Zoom log-in in the deposition Notice. Argument by Mr. Sutehall. COMMISSIONER RECOMMENDED, motion is DENIED; Request for Sanctions is DENIED. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us.

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-19-796941-C**

	<p><i>A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, contact the Discovery office to vacate the Status Check. 8-13-2021 10:00 a.m. Status Check: Compliance / 7-23-2021 DCRR;</i></p>
07/28/2021	<p><b>Hearing</b> (10:00 AM) (Judicial Officer: Holthus, Mary Kay)  <i>Hearing RE; Supplemental Briefing</i>  Matter Heard;</p>
07/28/2021	<p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Holthus, Mary Kay)  Matter Heard;  Journal Entry Details:  <i>HEARING: RE; SUPPLEMENTAL BRIEFING...DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORP MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S RESPONSE TO PLAINTIFF'S October 20,2020 MOTION FOR PARTIAL SUMMARY JUDGMENT AND JOINDER TO PHH/OCWEN OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT Mr. Armstrong and Counsel present via Bluejeans. Arguments regarding when the Statute of Limitations date starts, Pltf's. continued occupancy of the home, the timing of the Default, production of documents at mediation, Def't's. authority to foreclose, the time-barring of the quiet title claims, and the Injunction in place. COURT STATED FINDINGS, and ORDERED, Defendant's Motion and Amended Motion for Partial Summary Judgment; Countermotion for Summary Judgment, GRANTED. The Injunction LIFTED. Mr. Sutehall to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days.;</i></p>
07/30/2021	<p><b>Status Check</b> (3:00 AM) (Judicial Officer: Young, Jay)  <i>Status Check: Attorney fees and costs</i></p>
08/06/2021	<p><b>CANCELED Status Check: Compliance</b> (10:00 AM) (Judicial Officer: Young, Jay)  <i>Vacated</i>  <i>Status Check: Compliance / 7-9-2021 DCRR</i></p>
08/13/2021	<p> <b>Status Check: Compliance</b> (10:00 AM) (Judicial Officer: Young, Jay)  <i>Status Check: Compliance / 7-23-2021 DCRR</i>  Matter Heard; Status Check: Compliance / 7-23-2021 DCRR  Journal Entry Details:  <i>Mr. Sutehall stated the DCRR was submitted 7-30-2021 to the Discovery Inbox. Commissioner requested Mr. Sutehall re-submit the DCRR as he didn't see an email regarding the submission, or the DCRR.;</i></p>
08/25/2021	<p><b>Calendar Call</b> (10:00 AM) (Judicial Officer: Holthus, Mary Kay)  Off Calendar;</p>
09/07/2021	<p><b>CANCELED Bench Trial</b> (1:00 PM) (Judicial Officer: Holthus, Mary Kay)  <i>Vacated - per Judge</i></p>
10/19/2021	<p><b>Motion to Stay</b> (10:00 AM) (Judicial Officer: Holthus, Mary Kay)  Events: 09/15/2021 Motion to Stay  <i>Plaintiff's Pro Per Motion and Notice of Motion to Stay Judgment Pending Appeal Pursuant to NRCP 62(d)(1) and NRAP 7</i></p>
10/19/2021	<p><b>Motion</b> (10:00 AM) (Judicial Officer: Holthus, Mary Kay)  <i>Ex Parte Application for an Order Shortening Time on Motion and Notice of Motion to Stay Judgment Pending Appeal Pursuant to NRCP 62(d)(1) and NRAP 7</i></p>

DATE

FINANCIAL INFORMATION

**Defendant** BNC Mortgage Inc  
Total Charges  
Total Payments and Credits  
**Balance Due as of 9/21/2021**

223.00  
223.00  
**0.00**

**CASE SUMMARY****CASE NO. A-19-796941-C****Counter Claimant** US Bank National Association

Total Charges 623.00

Total Payments and Credits 623.00

**Balance Due as of 9/21/2021 0.00****Defendant** Ocwen Loan Servicing LLC

Total Charges 313.00

Total Payments and Credits 313.00

**Balance Due as of 9/21/2021 0.00****Counter Defendant** Armstrong, Tyrone Keith

Total Charges 471.00

Total Payments and Credits 471.00

**Balance Due as of 9/21/2021 0.00****Counter Defendant** Armstrong, Tyrone KeithTemporary Restraining Order Balance as of 9/21/2021 **100.00****Counter Defendant** Armstrong, Tyrone KeithAppeal Bond Balance as of 9/21/2021 **500.00**



# DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada  
 Case No. A-19-796941-C  
 (Assigned by Clerk's Office)

## I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Tyrone Keith Armstrong                      3713 Brentcove Drive                      North Las Vegas, Nevada 89032                      (702) 491-8426</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">U.S. Bank National Association, Et. Al                      2300 W. Sahara Avenue, Ste. 100                      Las Vegas, Nevada 89102                      (702) 251-1600</div>
Attorney (name/address/phone): <div style="text-align: center;">Pro Se</div>	Attorney (name/address/phone): 

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <i>(select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

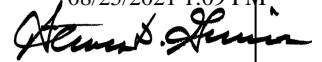
*Business Court filings should be filed using the Business Court civil coversheet.*

06-18-2019

Date

Tyrone Armstrong  
 Signature of initiating party or representative

*See other side for family-related case filings.*

  
CLERK OF THE COURT

**OGSJ**  
MARK J. CONNOT (10010)  
KEVIN M. SUTEHALL (9437)  
**FOX ROTHSCHILD LLP**  
1980 Festival Plaza Dr., Suite 700  
Las Vegas, NV 89135  
Telephone: (702) 262-6899  
Facsimile: (702) 597-5503  
mconnot@foxrothschild.com  
ksutehall@foxrothschild.com  
*Attorneys for Defendant U.S. Bank National  
Association, as Trustee for Structured Asset Securities  
Corporation Mortgage Pass-Through Certificates,  
Series 2007-BC3*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

TYRONE KEITH ARMSTRONG,  
Plaintiff,

vs.

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee for Structured Asset Securities  
Corporation Mortgage Pass-Through  
Certificates, Series 2007-BC3; OCWEN LOAN  
SERVICING, LCC; PHH MORTGAGE  
CORPORATION; WESTERN  
PROGRESSIVE-NEVADA, INC.; BNC  
MORTGAGE, INC., DOES 1 through 20; ROE  
BUSINESS ENTITIES 1 through 20,

Defendants.

Case No.: A-19-796941-C  
Dept.: 18

**ORDER DENYING PLAINTIFF'S  
AMENDED MOTION FOR PARTIAL  
SUMMARY JUDGMENT AND  
GRANTING DEFENDANTS'  
COUNTERMOTIONS FOR SUMMARY  
JUDGMENT ON STATUTES OF  
LIMITATIONS GROUNDS**

The following motions came on for a hearing on June 2, 2021, at 10:00 a.m., before the above-entitled Court via Bluejeans Video Conferencing System: (1) Plaintiff Tyrone Keith Armstrong's ("Plaintiff's") Amended Motion for Partial Summary Judgment, filed April 5, 2021 ("Plaintiff's Amended MPSJ"); (2) Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's ("U.S. Bank Trust's") Countermotion for Summary Judgment, filed April 19, 2021 ("U.S. Bank Trust's Countermotion"); and, (3) Defendants PHH Mortgage Corporation, PHH Mortgage Corporation, successor to Ocwen Loan Servicing, LLC, erroneously named ("PHH's") Countermotion for Summary Judgment, filed April 14, 2021 ("PHH's Countermotion") (U.S. Bank Trust and PHH may

1 sometimes be referred to collectively as, “Defendants”). At the June 2, 2021 hearing, the Court  
2 considered, in addition to Plaintiff’s Amended MPSJ, U.S. Bank Trust’s Countermotion and PHH’s  
3 Countermotion, the following filings:

- 4 • PHH’s Opposition to Plaintiff’s Amended MPSJ (contained within the same filing as PHH’s  
5 Countermotion), filed April 14, 2021;
- 6 • U.S. Bank Trust’s Opposition to Plaintiff’s Amended MPSJ (contained within the same filing  
7 as U.S. Bank Trust’s Countermotion), filed April 19, 2021;
- 8 • PHH’s Joinder to both U.S. Bank Trust’s Opposition to Plaintiff’s MPSJ and U.S. Bank  
9 Trust’s Countermotion, filed April 19, 2021;
- 10 • U.S. Bank Trust’s Supplemental Opposition to Plaintiff’s Amended MPSJ, filed May 11,  
11 2021;
- 12 • Plaintiff’s Reply to U.S. Bank Trust’s Opposition to Plaintiff’s MPSJ and Opposition to U.S.  
13 Bank Trust’s Countermotion, filed May 12, 2021;
- 14 • Plaintiff’s Reply to PHH’s Opposition to Plaintiff’s MPSJ and Opposition to PHH’s  
15 Countermotion, filed May 12, 2021;
- 16 • U.S. Bank Trust’s Reply in Support of its Countermotion, filed May 19, 2021;
- 17 • PHH’s Joinder to U.S. Bank Trust’s Reply in Support of its Countermotion and Reply in  
18 Support of PHH’s Countermotion, filed May 19, 2021;
- 19 • U.S. Bank Trust’s Supplemental Reply in Support of its Countermotion, filed May 21, 2021;
- 20 • Plaintiff’s Supplemental Reply in Support of Plaintiff’s Amended MPSJ, filed May 29, 2021;  
21 and
- 22 • All appendices, declarations, and exhibits to the foregoing.

23 At the June 2, 2021 hearing, the Court denied Plaintiff’s Amended MPSJ, finding the  
24 existence of genuine issues of material facts in dispute. At the same hearing, the Court withheld its  
25 determinations of U.S. Bank Trust’s Countermotion and PHH’s Countermotion, ordered the parties  
26 to submit supplemental briefing regarding the statutes of limitations, and continued the hearing to  
27 July 28, 2021.

1 On June 16, 2021, U.S. Bank Trust and PHH filed supplemental briefing regarding the statutes  
2 of limitations in further support of their respective Countermotions. On June 30, 2021, Plaintiff filed  
3 Supplemental Points and Authorities concerning U.S. Bank Trust's Countermotion and PHH's  
4 Countermotion. On July 13, 2021, U.S. Bank Trust and PHH filed supplemental briefing in reply to  
5 Plaintiff's supplemental responses. The Court conducted the continued hearing as scheduled, on July  
6 28, 2021, at 10:00 a.m., via BlueJeans Video Conferencing System.

7 The Court, having reviewed the pleadings and papers on file herein, and having heard the  
8 arguments of counsel and of Plaintiff, and good cause appearing, **FINDS AND ORDERS AS**  
9 **FOLLOWS.**

10 **THE COURT FINDS, AT MINIMUM, THE FOLLOWING FACTS TO BE**  
11 **UNDISPUTED:**

- 12 • Plaintiff filed his initial Complaint in this matter on June 18, 2019 (the "Complaint").  
13 The Complaint concerned a certain deed of trust recorded by lender, BNC Mortgage,  
14 Inc. ("BNC"), on January 25, 2007 (the "2007 Deed of Trust") against Plaintiff's real  
15 property located in Clark County, Nevada, which real property is commonly known  
16 as 3713 Brentcove Drive, North Las Vegas, Nevada 89032, with Clark County  
17 Assessor's Parcel Number 139-09-217-099 (the "Property"). See Complaint,  
18 generally, including at ¶¶ 10, 25, and 29.
- 19 • In the Complaint, Plaintiff alleged that, "On May 06, 2010, [Defendants] . . . interfered  
20 with Plaintiff's use of the Property and recorded a Notice of Default and Election to  
21 Sell as document number: 201005060002260 in the official records of Clark County,  
22 Nevada. The notice of default was premised on a promise to pay BNC. Said notice of  
23 default identified U.S. Bank as the beneficiary, Ocwen as the loan servicer and  
24 Western as the trustee." Complaint at ¶ 36. Plaintiff asserted that he suffered lack of  
25 sleep, anxiety, depression, lack of appetite and loss of productivity related to his  
26 employment as a result of the May 2010 non-judicial foreclosure proceedings. *Id.* at  
27 ¶ 37.

- On March 28, 2011, Plaintiff, by his own admission, sent a letter to Chase Home Finance, then servicer of the loan secured by the 2007 Deed of Trust (the “2007 Loan”), which letter addressed and described in detail, and objected to the authenticity and enforceability of, the 2007 Deed of Trust.
- Plaintiff filed his First Amended Complaint in this matter on February 27, 2021 (the “FAC”). Like the Complaint, the FAC concerned the authenticity and enforceability of the 2007 Deed of Trust. FAC at ¶ 16-17.
- Each of Plaintiff’s four causes of action in the FAC concerned the 2007 Deed of Trust and the 2007 Loan which it secured. *See generally* FAC.
- In the FAC, like in the Complaint, Plaintiff alleged that, “On May 06, 2010, [Defendants] interfered with Plaintiff’s use of the Property and recorded a Notice of Default and Election to Sell as document number. . .” FAC at ¶ 35.

**IT IS HEREBY ORDERED** that Plaintiff’s Amended MPSJ is denied, based on the existence of genuine issues of material facts in dispute;

**IT IS FURTHER ORDERED** that both U.S. Bank Trust’s Countermotion and PHH’s Countermotion are granted as further set forth below, in their entireties, and that the FAC is hereby dismissed with prejudice. The Court finds and holds that there exist no genuine issues of material facts in dispute which might otherwise preclude summary judgment in favor of Defendants and against Plaintiff on all of Plaintiff’s claims, and further finds and holds that both U.S. Bank Trust and PHH are entitled to summary judgment as a matter of law dismissing with prejudice each and every one of Plaintiff’s causes of action in the FAC.

**THE COURT FURTHER FINDS AND HOLDS** that the respective statutes of limitations applicable to Plaintiff’s causes of action in the FAC are between two and five years. Specifically, the statutes of limitations for those causes of action are as follows:

- Wrongful foreclosure: three or four years<sup>1</sup>;

---

<sup>1</sup> Whether the statute of limitations for a wrongful foreclosure claim is three or four years is immaterial for purposes of deciding Defendants’ Countermotions. For purposes of this Order, the Court presumes that the statute of limitations on Plaintiff’s wrongful foreclosure claim is four years.

- Quiet title: five years;
- Declaratory relief: four years; and,
- Slander of title: two years.

*See, e.g.*, U.S. Bank Trust’s Countermotion and PHH’s Countermotion, and supplemental/reply briefs in support thereof.

As verified above, **THE COURT SPECIFICALLY FINDS** that Plaintiff affirmatively alleged that he was emotionally and physically injured, and was deprived of the use of his Property, in May 2010, all as the result Defendants’ alleged conduct arising from the existence of the 2007 Deed of Trust; and, that by his own admissions and allegations, Plaintiff was aware of Defendants’ claims against his Property, arising from the 2007 Deed of Trust, more than nine years before he filed the Complaint seeking relief.

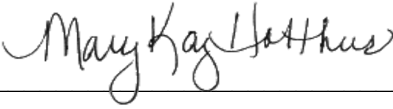
Accordingly, **THE COURT SPECIFICALLY HOLDS** that the statutes of limitations on all of Plaintiff’s causes of action expired prior to the date on which Plaintiff filed the Complaint, June 18, 2019;

**THE COURT FURTHER HOLDS** that the statute of limitations applicable to a quiet title cause of action is triggered when, in this case, Plaintiff is either ejected from the Property *or* when the validity or legality of Plaintiff’s ownership or possession of his Property is called into question; that the validity or legality of Plaintiff’s ownership or possession of his Property was called into question in May 2010, per Plaintiff’s own admissions and allegations in both the Complaint and the FAC; that Plaintiff’s cause of action seeking to quiet his title or interest in the Property, in response to the existence and recording of the 2007 Deed of Trust, expired in May 2015; and, that the statutes of limitations applicable to each of Plaintiff’s other cause of action in the FAC expired in or before May 2014;

Consistent with the foregoing, the temporary restraining order granted in favor of Plaintiff and against Defendants on June 28, 2019, and to the extent of any preliminary injunctions against foreclosure proceedings for which Plaintiff applied or suggested in the record, **BE AND ARE HEREBY LIFTED AND VACATED IN THEIR ENTIRETY.**

1                   **IT IS SO ORDERED.**

Dated this 25th day of August, 2021

2  
3                     
4

5 Submitted by:

6 **FOX ROTHSCHILD LLP**

**8A8 0BD E198 0C75**  
**Mary Kay Holthus**  
**District Court Judge**

7 /s/ Kevin M. Sutehall

8 MARK J. CONNOT (10010)

9 KEVIN M. SUTEHALL (9437)

10 1980 Festival Plaza Dr., Suite 700

11 Las Vegas, NV 89135

*Attorneys for Defendant U.S. Bank National Association,*

*as Trustee for Structured Asset Securities Corporation*

*Mortgage Pass-Through Certificates, Series 2007-BC3*

12  
13 Approved as to Form and Content:

14 DATED: August 12, 2021

15 **HOUSER LLP**

16 /s/ Jeffrey S. Allison

17 JEFFREY S. ALLISON (8949)

18 6671 S. Las Vegas Blvd.

19 Las Vegas, NV 89119

20 jallison@houser-law.com

*Attorneys for Defendants PHH Mortgage*

*Corporation; PHH Mortgage Corporation,*

*successor to Ocwen Loan Servicing, LLC,*

*erroneously named; and Western Progressive-*

*Nevada, Inc.*

21  
22 DATED: August \_\_, 2021

23 -Did Not Approve-

24 TYRONE KEITH ARMSTRONG

25 PRO SE  
26  
27  
28

**From:** [Jeffrey S. Allison](#)  
**To:** [Sutehall, Kevin M.](#)  
**Cc:** [Grossman, John L.](#); [Loffredo, Doreen](#)  
**Subject:** RE: [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs  
**Date:** August 12, 2021 8:41:04 AM

---

Confirmed. Thanks.

Jeffrey S. Allison

Senior Attorney

**HOUSER** LLP

9970 Research Drive, Irvine, CA 92618

P: (949) 679-1111 F: (949) 679-1112

[www.houser-law.com](http://www.houser-law.com)

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---

**From:** Sutehall, Kevin M. [mailto:KSutehall@foxrothschild.com]  
**Sent:** Thursday, August 12, 2021 8:25 AM  
**To:** Jeffrey S. Allison <jallison@houser-law.com>  
**Cc:** Grossman, John L. <JGrossman@foxrothschild.com>; Loffredo, Doreen <dloffredo@foxrothschild.com>  
**Subject:** FW: [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs

Jeff—we plan to make the correction to the property's APN on page 3 and reject all of Armstrong's other revisions and "corrections" within the attached, and we will submit that proposed order to the Court this morning. I presume you are ok with us submitting the same draft that we circulated to you and Armstrong yesterday with the APN corrected but please confirm anyway. Thanks.

Kevin

**Kevin Sutehall**

Counsel

**Fox Rothschild LLP**

One Summerlin

1980 Festival Plaza Drive, Suite 700

Las Vegas, NV 89135

(702) 699-5925 - direct

(702) 597-5503 - fax

[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

---



**From:** Tyrone Armstrong <[performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)>  
**Sent:** August 11, 2021 7:40 PM  
**To:** Sutehall, Kevin M. <[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)>  
**Cc:** Jeffrey S. Allison <[jallison@houser-law.com](mailto:jallison@houser-law.com)>; Grossman, John L. <[JGrossman@foxrothschild.com](mailto:JGrossman@foxrothschild.com)>; Loffredo, Doreen <[dloffredo@foxrothschild.com](mailto:dloffredo@foxrothschild.com)>  
**Subject:** [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs

PLAINTIFF'S FIRST AMENDED RED-LINED DRAFT OF ORDER OF 7/28/2021

Mr. Sutehall,

This correspondence amends and supersedes the email and attachments I sent to you today at 7:11pm (pst). Attached is your draft of the Order of the hearing of July 28, 2021 with my red-lined corrections.

Pg. 3, line 17: the parcel number is missing a digit;

Pg. 4, lines 1-2: This letter was drafted and sent on behalf of Plaintiff, and some errors were contained therein;

Pg. 4, lines 7-9: the allegations of lack of sleep, anxiety, depression, lack of appetite and loss of productivity related to employment were in support of Plaintiff's claim of Intentional Infliction of Emotional Distress, was set aside by Plaintiff, and not correlated to the issue of title to real property;

Pg. 4, lines 17-23: The Court made no oral or express findings that granted U.S. Bank's counterclaims.

Pg. 5, lines 8-9: the allegations of lack of sleep, anxiety, depression, lack of appetite and loss of productivity related to employment were in support of Plaintiff's claim of Intentional Infliction of Emotional Distress, was set aside by Plaintiff, and not correlated to the issue of title to real property;

Pg. 5, line 25 to Pg. 6, lines 1-4: Cited relevant portion of Berberich in the findings.

Pg. 6, lines 8-10: I intend to ask the Court to amend the judgment once the Order is entered and/or appeal with a contemporaneous motion to stay. The lis pendens should remain in place pending reconsideration or appeal or I will re-petition in the appellate courts to keep it in place. I have a highly likely chance of success on the merits because the Court appears to have overlooked an essential portion of Berberich that indicates:

"Consistent [\*\*7] with this understanding of NRS 11.080, the limitations period is triggered when the plaintiff is ejected from the property or has had the validity or legality of his or her ownership or possession of the property called into question. *See, e.g., Salazar v. Thomas*, 236 Cal. App. 4th 467, 186 Cal. Rptr. 3d 689, 695 (Ct. App. 2015) (discussing the general rule in California, which has a statute almost identical to NRS 11.080, *see* Cal. Civ. Proc. Code § 318, that "whether a statute of limitations bars an action to quiet title may turn on whether the plaintiff is in *undisturbed* possession of the land" (quoting *Mayer v. L&B Real*

*Estate*, 43 Cal. 4th 1231, 78 Cal. Rptr. 3d 62, 185 P.3d 43, 46 (Cal. 2008))). "[M]ere notice of an adverse claim is not enough to commence the owner's statute of limitations." *Id.* at 696; *see also Crestmar Owners Ass'n v. Stapakis*, 157 Cal. App. 4th 1223, 69 Cal. Rptr. 3d 231, 234 (Ct. App. 2007) ("[T]he statute of limitations for an action to quiet title does not begin to run until someone presses an adverse claim against the person holding the property."). Thus, for example, **a notice of default issued on a deed of trust has been found insufficient to dispute an owner's possession** because it does "not call into question the validity of [the owner's] control of the property" or "indirectly question [the owner's] control of the property by asserting [someone else] was entitled to possess the [property]." *Salazar*, 186 Cal. Rptr. 3d at 698."

[Berberich v. Bank of Am., N.A., 460 P.3d 440, 443, 2020 Nev. LEXIS 10, \\*6-7, 136 Nev. Adv. Rep. 10 \(Nev. March 26, 2020\)](#)

Sincerely,  
Tyrone K. Armstrong  
*Plaintiff Pro Se*

On Wed, Aug 11, 2021 at 2:12 PM Sutehall, Kevin M. <[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)> wrote:

Mr. Allison and Mr. Armstrong,  
Attached is a draft order concerning the Court's ruling on the parties' respective motions for summary judgment. Please provide your comments and/or proposed revisions, if any, or alternatively your approval to the form of the order, by the close of business tomorrow, August 12, 2021. We intend to submit the proposed order to the Court on Friday at the latest.  
Kevin

**Kevin Sutehall**

Counsel

**Fox Rothschild LLP**

One Summerlin

1980 Festival Plaza Drive, Suite 700

Las Vegas, NV 89135

(702) 699-5925 - direct

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[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Tyrone Armstrong, Plaintiff(s) | CASE NO: A-19-796941-C  
7 vs. | DEPT. NO. Department 18  
8 US Bank National Association,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order Granting Summary Judgment was served via the court's  
14 electronic eFile system to all recipients registered for e-Service on the above entitled case as  
listed below:

15 Service Date: 8/25/2021

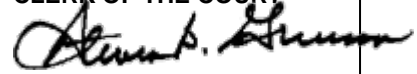
16 Kevin Sutehall	ksutehall@foxrothschild.com
17 Emma Gonzales	emma.gonzales@lewisbrisbois.com
18 DEFAULT ACCOUNT	NVefile@wrightlegal.net
19 Tonya Sessions	tsessions@wrightlegal.net
20 Jeffrey Allison	jallison@houser-law.com
21 Jeffrey Allison	jallison@houser-law.com
22 John Grossman	jgrossman@foxrothschild.com
23 Tyrone Armstrong	performanceoneautomotive@gmail.com
24 Doreen Loffredo	dloffredo@foxrothschild.com
25 Melanie Thomas	Melanie.Thomas@lewisbrisbois.com

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Darren Brenner

dbrenner@wrightlegal.net



1 **NEOJ**  
2 MARK J. CONNOT (10010)  
3 KEVIN M. SUTEHALL (9437)  
4 **FOX ROTHSCHILD LLP**  
5 1980 Festival Plaza Drive, #700  
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11 *Attorneys for Defendant U.S. National*  
12 *Association, as Trustee for Structured Asset Securities*  
13 *Corporation Mortgage Pass-Through Certificates,*  
14 *Series 2007-BC3*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 TYRONE KEITH ARMSTRONG,  
18  
19 Plaintiff,

20 vs.

21 U.S. BANK NATIONAL ASSOCIATION, as  
22 Trustee for Structured Asset Securities  
23 Corporation Mortgage Pass-Through  
24 Certificates, Series 2007-BC3; OCWEN  
25 LOAN SERVICING, LLC; PHH  
26 MORTGAGE CORPORATION; WESTERN  
27 PROGRESSIVE-NEVADA, INC.; BNC  
28 MORTGAGE, INC. DOES 1 through 20; ROE  
BUSINESS ENTITIES 1 through 20,  
  
Defendants

Case No. A-19-796941-C  
Dept.: 18

**NOTICE OF ENTRY OF ORDER**  
**DENYING PLAINTIFF'S**  
**AMENDED MOTION FOR PARTIAL**  
**SUMMARY JUDGMENT AND**  
**GRANTING DEFENDANTS'**  
**COUNTERMOTIONS FOR SUMMARY**  
**JUDGMENT ON STATUTES OF**  
**LIMITATIONS GROUNDS**

21 **PLEASE TAKE NOTICE** that an Order Denying Plaintiff's Amended Motion for Partial  
22 Summary Judgment and Granting Defendants' Countermotions for Summary Judgment on  
23 Statutes of Limitations Grounds, was entered in the above-entitled matter on August 25, 2021, a

24  
25 ///

26  
27 ///

copy of which is attached hereto.

DATED this 26<sup>th</sup> day of August, 2021.

**FOX ROTHSCHILD LLP**

/s/ Kevin M. Sutehall

MARK J. CONNOT (SBN 10010)

KEVIN M. SUTEHALL (SBN 9437)

1980 Festival Plaza Drive, #700

Las Vegas, Nevada 89135

*Attorneys for Defendants*

*U.S. National Association, as Trustee for Structured  
Asset Securities Corporation Mortgage Pass-Through  
Certificates, Series 2007-BC3*

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD LLP and that on the 26<sup>th</sup> day of August, 2021, I served a copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT AND GRANTING DEFENDANTS' COUNTERMOTIONS FOR SUMMARY JUDGMENT ON STATUTES OF LIMITATIONS GROUNDS** through the Court's electronic service system to the parties listed below:

Tyrone Keith Armstrong  
3713 Brentcove Drive  
North Las Vegas, NV 89032  
performanceoneautomotive@gmail.com  
*Plaintiff Pro Se*

Jeffrey S. Allison, Esq.  
Houser LLP  
6671 S. Las Vegas Blvd.  
Las Vegas, NV 89119  
jallison@houser-law.com  
*Attorneys for Defendants PHH Mortgage Corporation;  
PHH Mortgage Corporation, successor to  
Ocwen Loan Servicing, LLC,  
erroneously named; and Western  
Progressive-Nevada, Inc.*

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 26<sup>TH</sup> day of August, 2021.

/s/  
An employee of FOX ROTHSCHILD LLP



1 **OGSJ**  
2 MARK J. CONNOT (10010)  
3 KEVIN M. SUTEHALL (9437)  
4 **FOX ROTHSCHILD LLP**  
5 1980 Festival Plaza Dr., Suite 700  
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7 Telephone: (702) 262-6899  
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9 mconnot@foxrothschild.com  
10 ksutehall@foxrothschild.com  
11 *Attorneys for Defendant U.S. Bank National*  
12 *Association, as Trustee for Structured Asset Securities*  
13 *Corporation Mortgage Pass-Through Certificates,*  
14 *Series 2007-BC3*

15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 TYRONE KEITH ARMSTRONG,  
18 Plaintiff,

19 vs.

20 U.S. BANK NATIONAL ASSOCIATION, as  
21 Trustee for Structured Asset Securities  
22 Corporation Mortgage Pass-Through  
23 Certificates, Series 2007-BC3; OCWEN LOAN  
24 SERVICING, LCC; PHH MORTGAGE  
25 CORPORATION; WESTERN  
26 PROGRESSIVE-NEVADA, INC.; BNC  
27 MORTGAGE, INC., DOES 1 through 20; ROE  
28 BUSINESS ENTITIES 1 through 20,

Defendants.

Case No.: A-19-796941-C  
Dept.: 18

**ORDER DENYING PLAINTIFF'S**  
**AMENDED MOTION FOR PARTIAL**  
**SUMMARY JUDGMENT AND**  
**GRANTING DEFENDANTS'**  
**COUNTERMOTIONS FOR SUMMARY**  
**JUDGMENT ON STATUTES OF**  
**LIMITATIONS GROUNDS**

20 The following motions came on for a hearing on June 2, 2021, at 10:00 a.m., before the above-  
21 entitled Court via Bluejeans Video Conferencing System: (1) Plaintiff Tyrone Keith Armstrong's  
22 ("Plaintiff's") Amended Motion for Partial Summary Judgment, filed April 5, 2021 ("Plaintiff's  
23 Amended MPSJ"); (2) Defendant U.S. Bank National Association, as Trustee for Structured Asset  
24 Securities Corporation Mortgage Pass-Through Certificates, Series 2007-BC3's ("U.S. Bank  
25 Trust's") Countermotion for Summary Judgment, filed April 19, 2021 ("U.S. Bank Trust's  
26 Countermotion"); and, (3) Defendants PHH Mortgage Corporation, PHH Mortgage Corporation,  
27 successor to Ocwen Loan Servicing, LLC, erroneously named ("PHH's") Countermotion for  
28 Summary Judgment, filed April 14, 2021 ("PHH's Countermotion") (U.S. Bank Trust and PHH may

1 sometimes be referred to collectively as, “Defendants”). At the June 2, 2021 hearing, the Court  
2 considered, in addition to Plaintiff’s Amended MPSJ, U.S. Bank Trust’s Countermotion and PHH’s  
3 Countermotion, the following filings:

- 4 • PHH’s Opposition to Plaintiff’s Amended MPSJ (contained within the same filing as PHH’s  
5 Countermotion), filed April 14, 2021;
- 6 • U.S. Bank Trust’s Opposition to Plaintiff’s Amended MPSJ (contained within the same filing  
7 as U.S. Bank Trust’s Countermotion), filed April 19, 2021;
- 8 • PHH’s Joinder to both U.S. Bank Trust’s Opposition to Plaintiff’s MPSJ and U.S. Bank  
9 Trust’s Countermotion, filed April 19, 2021;
- 10 • U.S. Bank Trust’s Supplemental Opposition to Plaintiff’s Amended MPSJ, filed May 11,  
11 2021;
- 12 • Plaintiff’s Reply to U.S. Bank Trust’s Opposition to Plaintiff’s MPSJ and Opposition to U.S.  
13 Bank Trust’s Countermotion, filed May 12, 2021;
- 14 • Plaintiff’s Reply to PHH’s Opposition to Plaintiff’s MPSJ and Opposition to PHH’s  
15 Countermotion, filed May 12, 2021;
- 16 • U.S. Bank Trust’s Reply in Support of its Countermotion, filed May 19, 2021;
- 17 • PHH’s Joinder to U.S. Bank Trust’s Reply in Support of its Countermotion and Reply in  
18 Support of PHH’s Countermotion, filed May 19, 2021;
- 19 • U.S. Bank Trust’s Supplemental Reply in Support of its Countermotion, filed May 21, 2021;
- 20 • Plaintiff’s Supplemental Reply in Support of Plaintiff’s Amended MPSJ, filed May 29, 2021;  
21 and
- 22 • All appendices, declarations, and exhibits to the foregoing.

23 At the June 2, 2021 hearing, the Court denied Plaintiff’s Amended MPSJ, finding the  
24 existence of genuine issues of material facts in dispute. At the same hearing, the Court withheld its  
25 determinations of U.S. Bank Trust’s Countermotion and PHH’s Countermotion, ordered the parties  
26 to submit supplemental briefing regarding the statutes of limitations, and continued the hearing to  
27 July 28, 2021.

1 On June 16, 2021, U.S. Bank Trust and PHH filed supplemental briefing regarding the statutes  
2 of limitations in further support of their respective Countermotions. On June 30, 2021, Plaintiff filed  
3 Supplemental Points and Authorities concerning U.S. Bank Trust's Countermotion and PHH's  
4 Countermotion. On July 13, 2021, U.S. Bank Trust and PHH filed supplemental briefing in reply to  
5 Plaintiff's supplemental responses. The Court conducted the continued hearing as scheduled, on July  
6 28, 2021, at 10:00 a.m., via BlueJeans Video Conferencing System.

7 The Court, having reviewed the pleadings and papers on file herein, and having heard the  
8 arguments of counsel and of Plaintiff, and good cause appearing, **FINDS AND ORDERS AS**  
9 **FOLLOWS.**

10 **THE COURT FINDS, AT MINIMUM, THE FOLLOWING FACTS TO BE**  
11 **UNDISPUTED:**

- 12 • Plaintiff filed his initial Complaint in this matter on June 18, 2019 (the "Complaint").  
13 The Complaint concerned a certain deed of trust recorded by lender, BNC Mortgage,  
14 Inc. ("BNC"), on January 25, 2007 (the "2007 Deed of Trust") against Plaintiff's real  
15 property located in Clark County, Nevada, which real property is commonly known  
16 as 3713 Brentcove Drive, North Las Vegas, Nevada 89032, with Clark County  
17 Assessor's Parcel Number 139-09-217-099 (the "Property"). See Complaint,  
18 generally, including at ¶¶ 10, 25, and 29.
- 19 • In the Complaint, Plaintiff alleged that, "On May 06, 2010, [Defendants] . . . interfered  
20 with Plaintiff's use of the Property and recorded a Notice of Default and Election to  
21 Sell as document number: 201005060002260 in the official records of Clark County,  
22 Nevada. The notice of default was premised on a promise to pay BNC. Said notice of  
23 default identified U.S. Bank as the beneficiary, Ocwen as the loan servicer and  
24 Western as the trustee." Complaint at ¶ 36. Plaintiff asserted that he suffered lack of  
25 sleep, anxiety, depression, lack of appetite and loss of productivity related to his  
26 employment as a result of the May 2010 non-judicial foreclosure proceedings. *Id.* at  
27 ¶ 37.

- On March 28, 2011, Plaintiff, by his own admission, sent a letter to Chase Home Finance, then servicer of the loan secured by the 2007 Deed of Trust (the “2007 Loan”), which letter addressed and described in detail, and objected to the authenticity and enforceability of, the 2007 Deed of Trust.
- Plaintiff filed his First Amended Complaint in this matter on February 27, 2021 (the “FAC”). Like the Complaint, the FAC concerned the authenticity and enforceability of the 2007 Deed of Trust. FAC at ¶ 16-17.
- Each of Plaintiff’s four causes of action in the FAC concerned the 2007 Deed of Trust and the 2007 Loan which it secured. *See generally* FAC.
- In the FAC, like in the Complaint, Plaintiff alleged that, “On May 06, 2010, [Defendants] interfered with Plaintiff’s use of the Property and recorded a Notice of Default and Election to Sell as document number. . .” FAC at ¶ 35.

**IT IS HEREBY ORDERED** that Plaintiff’s Amended MPSJ is denied, based on the existence of genuine issues of material facts in dispute;

**IT IS FURTHER ORDERED** that both U.S. Bank Trust’s Countermotion and PHH’s Countermotion are granted as further set forth below, in their entireties, and that the FAC is hereby dismissed with prejudice. The Court finds and holds that there exist no genuine issues of material facts in dispute which might otherwise preclude summary judgment in favor of Defendants and against Plaintiff on all of Plaintiff’s claims, and further finds and holds that both U.S. Bank Trust and PHH are entitled to summary judgment as a matter of law dismissing with prejudice each and every one of Plaintiff’s causes of action in the FAC.

**THE COURT FURTHER FINDS AND HOLDS** that the respective statutes of limitations applicable to Plaintiff’s causes of action in the FAC are between two and five years. Specifically, the statutes of limitations for those causes of action are as follows:

- Wrongful foreclosure: three or four years<sup>1</sup>;

---

<sup>1</sup> Whether the statute of limitations for a wrongful foreclosure claim is three or four years is immaterial for purposes of deciding Defendants’ Countermotions. For purposes of this Order, the Court presumes that the statute of limitations on Plaintiff’s wrongful foreclosure claim is four years.

- Quiet title: five years;
- Declaratory relief: four years; and,
- Slander of title: two years.

*See, e.g.*, U.S. Bank Trust’s Countermotion and PHH’s Countermotion, and supplemental/reply briefs in support thereof.

As verified above, **THE COURT SPECIFICALLY FINDS** that Plaintiff affirmatively alleged that he was emotionally and physically injured, and was deprived of the use of his Property, in May 2010, all as the result Defendants’ alleged conduct arising from the existence of the 2007 Deed of Trust; and, that by his own admissions and allegations, Plaintiff was aware of Defendants’ claims against his Property, arising from the 2007 Deed of Trust, more than nine years before he filed the Complaint seeking relief.

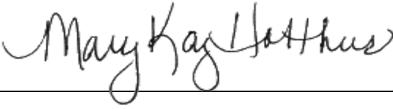
Accordingly, **THE COURT SPECIFICALLY HOLDS** that the statutes of limitations on all of Plaintiff’s causes of action expired prior to the date on which Plaintiff filed the Complaint, June 18, 2019;

**THE COURT FURTHER HOLDS** that the statute of limitations applicable to a quiet title cause of action is triggered when, in this case, Plaintiff is either ejected from the Property *or* when the validity or legality of Plaintiff’s ownership or possession of his Property is called into question; that the validity or legality of Plaintiff’s ownership or possession of his Property was called into question in May 2010, per Plaintiff’s own admissions and allegations in both the Complaint and the FAC; that Plaintiff’s cause of action seeking to quiet his title or interest in the Property, in response to the existence and recording of the 2007 Deed of Trust, expired in May 2015; and, that the statutes of limitations applicable to each of Plaintiff’s other cause of action in the FAC expired in or before May 2014;

Consistent with the foregoing, the temporary restraining order granted in favor of Plaintiff and against Defendants on June 28, 2019, and to the extent of any preliminary injunctions against foreclosure proceedings for which Plaintiff applied or suggested in the record, **BE AND ARE HEREBY LIFTED AND VACATED IN THEIR ENTIRETY.**

1                   **IT IS SO ORDERED.**

Dated this 25th day of August, 2021

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3                     
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5 Submitted by:

6 **FOX ROTHSCHILD LLP**

**8A8 0BD E198 0C75**  
**Mary Kay Holthus**  
**District Court Judge**

7 /s/ Kevin M. Sutehall

8 MARK J. CONNOT (10010)

9 KEVIN M. SUTEHALL (9437)

10 1980 Festival Plaza Dr., Suite 700

11 Las Vegas, NV 89135

*Attorneys for Defendant U.S. Bank National Association,*

*as Trustee for Structured Asset Securities Corporation*

*Mortgage Pass-Through Certificates, Series 2007-BC3*

12  
13 Approved as to Form and Content:

14 DATED: August 12, 2021

15 **HOUSER LLP**

16 /s/ Jeffrey S. Allison

17 JEFFREY S. ALLISON (8949)

18 6671 S. Las Vegas Blvd.

19 Las Vegas, NV 89119

20 jallison@houser-law.com

*Attorneys for Defendants PHH Mortgage*

*Corporation; PHH Mortgage Corporation,*

*successor to Ocwen Loan Servicing, LLC,*

*erroneously named; and Western Progressive-*

*Nevada, Inc.*

21  
22 DATED: August \_\_, 2021

23 -Did Not Approve-

24 TYRONE KEITH ARMSTRONG

25 PRO SE  
26  
27  
28

**From:** [Jeffrey S. Allison](#)  
**To:** [Sutehall, Kevin M.](#)  
**Cc:** [Grossman, John L.](#); [Loffredo, Doreen](#)  
**Subject:** RE: [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs  
**Date:** August 12, 2021 8:41:04 AM

---

Confirmed. Thanks.

Jeffrey S. Allison

Senior Attorney

**HOUSER** LLP

9970 Research Drive, Irvine, CA 92618

P: (949) 679-1111 F: (949) 679-1112

[www.houser-law.com](http://www.houser-law.com)

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Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon & Washington

Admitted to Practice in California & Nevada.

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---

**From:** Sutehall, Kevin M. [mailto:KSutehall@foxrothschild.com]  
**Sent:** Thursday, August 12, 2021 8:25 AM  
**To:** Jeffrey S. Allison <jallison@houser-law.com>  
**Cc:** Grossman, John L. <JGrossman@foxrothschild.com>; Loffredo, Doreen <dloffredo@foxrothschild.com>  
**Subject:** FW: [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs

Jeff—we plan to make the correction to the property's APN on page 3 and reject all of Armstrong's other revisions and "corrections" within the attached, and we will submit that proposed order to the Court this morning. I presume you are ok with us submitting the same draft that we circulated to you and Armstrong yesterday with the APN corrected but please confirm anyway. Thanks.

Kevin

**Kevin Sutehall**

Counsel

**Fox Rothschild LLP**

One Summerlin

1980 Festival Plaza Drive, Suite 700

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(702) 699-5925 - direct

(702) 597-5503 - fax

[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)

[www.foxrothschild.com](http://www.foxrothschild.com)

---

**From:** Tyrone Armstrong <[performanceoneautomotive@gmail.com](mailto:performanceoneautomotive@gmail.com)>  
**Sent:** August 11, 2021 7:40 PM  
**To:** Sutehall, Kevin M. <[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)>  
**Cc:** Jeffrey S. Allison <[jallison@houser-law.com](mailto:jallison@houser-law.com)>; Grossman, John L. <[JGrossman@foxrothschild.com](mailto:JGrossman@foxrothschild.com)>; Loffredo, Doreen <[dloffredo@foxrothschild.com](mailto:dloffredo@foxrothschild.com)>  
**Subject:** [EXT] Re: Armstrong v. U.S. Bank Trust et al: draft order on MSJs

PLAINTIFF'S FIRST AMENDED RED-LINED DRAFT OF ORDER OF 7/28/2021

Mr. Sutehall,

This correspondence amends and supersedes the email and attachments I sent to you today at 7:11pm (pst). Attached is your draft of the Order of the hearing of July 28, 2021 with my red-lined corrections.

Pg. 3, line 17: the parcel number is missing a digit;

Pg. 4, lines 1-2: This letter was drafted and sent on behalf of Plaintiff, and some errors were contained therein;

Pg. 4, lines 7-9: the allegations of lack of sleep, anxiety, depression, lack of appetite and loss of productivity related to employment were in support of Plaintiff's claim of Intentional Infliction of Emotional Distress, was set aside by Plaintiff, and not correlated to the issue of title to real property;

Pg. 4, lines 17-23: The Court made no oral or express findings that granted U.S. Bank's counterclaims.

Pg. 5, lines 8-9: the allegations of lack of sleep, anxiety, depression, lack of appetite and loss of productivity related to employment were in support of Plaintiff's claim of Intentional Infliction of Emotional Distress, was set aside by Plaintiff, and not correlated to the issue of title to real property;

Pg. 5, line 25 to Pg. 6, lines 1-4: Cited relevant portion of Berberich in the findings.

Pg. 6, lines 8-10: I intend to ask the Court to amend the judgment once the Order is entered and/or appeal with a contemporaneous motion to stay. The lis pendens should remain in place pending reconsideration or appeal or I will re-petition in the appellate courts to keep it in place. I have a highly likely chance of success on the merits because the Court appears to have overlooked an essential portion of Berberich that indicates:

"Consistent [\*\*7] with this understanding of NRS 11.080, the limitations period is triggered when the plaintiff is ejected from the property or has had the validity or legality of his or her ownership or possession of the property called into question. *See, e.g., Salazar v. Thomas*, 236 Cal. App. 4th 467, 186 Cal. Rptr. 3d 689, 695 (Ct. App. 2015) (discussing the general rule in California, which has a statute almost identical to NRS 11.080, *see* Cal. Civ. Proc. Code § 318, that "whether a statute of limitations bars an action to quiet title may turn on whether the plaintiff is in *undisturbed* possession of the land" (quoting *Mayer v. L&B Real*



*Estate*, 43 Cal. 4th 1231, 78 Cal. Rptr. 3d 62, 185 P.3d 43, 46 (Cal. 2008))). "[M]ere notice of an adverse claim is not enough to commence the owner's statute of limitations." *Id.* at 696; *see also Crestmar Owners Ass'n v. Stapakis*, 157 Cal. App. 4th 1223, 69 Cal. Rptr. 3d 231, 234 (Ct. App. 2007) ("[T]he statute of limitations for an action to quiet title does not begin to run until someone presses an adverse claim against the person holding the property."). Thus, for example, **a notice of default issued on a deed of trust has been found insufficient to dispute an owner's possession** because it does "not call into question the validity of [the owner's] control of the property" or "indirectly question [the owner's] control of the property by asserting [someone else] was entitled to possess the [property]." *Salazar*, 186 Cal. Rptr. 3d at 698."

[Berberich v. Bank of Am., N.A., 460 P.3d 440, 443, 2020 Nev. LEXIS 10, \\*6-7, 136 Nev. Adv. Rep. 10 \(Nev. March 26, 2020\)](#)

Sincerely,  
Tyrone K. Armstrong  
*Plaintiff Pro Se*

On Wed, Aug 11, 2021 at 2:12 PM Sutehall, Kevin M. <[KSutehall@foxrothschild.com](mailto:KSutehall@foxrothschild.com)> wrote:

Mr. Allison and Mr. Armstrong,  
Attached is a draft order concerning the Court's ruling on the parties' respective motions for summary judgment. Please provide your comments and/or proposed revisions, if any, or alternatively your approval to the form of the order, by the close of business tomorrow, August 12, 2021. We intend to submit the proposed order to the Court on Friday at the latest.  
Kevin

**Kevin Sutehall**

Counsel

**Fox Rothschild LLP**

One Summerlin

1980 Festival Plaza Drive, Suite 700

Las Vegas, NV 89135

(702) 699-5925 - direct

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4		
5		
6	Tyrone Armstrong, Plaintiff(s)	CASE NO: A-19-796941-C
7	vs.	DEPT. NO. Department 18
8	US Bank National Association,	
9	Defendant(s)	

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order Granting Summary Judgment was served via the court's  
14 electronic eFile system to all recipients registered for e-Service on the above entitled case as  
listed below:

15 Service Date: 8/25/2021

16	Kevin Sutehall	ksutehall@foxrothschild.com
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20	Jeffrey Allison	jallison@houser-law.com
21	Jeffrey Allison	jallison@houser-law.com
22	John Grossman	jgrossman@foxrothschild.com
23	Tyrone Armstrong	performanceoneautomotive@gmail.com
24	Doreen Loffredo	dloffredo@foxrothschild.com
25	Melanie Thomas	Melanie.Thomas@lewisbrisbois.com
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Darren Brenner

dbrenner@wrightlegal.net

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**July 10, 2019**

---

A-19-796941-C      Tyrone Armstrong, Plaintiff(s)  
vs.  
US Bank National Association, Defendant(s)

---

**July 10, 2019      9:00 AM      Motion for Temporary  
Restraining Order**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:**      Armstrong, Tyrone Keith      Plaintiff

**JOURNAL ENTRIES**

- Ramin Zaeeti present on behalf of Tyrone Armstrong.

Court noted it was concerned that no one from the bank would show up; further indicating the affidavit of service was filed on July 2, 2019 and the Bank filed a Motion last night, July 9, 2019. Mr. Zaeeti noted they had filed a document and served. Court inquired if Mr. Armstrong has spoke with the Bank, because the Court believed someone with the same name received a second mortgage on Mr. Armstrong's house and the Court didn't know how that could be fixed. Court noted it would keep Temporary Restraining Order (TRO) in effect; further noted, the bank filed the Motion last night, July 9, 2019 and they canceled the scheduled foreclosure sale. COURT ORDERED, matter CONTINUED for 30 days. Court noted it seemed as though there was a typo and it would try to get someone from the bank to be present. Mr. Armstrong requested an order to serve someone. Court noted it appears service had been effective; therefore, the bank had until July 23, 2019 to answer Complaint as long as they stop the sale.

7/31/19 9:00 AM CONTINUED: MOTION FOR TEMPORARY RESTRAINING ORDER

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Other Title to Property

# COURT MINUTES

**July 31, 2019**

A-19-796941-C      Tyrone Armstrong, Plaintiff(s)  
vs.  
US Bank National Association, Defendant(s)

July 31, 2019	9:00 AM	Motion for Temporary Restraining Order
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**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

## PARTIES

**PRESENT:** Armstrong, Tyrone Keith                      Plaintiff

## JOURNAL ENTRIES

- Edward Vargas, Esq. present on for Plaintiff.

Court noted there was no need for the Temporary Restraining Order (TPO) because there was no foreclosure sale. Statements by Mr. Vargas regarding foreclosure sale. Court indicated it couldn't do anything about it; however, if they tried anything again parties would have to come back and the Court would proceed accordingly. Colloquy between parties regarding case facts. Following colloquy, Ramin Zabeti spoke on behalf of Mr. Armstrong stating it appears the bank had something that resembles Mr. Armstrong's signature and driver's license which was used on loan documents. Statements by Mr. Vargas indicating fraud. Court noted MATTER TRAILED to look into getting the bank on the phone.

MATTER RECALLED. Same parties present. Law Clerk advised parties the District Attorney's Office had been contacted, and noted the bank was located in California; however, they would be able to appear by phone that afternoon at 2:30 pm. COURT ORDERED, matter CONTINUED until the afternoon.

7/31/19 2:30 PM CONTINUED: MOTION FOR TPO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>July 31, 2019</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>July 31, 2019</b>	<b>2:30 PM</b>	<b>Motion for Temporary Restraining Order</b>
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**HEARD BY:** Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

**PRESENT:** Armstrong, Tyrone Keith Plaintiff

**JOURNAL ENTRIES**

- Jeffery Allison, Esq. present for Deft. via Conference Call. Edward Vargas, Esq. present on behalf of Deft.

Court advised Mr. Allison it placed the instant matter on calendar to figure out what was going on. Mr. Allison indicated they did not receive notice of the instant hearings. Court inquired if Mr. Allison had looked into the instant case at all. Mr. Allison advised there wasn't a foreclosure sale going forward and sale was on hold; therefore, as long as there was a hold nothing would take place. Colloquy between parties regarding facts of case. Court noted Mr. Armstrong stated the loan was paid in full a couple of years ago. Statements by Mr. Allison. Mr. Vargas advised Mr. Allison to follow the money and see who was making payments. Upon Court's inquiry, Mr. Allison indicated there was a Motion to Dismiss on for September 4, 2019; however, he had a conflict with date and would be requesting that Motion continued to the following week. COURT SO ORDERED. Court advised Mr. Allison to get any documents for Plaintiff to pursue information ahead of time. Mr. Allison requested that Plaintiff provide any documentation to show this might be fraud or identity theft, and include any conclusions that had been reached. Mr. Vargas indicated Deft. had police



report, IRS identity theft claim and a claim with North Las Vegas Police Report. Mr. Vargas indicated he would send documents over. COURT DIRECTED Mr. Allison to take a look at the original note, where funds were released and who was making payments. COURT FURTHER ORDERED, Ex parte Motion for a Temporary Restraining Order was hereby VACATED and Motion to Dismiss was continued. Parties agreed that order would be sufficient as opposed to an Order.

9/25/19 9:00 AM MOTION TO DISMISS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>October 01, 2019</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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October 01, 2019	4:20 PM	Minute Order
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HEARD BY: Holthus, Mary Kay	COURTROOM: Chambers
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COURT CLERK: Dara Yorke

RECORDER:

REPORTER:

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- This COURT FINDS, Defendant BNC Mortgage, Inc., filed a Notice of Bankruptcy on September 20, 2019. Therefore, pursuant to 11 U.S.C. 362(a)(1) and (362)(a)(3) of the Bankruptcy Code, the filing of the Notice of Bankruptcy operates as a Stay of the commencement or continuation of a judicial, administrative, or other action or proceeding against the debtor. Therefore, COURT ORDERS, any action against Defendant BNC Mortgage, Inc. is stayed and Plaintiff s Motion Prove-Up Hearing against Defendant BNC Mortgage, Inc., having been scheduled before this Court on October 23, 2019, is hereby vacated.

CLERK'S NOTE: The above minute order has been distributed to: Colt B. Dodrill, Esq. -  
cbdodrill@wolfewyman.com and  
Keith Armstrong, Proper Person- performanceoneautomotive@gmail.com //10-1-19/ dy

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Other Title to Property

## COURT MINUTES

November 13, 2019

A-19-796941-C      Tyrone Armstrong, Plaintiff(s)  
vs.  
US Bank National Association, Defendant(s)

**November 13, 2019      9:00 AM      All Pending Motions**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Allison, Jeffrey S.	Attorney
	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney

## JOURNAL ENTRIES

- Ed Vargas, Esq. present for Plaintiff in limited capacity.

NOTICE OF MOTION AND MOTION TO DISMISS COMPLAINT; REQUEST FOR JUDICIAL NOTICE...PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTION FOR SUMMARY JUDGMENT; OR ALTERNATIVELY MOTION FOR CONTINUANCE UNDER NRCP 56(d)...PLAINTIFF'S MOTION TO STRIKE DEFENDANT US BANK'S REPLY FILED ON November 6, 2019; AND EX PARTE MOTION FOR AN ORDER SHORTENING TIME

Statements by Mr. Vargas. Court noted the instant case was disturbing; additionally, it didn't know what more Mr. Armstrong could do with the claims being ongoing for some time, and still the question of where the funds went. Arguments by Mr. Sutehall. Arguments by Mr. Allison. Court noted it was looking for the original note, payout or any documents. Following colloquy, COURT ORDERED, Notice of Motion and Motion to Dismiss Complaint; Request For Judicial Notice was hereby DENIED; Plaintiff's Opposition to Motion to Dismiss and Countermotion For Summary

PRINT DATE: 09/21/2021

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Minutes Date: July 10, 2019

Judgment; Or Alternatively Motion For Continuance Under NRCP 56(d) was hereby DENIED; and Plaintiff's Motion To Strike Defendant Us Bank's Reply Filed On November 6, 2019; and Ex Parte Motion For An Order Shortening Time was hereby DENIED. Court FINDS more discovery needed to be completed. Parties to prepare their respective Orders and submit to opposing counsel for approval as to form and content.

CLERK'S NOTE: The above minute order has been distributed to: Tyrone Armstrong (nevadastateliens@aol.com), Jeffrey Allison, Esq. (jallison@houser-law.com), and Kevin Sutehall, Esq. (ksutehall@foxrothschild.com) //11-18-19/ dy

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

### Other Title to Property

# COURT MINUTES

April 15, 2020

A-19-796941-C      Tyrone Armstrong, Plaintiff(s)  
vs.  
US Bank National Association, Defendant(s)

**April 15, 2020                      9:00 AM                      Mandatory Rule 16  
Conference**

**HEARD BY:** Holthus, Mary Kay

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Allison, Jeffrey S.	Attorney
	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney

## JOURNAL ENTRIES

- Tyrone Armstrong, Plaintiff, Jeffrey Allison, Esq, and Kevin Sutehall, Esq. present via Court Call.

Mr. Sutehall indicated Plaintiff wasn't disclosing damages until the middle of October 2020. Court referred parties to Judge Wiese's Department; further, advised parties to contact Department 30 to set up a settlement conference if needed. COURT ORDERED, discovery cutoff is January 7, 2021; adding parties, amended pleadings, and initial expert disclosures DUE October 8, 2020; rebuttal expert disclosures DUE November 6, 2020; dispositive motions TO BE FILED BY February 5, 2021, trial ready date April 5, 2021.

6/16/21 9:00 AM CALENDAR CALL

6/28/21 1:00 PM BENCH TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****October 21, 2020**

A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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**October 21, 2020      10:00 AM      Motion for Discovery**

**HEARD BY:** Holthus, Mary Kay      **COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allison, Jeffrey S.	Attorney
	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney

**JOURNAL ENTRIES**

- Tyrone Armstrong, Jeffrey Allison, Esq and Kevin Sutehall, Esq. present via Bluejeans video conference.

Colloquy between parties. Arguments by Mr. Sutehall. Court noted trials were likely to be moved in time; therefore, ORDERED, Motion to Extend Discovery Deadlines on OST were hereby GRANTED due to COVID-19. Mr. Armstrong agreed to more time; however, requested that the Court lock counsel into a firm date. Arguments by Mr. Sutehall and Mr. Allison. Colloquy between parties regarding trial dates. Following colloquy, Court indicated it would leave dates in place with the understanding they would try to get to it. COURT FURTHER ORDERED, discovery cutoff is April 8, 2021; adding parties, amended pleadings, and initial expert disclosures DUE January 8, 2021; rebuttal expert disclosures DUE February 8, 2021; dispositive motions TO BE FILED BY May 7, 2021. COURT FURTHER ORDERED, trial date STANDS. Mr. Sutehall to prepare the Order and submit for approval as to form and content. Court inquired if Mr. Armstrong was able to get an attorney through Pro Bono, which he indicated he wasn't.

**A-19-796941-C**

6/16/21 9:00 AM CALENDAR CALL

6/28/21 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****November 24, 2020**

A-19-796941-C      Tyrone Armstrong, Plaintiff(s)  
vs.  
US Bank National Association, Defendant(s)

<b>November 24, 2020</b>	<b>9:00 AM</b>	<b>Motion for Protective Order</b>	<b>Objection to Defendant U.S. Bank's Motion to Issue Subpoena Duces Tecum and Plaintiff's Motion for a Protective Order</b>
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**HEARD BY:** Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Allison, Jeffrey S.	Attorney
	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney

**JOURNAL ENTRIES**

- Mr. Armstrong stated the 2004 loan was satisfied in 2016. Argument by Mr. Armstrong. If Commissioner grants the Subpoena, can it be limited or tailored? Mr. Sutehall stated Plaintiff's Motion for Protective Order was untimely, and Mr. Armstrong opposed many forms of discovery, and a discovery continuance. Mr. Sutehall provided a history of the case; this Motion concerns a 2004 loan, and Plaintiff claims the 2004 loan was settled or satisfied on 10-26-2016, but Plaintiff failed to provide documents. Mr. Sutehall asked for documentation on the 2004 loan. Nothing further from Mr. Allison.



COMMISSIONER RECOMMENDED, motion is GRANTED IN PART and DENIED IN PART; alternative relief provided; Deft will Subpoena bank records from 2007 and 2016 from the entities requested; Plaintiff is allowed 30 days to obtain copies of all payments, checks to Bank of America regarding the 2004 loan; anything in bank records for BAC and Bank of America regarding the loan at issue. If Plaintiff has not provided the documents within 30 days, Commissioner may allow additional bank records to Deft. COMMISSIONER RECOMMENDED, Deft will Subpoena tax records, and utility providers to see who paid them; within 14 days, Mr. Armstrong will provide utilities account numbers for the property at issue, and the parcel number and address.

Mr. Sutehall requested homeowner insurance carriers. COMMISSIONER RECOMMENDED, provide policy numbers from all carriers who maintained insurance on the property from 2004 through 2016; if information is not provided, then more bank records may be obtained from the bank. Discovery cutoff is April 2021. COMMISSIONER RECOMMENDED, Plaintiff will provide the information within two weeks, by 12-8-2020; Status Check SET. Commissioner modified the Subpoenas to the banks for January 1st through December 31st for 2007 and 2016.

Mr. Sutehall to prepare the Report and Recommendations, and Plaintiff and Mr. Allison to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

12-18-2020 9:30 a.m. Status Check: Plaintiff's compliance

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**December 17, 2020**

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A-19-796941-C	Tyrone Armstrong, Plaintiff(s)
	vs.
	US Bank National Association, Defendant(s)

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**December 17, 2020      9:30 AM      All Pending Motions**

**HEARD BY:** Truman, Erin      **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allison, Jeffrey S.	Attorney
	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney

**JOURNAL ENTRIES**

- Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong

Objection to Defendant U.S. Bank's Motion to Compel NRCP 35 Examination Upon Plaintiff and Motion for Protective Order

Argument by Mr. Sutehall. Mr. Allison deferred to Mr. Sutehall. Mr. Armstrong stated the case is about proof of payment. Argument by Mr. Armstrong. Upon Commissioner's inquiry, Plaintiff stated his brain injury occurred in 2001 from a car accident. Mr. Armstrong has sought treatment since 2001, but Mr. Armstrong invoked the privilege of a doctor and patient relationship. Upon Commissioner's inquiry, Mr. Sutehall has not requested medical records from Plaintiff for five years prior to the signing of documents. Argument by Mr. Sutehall. Mr. Armstrong offered to provide

documents today.

COMMISSIONER RECOMMENDED, Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certificates, Series 2007-B3's Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong is DENIED WITHOUT PREJUDICE; alternative relief was provided, and Deft will first obtain Plaintiff's medical records from five years prior for mental health and cognitive difficulties; the Motion for a Rule 35 examination can be renewed if the Court extends the dates. COMMISSIONER RECOMMENDED, Status Check SET.

COMMISSIONER RECOMMENDED, Objection to Defendant U.S. Bank's Motion to Compel NRCP 35 Examination Upon Plaintiff and Motion for Protective Order is GRANTED IN PART and DENIED IN PART as stated. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong and Mr. Allison to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCCR to [DiscoveryInbox@clarkcountycourts.us](mailto:DiscoveryInbox@clarkcountycourts.us). A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

1-29-2021 9:30 a.m. Status Check: Medical discovery

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Title to Property	COURT MINUTES	December 18, 2020
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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December 18, 2020	9:30 AM	Status Check	Status Check: Plaintiff's compliance
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HEARD BY: Truman, Erin

COURTROOM: RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

**PARTIES**

PRESENT: Sutehall, Kevin M. Attorney

**JOURNAL ENTRIES**

- Mr. Sutehall stated Plaintiff complied with the fourth paragraph of the Recommendation, and counsel is waiting for documents from the Subpoena for bank records. Mr. Sutehall stated Plaintiff is claiming he is indigent, he cannot pay the bank copy costs, and he cannot provide documents due to a flood at his house. Argument by Mr. Sutehall; counsel requested proof of payment on the loan. Mr. Sutehall requested to enlarge the Subpoena to provide documents. Commissioner stated the information is not due from Plaintiff until 12-24-2020. COMMISSIONER RECOMMENDED, by 12-24-2020, copies of payments and checks are due from Plaintiff regarding the loan at issue; matter CONTINUED.

12-31-2020 10:00 a.m. Status Check: Plaintiff's compliance

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

PRINT DATE: 09/21/2021

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Minutes Date: July 10, 2019

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>December 31, 2020</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>December 31, 2020</b>	<b>10:00 AM</b>	<b>Status Check</b>	<b>Status Check: Plaintiff's Compliance</b>
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**HEARD BY:** Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith Sutehall, Kevin M.	Plaintiff Attorney
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**JOURNAL ENTRIES**

- Argument by Mr. Sutehall and Mr. Armstrong. COMMISSIONER RECOMMENDED, US Bank will Subpoena the records for the relevant timeframe in the prior Report and Recommendation for payments made to the loan; upon Mr. Sutehall's request, Commissioner allowed from the date of the loan through 2017. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>January 06, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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**January 06, 2021      10:00 AM      Motion for Leave**

**HEARD BY:** Holthus, Mary Kay      **COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Dara Yorke

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allison, Jeffrey S.	Attorney
	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney

**JOURNAL ENTRIES**

- Tyrone Armstrong, Jeffrey Allison, Esq. and Kevin Sutehall, Esq. present via Bluejeans video conference.

Upon Court's inquiry, statements by Mr. Armstrong. Following statements, COURT ORDERED, Plaintiff's Motion for Leave to File First Amended Complaint was hereby GRANTED due to not being technically unopposed. Upon Court's inquiry, arguments by Mr. Sutehall requesting trial date be set later on in the year. Court advised it would give some time; however, would like for parties to think of resetting the trial date and go back to Commissioner Truman and figure out settlement issues. Mr. Armstrong noted there was a Motion pending for Summary Judgment on April 28, 2021. Court advised Mr. Armstrong he may need to amend his Motion. Further statements by Mr. Armstrong. Following colloquy, Court further indicated it would give defense additional time in discovery. Colloquy between parties regarding trial setting. Following colloquy, COURT ORDERED, trial VACATED and RESET.

**A-19-796941-C**

8/25/21 9:00 AM CALENDAR CALL

9/7/21 1:00 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>January 29, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>January 29, 2021</b>	<b>9:30 AM</b>	<b>Status Check</b>	<b>Status Check: Medical discovery</b>
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**HEARD BY:** Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney

**JOURNAL ENTRIES**

- Mr. Armstrong stated he provided documents to Defense counsel in accordance with Commissioner's Recommendation. Arguments by Mr. Armstrong and Mr. Sutehall. COMMISSIONER RECOMMENDED, Mr. Armstrong is required to provide HIPAA compliant authorizations within one week from today, by 2-5-2021. Colloquy. Mr. Sutehall will serve Mr. Armstrong by Monday or Tuesday; if authorizations are provided at that time, Plaintiff must return signed provider specific, HIPAA compliant authorizations within one week from the date Mr. Armstrong received it. If there are any objections, bring it to the Court immediately. If authorizations are not signed, Commissioner stated Mr. Sutehall can prepare a Motion to Compel.

COMMISSIONER RECOMMENDED, Status Check SET. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.



3-5-2021 9:30 a.m. Status Check: Medical discovery / authorizations

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>February 22, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>February 22, 2021</b>	<b>3:00 PM</b>	<b>Minute Order</b>
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<b>HEARD BY:</b> Holthus, Mary Kay	<b>COURTROOM:</b> Chambers
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**COURT CLERK:** Dara Yorke

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- This Court, having reviewed the pleadings and papers on file herein, upon the request of the above-named Defendant US Bank National Association, through counsel Kevin M. Sutehall, Esq., and for good cause appearing, IT IS HEREBY ORDERED that upon request of this Court, Exhibit 2-A to Defendant US Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass-Through Certifications, Series 2007 BC3 s Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong shall be filed under seal pursuant to Nevada Rules Governing Sealing and Redacting Court Records, Rule 3.

CLERK'S NOTE: The above minute order has been electronically served to parties via email and/or Odyssey File & Serve. // 2-22-21/ dy

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Title to Property	COURT MINUTES	March 02, 2021
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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**March 02, 2021      9:30 AM      All Pending Motions**

**HEARD BY:** Truman, Erin      **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Attorney
	Wood, Brittany	Attorney

**JOURNAL ENTRIES**

- ATTORNEY PRESENT: Edward Vargas, #8702, present for Plaintiff in an unbundled capacity.

(1) Plaintiff's Motion for Protective Order

(2) Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass through Certificates, Series 2007-BC3 S Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong Hearing on Shortened Time

(3) Plaintiff's Motion to Compel Production of Documents from First American Title Insurance Company

Argument by Mr. Vargas regarding a title insurance claim made in 2015, and counsel doesn't know

how the attorney client privilege applies. Argument by Mr. Vargas. Ms. Wood stated 2019 is the only claim she is aware of, it was identified on documents in the privilege log, and in the Subpoena. The property is 3713 Brentcove, North Las Vegas, NV 89032. Ms. Wood stated First American Title Insurance Company was not the policy issuing Agent, however, her office already agreed to accept service on the Subpoena to look for documents. COMMISSIONER RECOMMENDED, (3) Plaintiff's Motion to Compel Production of Documents from First American Title Insurance Company is DENIED; alternative relief provided; Plaintiff is allowed to re-serve a Subpoena on First American Title Insurance Company for any and all claims for the property at 3713 Brentcove, North Las Vegas, NV 89032 from 2015 through the present time.

COMMISSIONER RECOMMENDED, once the documents and privilege log are produced, counsel must meet and confer. Ms. Wood agreed to accept service on a modified Subpoena. COMMISSIONER RECOMMENDED, issue the Subpoena as soon as possible, and respond as soon as possible; Status Check SET in 30 days. Ms. Wood will work with counsel if a different Status Check date is needed, and contact the Discovery office. After serving the Subpoena for Plaintiff, Mr. Vargas will prepare a Notice of Withdrawal. Mr. Vargas to prepare the Report and Recommendations, and counsel to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

Ms. Wood is not a party in the case, therefore, she disconnected from the Hearing.

Colloquy regarding Ramin Zabeti, a percipient witness. Commissioner can look at documents 1 through 3 in camera. Argument by Mr. Sutehall. Colloquy regarding a Subpoena to a Third Party. COMMISSIONER RECOMMENDED, (1) Plaintiff's Motion for Protective Order is GRANTED IN PART and DENIED IN PART; all communications between Ramin Zabeti and Plaintiff must be responded to for this property dispute; any documents requested related to the Subpoena within Ramin Zabeti's possession, custody, or control must be produced. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Vargas to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

Commissioner stated a Rule 35 examination is not proportional to this case as Mr. Armstrong's capacity cannot be assessed at the time the Contract was entered into (2007). Commissioner stated an Evidentiary Hearing may be appropriate. Argument by Mr. Sutehall. COMMISSIONER RECOMMENDED, (2) Defendant U.S. Bank National Association, as Trustee for Structured Asset Securities Corporation Mortgage Pass through Certificates, Series 2007-BC3 S Renewed Motion to Compel NRCP 35 Examination of Plaintiff Tyrone Keith Armstrong Hearing is DENIED; alternative relief provided; Plaintiff is Directed to identify his health insurance Carrier since he is not providing medical providers; Commissioner allowed the medical health Carrier since 2007, and Deft is allowed to Subpoena a List of claims since 2007 to obtain the records directly from the Carrier. Mr. Vargas

stated Mr. Armstrong has been on Medicare about 20 years.

COMMISSIONER RECOMMENDED, Mr. Armstrong must contact Medicare, and provide a printout of medical providers who submitted claims on Mr. Armstrong's behalf including mental health treatment; provide the information to Defts within two weeks. Colloquy. COMMISSIONER RECOMMENDED, by 3-16-2021, Mr. Armstrong is required to request the information from Medicare, but redact the amount of treatment; names of providers including mental health, or for cognitive issues must remain unredacted; redact the names of providers who are not related to this issue; provide to Mr. Sutehall a copy of the correspondence, and the Request to Medicare. Mr. Sutehall to prepare the Report and Recommendations, and Mr. Vargas to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

At the request of counsel, COMMISSIONER RECOMMENDED, the 3-5-2021 Status Check is VACATED.

3-19-2021 9:30 a.m. Status Check: Medicare claims

4-2-2021 9:30 A.M. Status Check: Subpoena to First American Title Insurance Company

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>March 19, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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March 19, 2021	10:00 AM	Status Check	Status Check: Medicare claims
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**HEARD BY:** Young, Jay **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith	Plaintiff
		Counter Defendant
	Sutehall, Kevin M.	Attorney

**JOURNAL ENTRIES**

- Mr. Armstrong submitted a Declaration last night, and Mr. Sutehall reviewed it. COMMISSIONER RECOMMENDED, matter CONTINUED two weeks to determine if documentation is provided, and proof of submission is submitted by Mr. Armstrong. If the documents are submitted to Mr. Sutehall before 4-2-2021, Plaintiff and Mr. Sutehall's appearance is not needed. Mr. Sutehall addressed the Declaration, and it is not clear what Mr. Armstrong is asking for; records from Medicare are needed, but Mr. Armstrong requested records from the Social Security Administration. Mr. Armstrong always goes through Social Security for his medical records. Commissioner stated the records are being provided to avoid a Rule 35 examination, and records from medical providers must be provided from Medicare. If Mr. Armstrong has asked the wrong entity for documents, and the records are not provided to Deft, Commissioner will be Strongly Inclined to Order a Rule 35 examination. Mr. Armstrong understood the Commissioner's concerns. Commissioner stated providing the records was an effort to protect Mr. Armstrong's privacy, but Mr. Armstrong may be seeking the records from the wrong entity.

4-2-2021 10:00 a.m. Status Check: Medicare claims

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>April 02, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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April 02, 2021	10:00 AM	All Pending Motions
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**HEARD BY:** Young, Jay **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Allison, Jeffrey S. Armstrong, Tyrone Keith  Sutehall, Kevin M. Wood, Brittany	Attorney Plaintiff Counter Defendant Attorney Attorney
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**JOURNAL ENTRIES**

- Status Check: Subpoena to First American Title Insurance Company

Status Check: Medicare claims

Mr. Armstrong filed a Declaration last night. Mr. Sutehall addressed the medical EOBs, the fragmented partial production of mental health records, and Mr. Sutehall requested a HIPAA release. Mr. Armstrong stated the records were requested 3-19-2021. Colloquy. COMMISSIONER RECOMMENDED, Status Check SET in 30 days. Commissioner will alert Judge Holthus of the issue, and counsel would request an extension from Judge Holthus.

Ms. Woods stated her client is a non-party, and Mr. Armstrong served a Subpoena on her client.



Argument by Ms. Woods regarding production of documents from the 2015 claim, and Ms. Woods agreed to provide a COR Affidavit in response to the second Subpoena. If Plaintiff believes the privilege log is inappropriate, Commissioner stated Plaintiff must reach out to Ms. Woods. Counsel offered to produce the documents for an in camera review. Argument by Mr. Armstrong. COMMISSIONER RECOMMENDED, Status Check SET for Commissioner to review the privilege log in camera. Commissioner will review the Motion and the pleadings. Submit the in camera by dropping it off in person, or mailing it to [DiscoveryInbox@clarkcountycourts.us](mailto:DiscoveryInbox@clarkcountycourts.us).

5-7-2021 10:00 a.m.

Status Check: Subpoena to First American Title / Medicare claims / In camera review of privilege log

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>May 14, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>May 14, 2021</b>	<b>10:00 AM</b>	<b>Status Check</b>	<b>Status Check:</b> <b>Subpoena to First</b> <b>American Title /</b> <b>Medicare claims / In</b> <b>camera review of</b> <b>privilege log</b>
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**HEARD BY:** Young, Jay**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith  Sutehall, Kevin M. Wood, Brittany	Plaintiff Counter Defendant Attorney Attorney
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**JOURNAL ENTRIES**

- Commissioner reviewed the documents in camera submitted by First American Title Insurance Company, and each document was properly withheld based on privilege. Ms. Wood to prepare the Report and Recommendations, and Mr. Armstrong has 48 hours to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to DiscoveryInbox@clarkcountycourts.us. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.

6-4-2021 10:00 a.m. Status Check: Compliance / 5-14-2021 DCRR

PRINT DATE: 09/21/2021

Page 30 of 41

Minutes Date: July 10, 2019

During the Hearing, Mr. Armstrong sent a message to Discovery stating he is present, but he was muted. Colloquy. Court Recorder unmuted Mr. Armstrong.. Mr. Armstrong received the second set of Medicare records, and served them on Deft. Mr. Armstrong received one page out of 188 pages from the 2015 title insurance claim. Argument by Mr. Armstrong. Mr. Sutehall stated Ms. Wood disconnected from the Hearing as she was part of the prior discussion. Mr. Armstrong heard Commissioner's ruling on the in camera submission. Mr. Armstrong requested Commissioner require Ms. Wood to provide the documents. Commissioner advised Mr. Armstrong that he must conduct a meet and confer with Ms. Wood before bringing a Motion before the Commissioner.

Commissioner inquired if the mental health providers were included in the records. Mr. Armstrong didn't look at the records he served on Mr. Sutehall. COMMISSIONER RECOMMENDED, Mr. Armstrong and Mr. Sutehall must conduct a phone or in-person conference; Mr. Armstrong must give Mr. Sutehall a List of mental health providers, or Commissioner will Order a Rule 35 examination. Mr. Armstrong suggested Mr. Sutehall obtain the records. Commissioner stated Mr. Armstrong has the obligation to provide the records.

COMMISSIONER RECOMMENDED, Mr. Armstrong must give a List of providers and mental health providers that Mr. Armstrong treated with, and give it to Mr. Sutehall; if the List is not provided to Mr. Sutehall by 5-21-2021, Commissioner will Grant a Rule 35 examination. COMMISSIONER RECOMMENDED, Status Check SET.

5-21-2021 10:00 A.M. Status Check: Medicare records, and a List of providers, and mental health providers

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Jennifer Lott, to all registered parties for Odyssey File & Serve. jl

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>May 21, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>May 21, 2021</b>	<b>10:00 AM</b>	<b>Status Check</b>
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**HEARD BY:** Young, Jay **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith	Plaintiff
		Counter Defendant
	Sutehall, Kevin M.	Attorney

**JOURNAL ENTRIES**

- Commissioner noted at the last meeting, Mr. Armstrong was instructed to provide a list of medical providers. Mr. Sutehall advised Plaintiff filed a document that identified 6 providers for mental health services, 4 of the names were new; of which 3 out of the 4 have been served a subpoena. However, Plaintiff has objected to the subpoenas. Mr. Sutehall also requested Mr. Armstrong return the HIPPA release. Mr. Armstrong withdrew his objection to the subpoenas. Colloquy regarding the HIPPA release. COMMISSIONER RECOMMENDED: HIPPA releases due by 5/24/2021 and status check SET. Mr. Sutehall to prepare a report and recommendation to include the steps Defendant has taken and that HIPPA releases were due by 5/24/2021, provide to Plaintiff for review and approval and submit to the discovery in box within 14 days of the hearing to avoid a sanction.

06/11/2021 10:00 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Title to Property	COURT MINUTES	June 02, 2021
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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June 02, 2021	10:00 AM	All Pending Motions
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**HEARD BY:** Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Michelle Jones

**RECORDER:** Yvette G. Sison

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- APPEARANCES: Edward Vargas, Esq. present in special capacity for Pltf. Kevin Sutehall, Esq. present for Deft. US Bank.

PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT...PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT VOL. 1...DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORP MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S RESPONSE TO PLAINTIFF'S October 20,2020 MOTION FOR PARTIAL SUMMARY JUDGMENT AND JOINDER TO PHH/OCWEN OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT...JOINDER TO OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT...OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTER-MOTION FOR SUMMARY JUDGMENT

Arguments by Mr. Vargas and Mr. Sutehall including issues pertaining to material facts, identify theft, and statute of limitations. COURT FINDS issues of act exist; therefore, ORDERED, Motions

DENIED with exception to Countermotion on statute of limitations issue. Colloquy regarding time for briefing the issue. COURT FURTHER ORDERED, Mr. Sutehall to file supplemental brief on statute of limitations by 6/16/21; response to supplement due by 6/30/21; reply brief due by 7/14/21; hearing SET 7/28/21 at 10:00 a.m. Upon inquiry by Mr. Sutehall, Court stated an order may be prepared after the continued hearing.

CONTINUED TO: 7/28/21 10:00 AM DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORP MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S RESPONSE TO PLAINTIFF'S October 20,2020 MOTION FOR PARTIAL SUMMARY JUDGMENT AND JOINDER TO PHH/OCWEN OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT

CLERK'S NOTE: Minutes prepared utilizing the JAVS recording. /cd 7-13-2021/

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>July 09, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>July 09, 2021</b>	<b>9:00 AM</b>	<b>Motion for Protective Order</b>	<b>Plaintiff's Motion for Protective Order</b>
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**HEARD BY:** Young, Jay **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Francesca Haak

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Counter Defendant Attorney

**JOURNAL ENTRIES**

- No further argument by Mr. Armstrong or Mr. Sutehall. COMMISSIONER RECOMMENDED, motion is DENIED; the Countermotion is GRANTED pursuant to Rule 37(a)(5)(B); Mr. Sutehall has seven days to supplement the pleadings regarding the Request for Fees and Costs; Mr. Armstrong has seven days to file a response, and a Status Check is SET in 21 days. Commissioner Directed Mr. Sutehall to utilize the Form on the Eighth Judicial District Court's website. A template Report and Recommendation was created to assist counsel on Attorney Fees and Costs. Mr. Armstrong requested Commissioner defer the attorney fees to Trial. COMMISSIONER RECOMMENDED, Request is DENIED, but Request to Deter Payment until after Trial is UNDER ADVISEMENT.

Mr. Sutehall to prepare the Report and Recommendations, and a proposed Order for fees and costs. Mr. Armstrong to approve as to form and content. If necessary, submit opposing Orders in Word with redlines so the Commissioner can see the changes. Comply with Administrative Order 20-10, and submit the DCRR to [DiscoveryInbox@clarkcountycourts.us](mailto:DiscoveryInbox@clarkcountycourts.us). A proper report must be timely

submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution.  
COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, the Status Check will be vacated.

7-30-2021 IN CHAMBERS Status Check: Attorney fees and costs

8-6-2021 10:00 a.m. Status Check: Compliance / 7-9-2021 DCRR



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>July 23, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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July 23, 2021	9:30 AM	<b>Motion for Protective Order</b>	<b>Plaintiff's Re-Noticed Motion for Protective Order RE: Deposition Testimony of Trina Reynolds</b>
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**HEARD BY:** Young, Jay**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

<b>PRESENT:</b>	Armstrong, Tyrone Keith	Plaintiff
	Sutehall, Kevin M.	Counter Defendant Attorney

**JOURNAL ENTRIES**

- Argument by Mr. Armstrong. Commissioner inquired why Mr. Armstrong did not appear at the deposition. Mr. Sutehall stated the deposition was 5-7-2021, discovery has since closed, and Mr. Armstrong had Notice of the deposition. Argument by Mr. Sutehall; counsel requested fees for having to prepare the Motion. Mr. Armstrong did not receive a Zoom log-in in the deposition Notice. Argument by Mr. Sutehall. COMMISSIONER RECOMMENDED, motion is DENIED; Request for Sanctions is DENIED.

Mr. Sutehall to prepare the Report and Recommendations, and Mr. Armstrong to approve as to form and content. Comply with Administrative Order 20-10, and submit the DCRR to [DiscoveryInbox@clarkcountycourts.us](mailto:DiscoveryInbox@clarkcountycourts.us). A proper report must be timely submitted within 14 days of

the hearing. Otherwise, counsel will pay a contribution. COMMISSIONER RECOMMENDED, Status Check SET; if the DCRR is submitted, contact the Discovery office to vacate the Status Check.

8-13-2021 10:00 a.m. Status Check: Compliance / 7-23-2021 DCRR

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>July 28, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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July 28, 2021	10:00 AM	All Pending Motions
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HEARD BY: Holthus, Mary Kay	COURTROOM: RJC Courtroom 03F
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COURT CLERK: Erin Burnett  
Yolanda Orpineda  
Shelley Boyle

RECORDER: Yvette G. Sison

REPORTER:

**PARTIES**

PRESENT: Allison, Jeffrey S. Armstrong, Tyrone Keith  Sutehall, Kevin M.	Attorney Plaintiff Counter Defendant Attorney
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**JOURNAL ENTRIES**

- HEARING: RE; SUPPLEMENTAL BRIEFING...DEFENDANT U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET SECURITIES CORP MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-BC3'S RESPONSE TO PLAINTIFF'S October 20,2020 MOTION FOR PARTIAL SUMMARY JUDGMENT AND JOINDER TO PHH/OCWEN OPPOSITION TO PLAINTIFF'S MOTION AND AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT; COUNTERMOTION FOR SUMMARY JUDGMENT

Mr. Armstrong and Counsel present via Bluejeans.

Arguments regarding when the Statute of Limitations date starts, Pltf's. continued occupancy of the

home, the timing of the Default, production of documents at mediation, Deft's. authority to foreclose, the time-barring of the quiet title claims, and the Injunction in place. COURT STATED FINDINGS, and ORDERED, Defendant's Motion and Amended Motion for Partial Summary Judgment; Countermotion for Summary Judgment, GRANTED. The Injunction LIFTED. Mr. Sutehall to prepare the Order, provide a copy to opposing counsel for review as to form and content, and return it back to the Court within 10 days.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

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<b>Other Title to Property</b>	<b>COURT MINUTES</b>	<b>August 13, 2021</b>
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A-19-796941-C	Tyrone Armstrong, Plaintiff(s) vs. US Bank National Association, Defendant(s)
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<b>August 13, 2021</b>	<b>10:00 AM</b>	<b>Status Check: Compliance</b>	<b>Status Check: Compliance / 7-23- 2021 DCRR</b>
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**HEARD BY:** Young, Jay **COURTROOM:** RJC Level 5 Hearing Room

**COURT CLERK:** Jennifer Lott

**RECORDER:** Trisha Garcia

**REPORTER:**

**PARTIES**

**PRESENT:** Sutehall, Kevin M. Attorney

**JOURNAL ENTRIES**

- Mr. Sutehall stated the DCRR was submitted 7-30-2021 to the Discovery Inbox. Commissioner requested Mr. Sutehall re-submit the DCRR as he didn't see an email regarding the submission, or the DCRR.

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; REQUEST FOR TRANSCRIPTS OF PROCEEDINGS; NOTICE OF POSTING AND ACCEPTANCE OF COST/SUPERSEDEAS BOND ON APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT AND GRANTING DEFENDANTS' COUNTERMOTIONS FOR SUMMARY JUDGMENT ON STATUTES OF LIMITATIONS GROUNDS; NOTICE OF ENTRY OF ORDER DENYING PLAINTIFF'S AMENDED MOTION FOR PARTIAL SUMMARY JUDGMENT AND GRANTING DEFENDANTS' COUNTERMOTIONS FOR SUMMARY JUDGMENT ON STATUTES OF LIMITATIONS GROUNDS; DISTRICT COURT MINUTES

TYRONE KEITH ARMSTRONG,

Plaintiff(s),

vs.

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee for Structured Asset Securities  
Corporation Mortgage Pass-Through Certificates,  
Series 2007-BC3; OCWEN LOAN  
SERVICING, LLC; PHH MORTGAGE  
CORPORATION; WESTERN PROGRESSIVE-  
NEVADA, INC.,

Defendant(s),

Case No: A-19-796941-C

Dept No: XVIII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 21 day of September 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

