IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS BAHAM, AN INDIVIDUAL, Appellant(s),

VS.

BAYVIEW LOAN SERVICING, LLC, A FOREIGN LIMITED LIABILITY COMPANY; FIRST AMERICAN TRUSTEE SERVICING SOLUTIONS, LLC, A FOREIGN LIMITED LIABILITY COMPANY; AND THE BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, Respondent(s),

RECORD ON APPEAL VOLUME

4

ATTORNEY FOR APPELLANT
DENNIS BAHAM, PROPER PERSON
6017 GUILD CT.
LAS VEGAS, NV 89131

ATTORNEY FOR RESPONDENT DARREN T. BRENNER, ESQ. 7785 W. SAHARA AVE., STE 200 LAS VEGAS, NV 89117

A-19-795762-C DENNIS BAHAM vs. BAYVIEW LOAN SERVICING, LLC

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Jason D. Craig

From: jamie.combs@akerman.com
Sent: Monday, April 12, 2021 4:35 PM

To: Jason D. Craig; Rock K. Jung; Darren T. Brenner

Cc: natalie.winslow@akerman.com

Subject: RE: FW: Baham vs. Bayview et al (A-19-795762-C) - Proposed Order Denying Motion

for Reconsideration

I'm good with it. You can submit with my electronic signature.

Jamie Katherine Combs

Akerman LLP | 1635 Village Center Circle, Suite 200 | Las Vegas, NV 89134

D: 702 634 5007

Admitted in Nevada and Washington

jamie.combs@akerman.com

Jason D. Craig

From: dennis bahm <greenskies87@gmail.com>
Sent: Wednesday, April 14, 2021 4:54 PM

To: Jason D. Craig

Cc: natalie.winslow@akerman.com; jamie.combs@akerman.com; Rock K. Jung; Darren T.

Brenner

Subject: Re: FW: Baham vs. Bayview et al (A-19-795762-C) - Proposed Order Denying Motion

for Reconsideration

Yes, you can submit with my electronic signature.

Thanks

1	CSERV			
2	DISTRICT COURT			
3	CLARK	K COUNTY, NEVADA		
4				
5	Dennis Baham, Plaintiff(s)	CASE NO: A-19-795762-C		
7	VS.	DEPT. NO. Department 4		
8	Bayview Loan Servicing, LLC,			
9	Defendant(s)			
10				
11	AUTOMATED CERTIFICATE OF SERVICE			
12	This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all			
13	recipients registered for e-Service on the above entitled case as listed below:			
14	Service Date: 4/15/2021			
15 16	Natalie Winslow	natalie.winslow@akerman.com		
17	Ariel Stern	ariel.stern@akerman.com		
18	Jamie Combs	jamie.combs@akerman.com		
19	DEFAULT ACCOUNT	NVefile@wrightlegal.net		
20	Jason Craig	jcraig@wrightlegal.net		
21	Akerman LLP	AkermanLAS@akerman.com		
22	Darren Brenner	dbrenner@wrightlegal.net		
23	Kevin Chan	kchan@nvlaw.us		
24	Filipe Villa	fvilla@nvlaw.us		
25 26	Richard Waltjen	rwaltjen@nvlaw.us		
27	Dennis Baham	greenskies87@gmail.com		
.				

Electronically Filed 4/15/2021 9:57 AM Steven D. Grierson CLERK OF THE COURT

NEOJ 1 WRIGHT, FINLAY & ZAK, LLP Darren T. Brenner, Esq. Nevada Bar No. 8386 3 Rock K. Jung, Esq. Nevada Bar No. 10906 4 7785 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 5 (702) 475-7964; Fax: (702) 946-1345 6 dbrenner@wrightlegal.net rjung@wrightlegal.net Attorney for Defendant Bayview Loan Servicing, LLC 8 DISTRICT COURT 9 **CLARK COUNTY, NEVADA** 10 DENNIS BAHAM, an individual Case No.: A-19-795762-C Consolidated with: A-20-810458-C 11 Plaintiff, 12 VS. Dept. No.: 4 BAYVIEW LOAN SERVICING, LLC, a 13 Foreign Limited Liability Company; FIRST NOTICE OF ENTRY OF ORDER 14 AMERICAN TRUSTEE SERVICING SOLUTIONS, L.L.C., a Foreign Limited 15 Liability Company; and BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW 16 YORK AS TRUSTEE FOR THE 17 CERTIFICATE HOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-2. 18 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, 19 20 Defendants. 21 PLEASE TAKE NOTICE that an Order Denying Plaintiff's Motion for Reconsideration 22 was entered in the above-entitled Court on the 15th day of April, 2021. A copy of which is 23 attached hereto. DATED this 15th day of April, 2021. 24 WRIGHT, FINLAY & ZAK, LLP 25 /s/ Darren T. Brenner 26 Darren T. Brenner, Esq. Nevada Bar No. 8386 27 7785 W. Sahara Ave, Suite 200 Las Vegas, NV 89117 28 Attorney for Defendant Bayview Loan Servicing, LLC

Page 1 of 2

Case Number: A-19-795762-C

CERTIFICATE OF SERVICE Pursuant to NRCP 5(b), I certify that I am an employee of WRIGHT, FINLAY & ZAK, LLP, and that on this 15th day of April, 2021, I did cause a true copy of the foregoing **NOTICE OF ENTRY OF ORDER** to be e-filed and e-served through the Eighth Judicial District EFP system pursuant to NEFR 9, addressed as follows: Dennis Baham greenskies87@gmail.com Jamie Combs jamie.combs@akerman.com Akerman LLP AkermanLAS@akerman.com Ariel Stern ariel.stern@akerman.com Natalie Winslow natalie.winslow@akerman.com Kevin Chan kchan@nvlaw.us Filipe Villa fvilla@nvlaw.us Richard Waltjen rwaltjen@nvlaw.us /s/ Jason Craig An Employee of WRIGHT, FINLAY & ZAK, LLP Page 2 of 2

ELECTRONICALLY SERVED 4/15/2021 9:40 AM

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	Henry Fun
	CLERK OF THE COURT
ORDR WRIGHT, FINLAY & ZAK, LLP Darren T. Brenner, Esq. Nevada Bar No. 8386 dbrenner@wrightlegal.net Rock K. Jung, Esq. Nevada Bar No. 10906 7785 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 (702) 475-7964; Fax: (702) 946-1345 rjung@wrightlegal.net Attorney for Defendant Bayview Loan Servicing,	LLC
CLARK COUN	VTY, NEVADA
DENNIS BAHAM, an individual	Case No.: A-19-795762-C Consolidated with: A-20-810458-C
Plaintiff,	Dent No · A
BAYVIEW LOAN SERVICING, LLC, a	Dept. No.: 4
AMERICAN TRUSTEE SERVICING	ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
Liability Company; and BANK OF NEW	Chambers Hearing Date: March 24, 2021
YORK AS TRUSTEE FOR THE	
ALTERNATIVE LOAN TRUST 2005-2,	
CERTIFICATES, SERIES 2005-2,	
Defendants.	
This matter regarding Plaintiff Dennis Ba	aham's ("Plaintiff") Motion for Reconsideration
filed on February 25, 2021, came before the Cour	rt during an in-chambers hearing on March 24,
2021. The Court having considered the briefs an	d arguments presented therein and being fully
advised in the premises, hereby orders as follows	:
Page	1 of 2
	WRIGHT, FINLAY & ZAK, LLP Darren T. Brenner, Esq. Nevada Bar No. 8386 dbrenner@wrightlegal.net Rock K. Jung, Esq. Nevada Bar No. 10906 7785 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 (702) 475-7964; Fax: (702) 946-1345 rjung@wrightlegal.net Attorney for Defendant Bayview Loan Servicing, DISTRICT CLARK COUN DENNIS BAHAM, an individual Plaintiff, vs. BAYVIEW LOAN SERVICING, LLC, a Foreign Limited Liability Company; FIRST AMERICAN TRUSTEE SERVICING SOLUTIONS, L.L.C., a Foreign Limited Liability Company; and BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, Defendants. This matter regarding Plaintiff Dennis B: filed on February 25, 2021, came before the Cou 2021. The Court having considered the briefs an advised in the premises, hereby orders as follows

Case Number: A-19-795762-C

A-19-795762-C

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for 2 Reconsideration is **DENIED**. 3 IT IS SO ORDERED. Dated this 15th day of April, 2021 K O: 4 5 A89 CD8 399B 0A8E **Nadia Krall** 6 **District Court Judge** 7 Respectfully submitted by: Approved as to form and content by: 8 WRIGHT, FINLAY & ZAK, LLP AKERMAN LLP 9 /s/ Darren T. Brenner /s/ Jamie K. Combs 10 Darren T. Brenner, Esq. Natalie L. Winslow, Esq. Nevada Bar No. 8386 Nevada Bar No. 12125 11 Rock K. Jung, Esq. Jamie K. Combs, Esq. 12 Nevada Bar No. 10906 Nevada Bar No. 13088 7785 W. Sahara Ave., Suite 200 1635 Village Center Circle, Suite 200 13 Las Vegas, Nevada 89117 Las Vegas, Nevada 89134 14 Attorneys for Defendant Bayview Loan Attorneys for Defendant The Bank of New York Mellon, as Trustee for the Servicing, LLC 15 Certificateholders of CWALT, Inc., Alternative Loan Trust 2005-2, Mortgage 16 Pass-Through Certificates, Series 2005-2 17 Approved as to form and content by: 18 19 /s/ Dennis Baham 20 Dennis Baham 6017 Guild Ct. 21 Las Vegas, NV 89131 Plaintiff in pro per 22 23 24 25 26 27 28 Page 2 of 2

Jason D. Craig

From: jamie.combs@akerman.com
Sent: Monday, April 12, 2021 4:35 PM

To: Jason D. Craig; Rock K. Jung; Darren T. Brenner

Cc: natalie.winslow@akerman.com

Subject: RE: FW: Baham vs. Bayview et al (A-19-795762-C) - Proposed Order Denying Motion

for Reconsideration

I'm good with it. You can submit with my electronic signature.

Jamie Katherine Combs

Akerman LLP | 1635 Village Center Circle, Suite 200 | Las Vegas, NV 89134

D: 702 634 5007

Admitted in Nevada and Washington

jamie.combs@akerman.com

Jason D. Craig

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Brenner

Subject: Re: FW: Baham vs. Bayview et al (A-19-795762-C) - Proposed Order Denying Motion

for Reconsideration

Yes, you can submit with my electronic signature.

Thanks

1 **CSERV** 2 DISTRICT COURT 3 CLARK COUNTY, NEVADA 4 5 Dennis Baham, Plaintiff(s) CASE NO: A-19-795762-C 6 VS. DEPT. NO. Department 4 7 8 Bayview Loan Servicing, LLC, Defendant(s) 9 10 **AUTOMATED CERTIFICATE OF SERVICE** 11 This automated certificate of service was generated by the Eighth Judicial District 12 Court. The foregoing Order was served via the court's electronic eFile system to all 13 recipients registered for e-Service on the above entitled case as listed below: 14 Service Date: 4/15/2021 15 Natalie Winslow natalie.winslow@akerman.com 16 Ariel Stern ariel.stern@akerman.com 17 Jamie Combs jamie.combs@akerman.com 18 **DEFAULT ACCOUNT** NVefile@wrightlegal.net 19 20 Jason Craig jcraig@wrightlegal.net 21 Akerman LLP AkermanLAS@akerman.com 22 Darren Brenner dbrenner@wrightlegal.net 23 Kevin Chan kchan@nvlaw.us 24 Filipe Villa fvilla@nvlaw.us 25 Richard Waltjen rwaltjen@nvlaw.us 26 Dennis Baham greenskies87@gmail.com 27

28

Electronically Filed 4/16/2021 1:56 PM Steven D. Grierson CLERK OF THE COURT **MSTR** 1 WRIGHT, FINLAY & ZAK, LLP Darren T. Brenner, Esq. 2 Nevada Bar No. 8386 3 Rock K. Jung, Esq. Nevada Bar No. 10906 4 7785 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 5 (702) 475-7964; Fax: (702) 946-1345 6 dbrenner@wrightlegal.net rjung@wrightlegal.net 7 Attorney for Defendant Bayview Loan Servicing, LLC 8 DISTRICT COURT 9 **CLARK COUNTY, NEVADA** 10 Case No.: A-19-795762-C DENNIS BAHAM, an individual 11 Consolidated with: A-20-810458-C 12 Plaintiff, Dept. No.: 4 VS. 13 BAYVIEW LOAN SERVICING, LLC, a 14 Foreign Limited Liability Company; FIRST **DEFENDANT BAYVIEW LOAN** AMERICAN TRUSTEE SERVICING 15 SERVICING, LLC'S MOTION TO SOLUTIONS, L.L.C., a Foreign Limited STRIKE PLAINTIFF'S NOTICE OF 16 Liability Company; and BANK OF NEW ENTRY OF DEFAULT YORK MELLON f/k/a THE BANK OF NEW 17 YORK AS TRUSTEE FOR THE [HEARING REQUESTED] CERTIFICATE HOLDERS OF CWALT, INC., 18 ALTERNATIVE LOAN TRUST 2005-2. 19 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, 20 Defendants. 21 22 23 24 25 26 27 28 Page 1 of 5

Case Number: A-19-795762-C

DEFENDANT BAYVIEW LOAN SERVICING, LLC'S MOTION TO STRIKE

PLAINTIFF'S NOTICE OF ENTRY OF DEFAULT

Defendant Bayview Loan Servicing, LLC ("Bayview") submits its Motion to Strike Plaintiff Dennis Baham's ("Baham" or "Plaintiff") Notice of Entry of Default. Baham's entry of default was improper because Bayview appeared in this matter by way of a motion to dismiss, which was granted by this court in full.

DATED this 16th day of April, 2021.

WRIGHT, FINLAY & ZAK, LLP

/s/ Darren T. Brenner

Darren T. Brenner, Esq.
Nevada Bar No. 8386
Rock K. Jung, Esq.
Nevada Bar No. 10906
7785 W. Sahara Ave., Suite 200
Las Vegas, Nevada 89117
Attorney for Defendant Bayview Loan Servicing, LLC

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Bayview moved to dismiss Baham's lawsuits for failure to state a claim upon which relief can be granted. On February 10, 2021, this Court granted Bayview's motions. After the motions were granted in full—with prejudice and without leave to amend—Baham applied for default against Bayview. *See* Ex. A at February 26, 2021 application for default. In that request, Bahams disingenuously informed the Clerk of Court "no answer *or appearance* ha[s] otherwise been filed." *Id.* Based on that misrepresentation, on March 2, 2021, the Clerk executed Baham's default. *Id.* Baham then proceed to file a notice of entry of default on April 12, 2021. Bayview asked Baham to withdraw the notice of entry of default. Ex. B. Baham declined to respond to Bayview's request. Accordingly, Bayview moves to strike Plaintiff's default.

Page 2 of 5

II. <u>FACTUAL BACKGROUND</u>

The facts of this case are detailed at length in the prior motion to dismiss, and incorporated here for the sake of brevity. In summary, Baham took out a loan to purchase property at 6017 Guild Ct., Las Vegas, NV 89131 (the "Property"). For a period of time, Bayview was the servicer of the loan. Because he failed to make any payments on the mortgage for at least 10 years, his lender Bank of New York Mellon sought to foreclose. This consolidated action represents two of at least five matters filed by Baham against Bayview, Bank of New York Mellon, and other defendants. In addition to these two cases, Plaintiff filed a foreclosure mediation action naming Bayview (A-18-775019-FM), a class action naming Bayview (A-19-795507-C), a bankruptcy that the United States Bankruptcy Court and Bankruptcy Appellate Panel found was filed in bad faith to stop a valid foreclosure sale (19-15039-abl). The federal court dismissed Baham's class action with prejudice. The bankruptcy court sanctioned Baham \$20,000 for his bad faith filing, which he has not paid. The Bankruptcy Appellate Panel upheld that ruling. The Court of Appeals affirmed the district court's order denying Baham's request for relief in the foreclosure mediation action. The Nevada Supreme Court also recently denied Baham's NRAP 40A petition for certification of that order. This court found each of the two consolidated actions is barred by res judicata given these prior actions based on issue preclusion and other grounds.

III. <u>LEGAL STANDARD</u>

A. MOTION TO STRIKE LEGAL STANDARD

A pleading may be striked if the pleading is "...redundant, immaterial, impertinent, or scandalous matter." N.R.C.P. Rule 12(f). The function of a 12(f) Motion to Strike is to avoid the expenditure of time and money that must arise from litigating spurious issues by dispensing with those issues prior to trial...." *Fantasy, Inc. v. Fogerty*, 984 F.2d 1524, 1527 (9th Cir.1993) (quotation marks, citation, and first alteration omitted), rev'd on other grounds by *Fogerty v. Fantasy, Inc.*, 510 U.S. 517, 114 S. Ct. 1023, 127 L.Ed.2d 455 (1994).

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1 B. PLAINTIFF'S DEFAULT WAS IMPROPER. 2 Default is properly only where a party "against whom a judgment for affirmative relief is 3 sought has failed to plead or otherwise defend". N.R.C.P. 55(a). Bayview not only defend this case, it prevailed in full. It was therefore improper for Baham to represent to the Clerk that 4 5 Bayview had "no answer or other appearance" in this case. Ex. A. Because Bayview's Motion to Dismiss was granted, there was no requirement to file an "Answer" or anything further to 6 7 Baham's operative Complaint. Accordingly, this Court should strike the Bahamf's Default and 8 Notice of Entry of Default as improper. 9 IV. **CONCLUSION** 10 Based on the foregoing, Baham's default against Bayview should be stricken from the 11 record. DATED this 16th day of April, 2021. 12 13 WRIGHT, FINLAY & ZAK, LLP 14 15 /s/ Darren T. Brenner Darren T. Brenner, Esq. 16 Nevada Bar No. 8386 Rock K. Jung, Esq. 17 Nevada Bar No. 10906 18 7785 W. Sahara Ave., Suite 200 Las Vegas, Nevada 89117 19 Attorney for Defendant Bayview Loan Servicing, LLC 20 21 22 23 24 25 26 27 28 Page 4 of 5

CERTIFICATE OF SERVICE Pursuant to N.R.C.P. 5(b), I certify that I am an employee of WRIGHT, FINLAY & ZAK, LLP, and that on this 16th day of April, 2021, I did cause a true copy of the foregoing DEFENDANT BAYVIEW LOAN SERVICING, LLC'S MOTION TO STRIKE NOTICE OF ENTRY OF DEFAULT to be e-filed and e-served through the Eighth Judicial District EFP system pursuant to NEFR 9, and/or by depositing a true and correct copy in the United States Mail, addressed as follows: Dennis Baham greenskies87@gmail.com Jamie Combs jamie.combs@akerman.com Akerman LLP AkermanLAS@akerman.com Ariel Stern ariel.stern@akerman.com Natalie Winslow natalie.winslow@akerman.com /s/ Jason Craig An Employee of WRIGHT, FINLAY & ZAK, LLP Page 5 of 5

Exhibit A

Exhibit A

Exhibit A

Electronically Filed 2/26/2021 5:36 PM Steven D. Grierson CLERK OF THE COURT

DENNIS K. BAHAM 6017 GUILD CT LAS VEGAS, NV 89131 GREENSKIES87@GMAIL.COM TELEPHONE: 702-303-1263 PLAINTIFF IN PRO PER

EIGHTH JUDICIAL DISTRICT COURT CLARK COUNTY, NEVADA

DENNIS BAHAM, an individual,

Plaintiff

V.

BAYVIEW LOAN SERVICING, LLC, a Foreign Limited Liability Company; FIRST AMERICAN TRUSTEE SERVICING SOLUTIONS, L.L.C., a Foreign Limited Liability Company; and BANK OF NEW YORK MELLON f/k/a THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-2, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, NEW REZ HOME MORTGAGES LLC, SHELLPOINT MORTGAGE SERVICING

Defendants.

Case No.: A-20-810458-C A-19-795762-C

Dept No.: IV

DEFAULT

It appearing from the files and records in the aboved entitled action that **BAYVIEW LOAN SERVICING, LLC**, herein, being duly served with a copy of the Summons and

Complaint on the 8th day of June, 2020; that more than 20 days, exclusive of the day of service, having expired since service upon the Defendant; that no answer or other appearance

Page 1 of 2

having been filed and no further time having been granted, the default of the above-named

Defendant for failing to answer, or otherwise plead to Plaintiff's Complaint is hereby entered.

STEVEN D. GRIERSON, CLERK OF COURT

Michelle McCarthy

3/2/2021

Michelle McCarthy (A-1 Deputy Clerk

A-19-795762-C

Date

Submitted By:

/s/Dennis Baham

February 26, 2021

Plaintiff in Pro per

Date

Exhibit B

Exhibit B

Exhibit B

Jason D. Craig

From: Darren T. Brenner

Sent: Monday, April 12, 2021 1:03 PM

To: 'dennis bahm'

Cc: Rock K. Jung; Jason D. Craig

Subject: RE: FW: Baham vs. Bayview et al (A-19-795762-C) - Default

Importance: High

Mr. Baham:

First, I want to make sure I understand correctly that your counsel has withdrawn and you are representing yourself. If that is not the case, please let me know so I can forward this email to your counsel.

Second, it has come to my attention you filed for default against Bayview. I'm trying to figure out why. Bayview filed a motion to dismiss, which was granted so it was not required to answer. Also, you appealed, which divests the district court of jurisdiction regardless. Will you withdraw the default?

Please let me know asap. Thanks.

Darren T. Brenner, Esq.

Partner - Nevada Office



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dbrenner@wrightlegal.net

Wright, Finlay & Zak, LLP: Your Counsel for California, Nevada, Arizona, Washington, Oregon, Utah, New Mexico, Hawaii, Montana and South Dakota



PLEASE BE ADVISED THAT THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Confidentiality Note: The information contained in this email is privileged and confidential and is intended only for the use of the individual or entity named If the reader of this email is not the intended recipient, you are hereby notified that any distribution or copy of this email is strictly prohibited. If you have received this email in error, please notify the sender by telephone immediately at (949) 477-5050 and arrangements will be made for the return of this material. Thank You.

1 2		CLARK COU	T COURT NTY, NEVAI ***	Electronically Filed 4/16/2021 4:54 PM Steven D. Grierson CLERK OF THE COUF
3	Dennis Baham	ı, Plaintiff(s)	Case No.:	A-19-795762-C
4	VS. Rayview Loan	Servicing, LLC,	Departmen	A-20-810458-C
5	Defendant(s)		Departmen	
6				
7		NOTICE O	F HEARING	
8	D1 1	a dada a dalam da a Dafa a da a da Da	I C	ami in a LLCla Mation to Chile
9			•	ervicing, LLC's Motion to Strike
10	follows:	ice of Entry of Default in th	ie above-enuu	ed matter is set for hearing as
11	Date:	June 01, 2021		
12	Time:	9:00 AM		
13	Location:	RJC Courtroom 03C		
14		Regional Justice Center 200 Lewis Ave.		
15		Las Vegas, NV 89101		
	NOTE: Unde	r NEFCR 9(d), if a party is	not receiving	electronic service through the
16	Eighth Judic	ial District Court Electroni	c Filing Syst	em, the movant requesting a
17	hearing must serve this notice on the party by traditional means.			
18		STEVEN D	GRIERSON (CEO/Clerk of the Court
19		SILVEND.	GRIERSON,	CLO/CICIK Of the Court
20		By: _/s/ Ondina A	mos	
21			of the Court	
22		CERTIFICAT	E OF SERVI	CE
23	I hereby certif	y that pursuant to Rule 9(b) of	f the Nevada E	Electronic Filing and Conversion
24	Rules a copy of	of this Notice of Hearing was	electronically	served to all registered users on
25	uns case in the	e Eighth Judicial District Court	EICCHOIIIC FII	ing system.
26		By: /s/ Ondina A	mos	
27			of the Court	
.				

A-19-795762-C Dennis Baham, Plaintiff(s)
vs.
Bayview Loan Servicing, LLC, Defendant(s)

July 09, 2019

10:30 AM Preliminary Injunction
Hearing

HEARD BY: Miley, Stefany COURTROOM: RJC Courtroom 12C

COURT CLERK: Katherine Streuber

RECORDER: Maria Garibay

REPORTER:

PARTIES

PRESENT: Brenner, Darren T. Attorney Fox, Erik W. Attorney

JOURNAL ENTRIES

- Argument by Mr. fox noting Bank of New York Mellon are investors. Colloquy regarding re-filing and Plaintiff being in the same position. Mr. Fox stated the action is in process with Supreme Court which involves this property and pointed out they would be unable to re-file at this time, thus, requested to amend pleadings. Argument by Mr. Brenner pointing out that allowing the amendment would delay the process, stated case history and further argued bond. Court disclosed Jamie Cogburn had done some legal work for the Court. No objection by either party with the Court continuing to preside over the case. Court inquired why party had not brought the issue before Judge Bell. Argument by Mr. Fox regarding forum shopping. Court stated parties would need to wait for Supreme Court decision and place the matter before Judge Bell. Further argument by Mr. Fox regarding removing to Federal Court. Court stated parties should agree to stay any sales pending decision from other Court and reiterated issue should before Judge Bell. Statement by Mr. Brenner. Court noted it was unsure what Judge Gordon or the Supreme Court were going to decide and requested possible solutions. Argument by Mr. Brenner. Court inquired how Plaintiff could seek relief as currently postured in front of Judge bell. Arguments by counsel. Mr. Brenner noted sale date is tomorrow, July 10, 2019 which had been continued several times. Court stated it could not make any preliminary findings and ORDERED, TRO extended for two weeks (expiration date

PRINT DATE: 04/19/2021 Page 1 of 7 Minutes Date: July 09, 2019

A-19-795762-C

being July 23, 2019 at 5:00 p.m.) and directed parties to place matter before Judge Bell. FURTHER, bond STANDS. Mr. Fox to provide an order to opposing counsel for review prior to submitting to the Court for signature.

PRINT DATE: 04/19/2021 Page 2 of 7 Minutes Date: July 09, 2019

Other Title to Prope	rty	COURT MINUTES	October 15, 2019
A-19-795762-C	vs.	n, Plaintiff(s) n Servicing, LLC, Defendan	ıt(s)
October 15, 2019	3:00 PM	Minute Order	Minute Order Re: Department 23 Recusal

HEARD BY: Miley, Stefany COURTROOM: Chambers

COURT CLERK: Katherine Streuber

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Previous professional and legal services have been provided to the Court by Mr. Jamie S. Cogburn, Esq. Although the COURT does not believe these services will affect its ability to be fair and impartial, in order to avoid the appearance of impropriety and implied bias, the COURT hereby recuses itself. This matter will be reassigned at random.

IT IS SO ORDERED.

PRINT DATE: 04/19/2021 Page 3 of 7 Minutes Date: July 09, 2019

A-19-795762-C Dennis Baham, Plaintiff(s)
vs.
Bayview Loan Servicing, LLC, Defendant(s)

GOURT MINUTES

January 15, 2021

January 15, 2021

January 15, 2021 3:00 AM Minute Order

HEARD BY: Krall, Nadia **COURTROOM:** Chambers

COURT CLERK: Nylasia Packer

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The Court notes that a Motion to Consolidate and Motion to Dismiss was set for hearing on the oral civil motion calendar for January 19, 2021 at 9:00 a.m.

The Court hereby RESETS the Motion to Consolidate and Motion to Dismiss to be heard on January 19, 2021 at 10:00 a.m.

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (1/15/21 np).

PRINT DATE: 04/19/2021 Page 4 of 7 Minutes Date: July 09, 2019

Other Title to Property

COURT MINUTES

January 19, 2021

A-19-795762-C

Dennis Baham, Plaintiff(s)

Bayview Loan Servicing, LLC, Defendant(s)

January 19, 2021

10:00 AM

Motion to Consolidate

HEARD BY: Krall, Nadia

COURTROOM: RJC Courtroom 03B

COURT CLERK: Nylasia Packer

RECORDER:

Stacey Ray

REPORTER:

PARTIES

PRESENT:

Combs, Jamie Mortenson, Peter B Attorney

Attorney

JOURNAL ENTRIES

- Parties present via Bluejeans, including Christina Miller, Esq.

Court reviewed the case and noted Defendant's motion to consolidate is unopposed therefore COURT ORDERED, motion to consolidate is GRANTED. Court noted as to Defendant's motion to dismiss the Court of Appeals already heard this case. Court reviewed findings. Following arguments by counsel, Court stated its findings and ORDERED, motion to dismiss both cases GRANTED. FURTHER ORDERED, Jamie Combs, Esq. to prepare the order and submit to counsel for approval as to form and content.

PRINT DATE: 04/19/2021 Page 5 of 7 Minutes Date: July 09, 2019

Other Title to Proper	ty	COURT MINUTES	March 24, 2021
A-19-795762-C	Dennis Bahan vs. Bayview Loar	m, Plaintiff(s) n Servicing, LLC, Defendant(s)	
March 24, 2021	3:00 AM	Motion For Reconsideration	Plaintiff's Motion for Reconsideration and Memorandum of Points and Authorities [Rescheduled From Sub Case Due to Consolidation]
HEARD BY: Krall, N	Nadia	COURTROOM:	Chambers

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The Court notes that Plaintiff's Motion for Reconsideration was set for hearing on the oral civil motion calendar for April 8, 2021 at 9:00am.

The Court hereby VACATES the hearing and MOVES Plaintiff's Motion for Reconsideration to the Chambers calendar for March 24, 2021.

The Court hereby DENIES Plaintiff's Motion for Reconsideration.

Counsel for Defendant Bayview Loan Servicing LLC is directed to prepare and submit the Order, consistent with this Minute Order, pursuant to the electronic submission requirements of AOs 20-17 and 20-24.

PRINT DATE: 04/19/2021 Page 6 of 7 Minutes Date: July 09, 2019

A-19-795762-C

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (3-25-2021 ks).

PRINT DATE: 04/19/2021 Page 7 of 7 Minutes Date: July 09, 2019

Certification of Copy and Transmittal of Record

State of Nevada County of Clark SS

Pursuant to the Supreme Court order dated April 16, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises four volumes with pages numbered 1 through 750.

DENNIS BAHAM,

Plaintiff(s),

VS.

BAYVIEW LOAN SERVICING, LLC; FIRST AMERICAN TRUSTEEE SERVICING SOLUTIONS, L.L.C.; BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., ALTERNATIVE LOAN TRUST 2005-2, MORTGAGE PASS-THROUGH CERTIFICATE, SERIES 2005-2,

Defendant(s),

now on file and of record in this office.

Case No: A-19-795762-C

Consolidated with A-20-810458-C

Dept. No: IV

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 19 day of April 2021.

Steven D. Grierson, Clerk of the Court

Amanda Hampton, Deputy Clerk