DENNIS K. BAHAM 6017 GUILD CT LAS VEGAS, NV 89131 GREENSKIES87@GMAIL.COM TELEPHONE: 702-303-1263 PLAINTIFF IN PRO PER Electronically Filed 4/23/2021 3:14 PM Steven D. Grierson CLERK OF THE COURT

Electronically Filed Apr 29 2021 02:14 p.m. Elizabeth A. Brown Clerk of Supreme Court

## 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.

Defendants.

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

Dept No.:

IV

#### AMENDED NOTICE OF APPEAL

Notice is hereby given that DENNIS BAHAM, Plaintiff, Pro per in the above named, hereby appeals to the Supreme Court of Nevada to Amend Plaintiff's Notice of Appeal Case No. 82621 to add as follows: Plaintiff hereby Appeals to the Supreme Court of Nevada from the Order Denying Plaintiff's Motion For Reconsideration, filed and Noticed on April 15, 2021.

Dated this 23rd day of April 2021

By: /s/Dennis Baham

Dennis Baham 6017 Guild Court Las Vegas, Nevada 89131 Plaintiff in Pro per

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of April, 2021 and pursuant to NRCP 5, I caused a true and correct copy of the foregoing <u>AMENDED NOTICE OF APPEAL</u> in the following manner: (ELECTRONIC SERVICE) Pursuant to Administrative Order 14-2, the above-referenced document was electronically filed on the date hereof & served through the Notice Of Electronic Filing automatically generated by the Court's facilities to those parties listed on the Court's contact list.

Jamie Combs jamie.combs@akerman.com

Natalie Winslow natile.winslow@akerman.com

Ariel Stern ariel.stern@akerman.com

Darren Brenner dbrenner@wrightlegal.net

#### ELECTRONICALLY SERVED 4/15/2021 9:40 AM

Electronically Filed 04/15/2021 9:40 AM

CLERK OF THE COURT ORDR 1 WRIGHT, FINLAY & ZAK, LLP Darren T. Brenner, Esq. 2 Nevada Bar No. 8386 dbrenner@wrightlegal.net Rock K. Jung, Esq. Nevada Bar No. 10906 7785 W. Sahara Ave., Suite 200 5 Las Vegas, Nevada 89117 6 (702) 475-7964; Fax: (702) 946-1345 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 ORDER DENYING PLAINTIFF'S AMERICAN TRUSTEE SERVICING 15 MOTION FOR RECONSIDERATION SOLUTIONS, L.L.C., a Foreign Limited 16 Liability Company; and BANK OF NEW Chambers Hearing Date: March 24, 2021 YORK MELLON f/k/a THE BANK OF NEW 17 YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., 18 ALTERNATIVE LOAN TRUST 2005-2, 19 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, 20 Defendants. 2.1 22 This matter regarding Plaintiff Dennis Baham's ("Plaintiff") Motion for Reconsideration 23 filed on February 25, 2021, came before the Court during an in-chambers hearing on March 24, 24 2021. The Court having considered the briefs and arguments presented therein and being fully 25 advised in the premises, hereby orders as follows: 26 27 28 Page 1 of 2

Case Number: A-19-795762-C

## A-19-795762-C

1	IT IS HEREBY ORDERED, ADJU	UDGED AND DECREED that Plaintiff's Motion for
2	Reconsideration is DENIED.	
3	IT IS SO ORDERED.	Dated this 15th day of April, 2021
5		
6		A89 CD8 399B 0A8E Nadia Krall
7		District Court Judge
8	Respectfully submitted by:	Approved as to form and content by:
9	WRIGHT, FINLAY & ZAK, LLP	AKERMAN LLP
10	/s/ Darren T. Brenner	/s/ Jamie K. Combs
10	Darren T. Brenner, Esq.	Natalie L. Winslow, Esq.
11	Nevada Bar No. 8386	Nevada Bar No. 12125
12	Rock K. Jung, Esq. Nevada Bar No. 10906	Jamie K. Combs, Esq. Nevada Bar No. 13088
1000000	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
15	Servicing, LLC	York Mellon, as Trustee for the Certificateholders of CWALT, Inc.,
16		Alternative Loan Trust 2005-2, Mortgage Pass-Through Certificates, Series 2005-2
17	Approved as to form and content by:	
18	Approved as to form and content by.	
19	/s/ Dennis Baham	
20	Dennis Baham	
21	6017 Guild Ct. Las Vegas, NV 89131	
22	Plaintiff in pro per	
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	<b>]</b> = 3	

### CASE SUMMARY CASE NO. A-19-795762-C

Dennis Baham, Plaintiff(s)

A-20-810458-C (Consolidated)

vs.

Bayview Loan Servicing, LLC, Defendant(s)

Location: Department 4
Judicial Officer: Krall, Nadia
Filed on: 05/30/2019

Case Number History:

Cross-Reference Case A795762

Number:

Supreme Court No.: 82621

**CASE INFORMATION** 

Related Cases Case Type: Other Title to Property

Case Status: 05/30/2019 Open

DATE CASE ASSIGNMENT

**Current Case Assignment** 

Case Number A-19-795762-C Court Department 4 Date Assigned 01/04/2021 Judicial Officer Krall, Nadia

PARTY INFORMATION

Plaintiff Baham, Dennis Lead Attorneys
Pro Se

702-303-1263(H)

Defendant Bank of New York Mellon Brenner, Darren T.

**Bank of New York Mellon** 

Bayview Loan Servicing, LLC Brenner, Darren T.

*Retained* 702-634-5000(W)

First American Trustee Servicing Solutions, L.L.C. Maurice, Aaron R.

Removed: 02/10/2021 Retained
Dismissed 702-463-7616(W)

DATE EVENTS & ORDERS OF THE COURT INDEX

**EVENTS** 

Complaint Arbitration Exemption Claimed: Title to Real Estate and Injunctive Relief

Requested

05/30/2019 Initial Appearance Fee Disclosure

05/30/2019 Ex Parte Motion

Plaintiff's Ex Parte Motion for Temporary Restraining Order and Preliminary Injunction

05/30/2019 Summons Electronically Issued - Service Pending Summons - Civil (Electronically Issued)

# CASE SUMMARY CASE NO. A-19-795762-C

CASE NO. A-19-795762-C				
05/30/2019	Summons Electronically Issued - Service Pending Summons - Civil (Electronically Issued)			
05/30/2019	Summons Electronically Issued - Service Pending  Summons - Civil (Electronically Issued)			
06/03/2019	Order Granting  Order Granting Temporary Restraining Order and Setting Preliminary Injunction Hearing			
06/11/2019	Summons Summons - Civil			
06/11/2019	Summons Summons - Civil			
06/18/2019	Declaration Filed By: Defendant First American Trustee Servicing Solutions, L.L.C.  Declaration of Nonmonetary Status of First American Trustee Servicing Solutions, LLC  Pursuant to NRS 107.029			
06/18/2019	Notice of Posting of Cost Bond			
06/19/2019	Summons Summons - Civil			
06/27/2019	Stipulation and Order Filed by: Defendant Bayview Loan Servicing, LLC Stipulation and Order to Extend Briefing on Preliminary Injunction Motion and Continue Hearing			
06/27/2019	Opposition to Motion  Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon  Opposition to Motion for Preliminary Injunction			
06/27/2019	Initial Appearance Fee Disclosure Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon			
07/01/2019	Stipulation and Order Filed by: Defendant Bayview Loan Servicing, LLC Stipulation and Order to Extend Briefing on Preliminary Injunction Motion and Continue Hearing			
07/01/2019	Notice of Entry of Stipulation and Order Filed By: Defendant Bayview Loan Servicing, LLC Notice of Entry of Stipulation and Order to Extend Briefing on Preliminary Injunction Motion and Continue Hearing			
07/03/2019	Reply in Support  Reply in Support of Plaintiff's Motion for Preliminary Injunction			
07/03/2019	Motion to Amend Complaint			
07/03/2019	Clerk's Notice of Hearing			

## CASE SUMMARY CASE No. A-19-795762-C

	CASE NO. A-19-795762-C
	Notice of Hearing
10/15/2019	Notice of Department Reassignment
06/15/2020	Notice Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon Notice of Firm Transfer
06/26/2020	Motion to Dismiss  Filed By: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon  Motion to Consolidate and Motion to Dismiss [Hearing Requested]
06/26/2020	Clerk's Notice of Hearing  Notice of Hearing
07/10/2020	Motion to Withdraw As Counsel  Motion to Withdraw as Counsel of Record on Request for Order Shortening Time OST  Hearing Requested
07/23/2020	Stipulation and Order Filed by: Plaintiff Baham, Dennis Stipulation and Order to Continue Hearing and Related Deadlines
08/03/2020	Notice of Appearance Party: Plaintiff Baham, Dennis
08/06/2020	Amended Filed By: Plaintiff Baham, Dennis Amended Stipulation and Order to Continue Hearing and Related Deadlines
08/07/2020	Notice of Rescheduling of Hearing
08/24/2020	Order Granting Motion Filed By: Plaintiff Baham, Dennis Order Granting Motion to Withdraw as Counsel of Record
08/28/2020	Opposition and Countermotion  Filed By: Plaintiff Baham, Dennis  Opposition to Motion to Dismiss and Countermotion for Leave to Amend Complaint
09/17/2020	Stipulation and Order Filed by: Defendant Bayview Loan Servicing, LLC; Defendant Bank of New York Mellon Stipulation and Order to Continue Hearing and Extend Briefing Schedule
09/17/2020	Notice of Entry of Stipulation and Order Filed By: Defendant Bank of New York Mellon Notice of Entry of Stipulation and Order to Continue Hearing and Extend Briefing Schedule
09/25/2020	Reply in Support Filed By: Defendant Bayview Loan Servicing, LLC Reply in Support of Motion to Consolidate and Motion to Dismiss and Opposition to Countermotion for Leave to Amend Complaint

## CASE SUMMARY CASE NO. A-19-795762-C

CASE NO. A-19-795762-C				
10/12/2020	Supplement  Filed by: Defendant Bank of New York Mellon  Supplement to BoNYM's Reply in Support of its Motion to Dismiss and Response to Plaintiff's Countermotion to Amend			
01/04/2021	Administrative Reassignment - Judicial Officer Change  Judicial Reassignment to Judge Nadia Krall			
02/10/2021	Order Filed By: Defendant Bank of New York Mellon Order Granting Defendants' Motion to Dismiss Complaints and Denying Countermotion to Amend			
02/10/2021	Notice of Entry of Order  Filed By: Defendant Bank of New York Mellon  Notice of Entry of Order Granting Defendants' Motion to Dismiss Complaints and Denying  Countermotion to Amend			
02/11/2021	Notice of Withdrawal Filed by: Plaintiff Baham, Dennis			
02/16/2021	Memorandum of Costs and Disbursements  Filed By: Defendant Bank of New York Mellon  The Bank of New York Mellon, as Trustee for the Certificateholders of CWALT, Inc.,  Alternative Loan Trust 2005-2, Mortgage Pass-Through Certificates, Series 2005-2's  Memorandum of Costs			
02/19/2021	Opposition Filed By: Plaintiff Baham, Dennis Opposition to Memorandum of Costs Bank of New York Mellon as Trustee for the Certificate Holders of CWALT, Inc. Alternative Loan Trust 2005-2, Mortgage Pass Through Certificate Series 2005-2's			
02/24/2021	Notice of Entry of Order  Filed By: Defendant Bank of New York Mellon  Notice of Entry of Order Granting Defendants' Motion to Consolidate			
02/26/2021	Default			
03/10/2021	Opposition to Motion  Filed By: Defendant Bank of New York Mellon  BoNYM's Opposition to Plaintiff's Motion for Reconsideration			
03/10/2021	Notice of Appeal Filed By: Plaintiff Baham, Dennis			
03/11/2021	Case Appeal Statement			
03/11/2021	Opposition to Motion  Filed By: Defendant Bayview Loan Servicing, LLC  Defendant Bayview Loan Servicing, LLC's Opposition to Plaintiff's Motion to Reconsider and Memorandum of Points and Authorities			
03/17/2021	Reply to Opposition Filed by: Plaintiff Baham, Dennis			

### CASE SUMMARY CASE NO. A-19-795762-C

Plaintiff's Reply to BoNYM's Opposition for Motion for Reconsideration

03/18/2021

Reply to Opposition

Filed by: Plaintiff Baham, Dennis

Plaintiff's Reply to Bayview Loan Servicing Opposition for Motion for Reconsideration

03/25/2021

Notice of Posting Bond

Filed By: Plaintiff Baham, Dennis Notice of Posting of Cost Bond on Appeal

04/12/2021

Notice of Entry of Default Party: Plaintiff Baham, Dennis

04/15/2021

Order Denying Motion

Filed By: Defendant Bayview Loan Servicing, LLC Order Denying Plaintiff's Motion for Reconsideration

04/15/2021

Notice of Entry of Order

Filed By: Defendant Bayview Loan Servicing, LLC

04/16/2021

Motion to Strike

Filed By: Defendant Bayview Loan Servicing, LLC

Defendant Bayview Loan Servicing, LLC's Motion to Strike Plaintiff's Notice of Entry of

Default [Hearing Requested]

04/16/2021

Clerk's Notice of Hearing

Notice of Hearing

04/23/2021

🔼 Amended Notice of Appeal

Party: Plaintiff Baham, Dennis Amended Notice of Appeal

#### DISPOSITIONS

02/10/2021

Order of Dismissal With Prejudice (Judicial Officer: Krall, Nadia)

Debtors: Dennis Baham (Plaintiff)

Creditors: Bayview Loan Servicing, LLC (Defendant), First American Trustee Servicing

Solutions, L.L.C. (Defendant), Bank of New York Mellon (Defendant)

Judgment: 02/10/2021, Docketed: 02/11/2021

#### **HEARINGS**

07/09/2019

Treliminary Injunction Hearing (10:30 AM) (Judicial Officer: Miley, Stefany)

Matter Heard;

Journal Entry Details:

Argument by Mr. fox noting Bank of New York Mellon are investors. Colloquy regarding refiling 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.

## CASE SUMMARY CASE No. A-19-795762-C

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 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.;

08/13/2019

CANCELED Motion to Amend Complaint (9:30 AM) (Judicial Officer: Miley, Stefany)

Vacated

Plaintiff's Motion to Amend Complaint

10/15/2019

Minute Order (3:00 PM) (Judicial Officer: Miley, Stefany)

Minute Order Re: Department 23 Recusal

Minute Order - No Hearing Held; Minute Order Re: Department 23 Recusal

Journal Entry Details:

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.;

08/03/2020

Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Earley, Kerry)

09/17/2020

CANCELED Motion to Consolidate (9:00 AM) (Judicial Officer: Earley, Kerry)

Vacated

Defendant's Motion to Consolidate and Motion to Dismiss

01/15/2021

Minute Order (3:00 AM) (Judicial Officer: Krall, Nadia)

Minute Order - No Hearing Held;

Journal Entry Details:

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).;

01/19/2021

Motion to Consolidate (10:00 AM) (Judicial Officer: Krall, Nadia)

Motion to Consolidate and Motion to Dismiss

Granted:

Journal Entry Details:

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.;

03/24/2021

Motion For Reconsideration (3:00 AM) (Judicial Officer: Krall, Nadia)

Plaintiff's Motion for Reconsideration and Memorandum of Points and Authorities [Rescheduled From Sub Case Due to Consolidation]

Motion Denied; Plaintiff's Motion for Reconsideration and Memorandum of Points and Authorities [Rescheduled From Sub Case Due to Consolidation]

Journal Entry Details:

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

## CASE SUMMARY CASE NO. A-19-795762-C

20-17 and 20-24. 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).;

Motion to Strike (9:00 AM) (Judicial Officer: Krall, Nadia)

Defendant Bayview Loan Servicing, LLC's Motion to Strike Plaintiff's Notice of Entry of Default

DATE	FINANCIAL INFORMATION
DATE	FINANCIAL INFORMATION

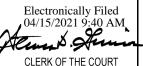
Defendant Bayview Loan Servicing, LLC Total Charges Total Payments and Credits Balance Due as of 4/26/2021	253.00 253.00 <b>0.00</b>
Plaintiff Baham, Dennis	
Total Charges	295.50
Total Payments and Credits	295.50
Balance Due as of 4/26/2021	0.00
Plaintiff Baham, Dennis	
Temporary Restraining Order Balance as of 4/26/2021	500.00
Plaintiff Baham, Dennis	
Appeal Bond Balance as of 4/26/2021	500.00

## DISTRICT COURT CIVIL COVER SHEET

Clark County, Nevada
Case No.

(Assigned by Clerk's Office)

(Assigned by Clerk's Office)			
I. Party Information (provide both he	ome and mailing addresses i		<del>CASE NO: Λ-19-795762</del>
Plaintiff(s) (name/address/phone): Dennis Baham		Defendant(s) (	name/address/phone): Servicing, LLC; First An Department 2
Dennis Banam		Servicing Solu	tions, L.L.C.; and Bank of New York
Attorney (name/address/phone):		Mellon	
Erik W. Fox, Esq. (NV Bar No. 8804)			
Cogburn Law Offices		• '	e/address/phone):
2580 St. Rose Parkway, Suite 330		unknown	
Henderson, Nevada 89074 (702) 748-7777			
II. Nature of Controversy (Please so	plact the one most applicable	filing type helo	14)
Civil Case Filing Types	etect the one most applicable	jung type beto	")
Real Property		To	rts
Landlord/Tenant	Negligence		Other Torts
Unlawful Detainer	Auto		☐ Product Liability
Other Landlord/Tenant	☐ Premises Liability		Intentional Misconduct
Title to Property	Other Negligence		Employment Tort
Judicial Foreclosure	Malpractice		Insurance Tort
Other Title to Property	Medical/Dental		Other Tort
Other Real Property	Legal		_
Condemnation/Eminent Domain	Accounting		
Other Real Property	Other Malpractice		
Probate Construction Defect &		Contract	Judicial Review/Appeal
Probate (select case type and estate value)	<b>Construction Defect</b>		Judicial Review
Summary Administration	Chapter 40		☐ Foreclosure Mediation Case
General Administration	Iministration		Petition to Seal Records
Special Administration Contract Case			☐ Mental Competency
Set Aside	•		Nevada State Agency Appeal
☐ Trust/Conservatorship	☐ Building and Constructi	on	Department of Motor Vehicle
Other Probate	☐ Insurance Carrier		☐ Worker's Compensation
Estate Value	Commercial Instrument		Other Nevada State Agency
Over \$200,000	Collection of Accounts		Appeal Other
☐ Between \$100,000 and \$200,000	☐ Employment Contract		Appeal from Lower Court
Under \$100,000 or Unknown	Other Contract		Other Judicial Review/Appeal
Under \$2,500			
	Writ		Other Civil Filing
Civil Writ Other Civil Filing			9
Writ of Habeas Corpus	Writ of Prohibition		Compromise of Minor's Claim
Writ of Mandamus	Other Civil Writ		Foreign Judgment
☐ Writ of Quo Warrant			Other Civil Matters
Business Court fil	ings should be filed using th	e Business Cou	rt civil coversheet.
5/30/2019 /s/Erik W. Fox			
Date			party or representative



ORDR 1 WRIGHT, FINLAY & ZAK, LLP Darren T. Brenner, Esq. 2 Nevada Bar No. 8386 3 dbrenner@wrightlegal.net Rock K. Jung, Esq. 4 Nevada Bar No. 10906 7785 W. Sahara Ave., Suite 200 5 Las Vegas, Nevada 89117 6 (702) 475-7964; Fax: (702) 946-1345 rjung@wrightlegal.net 7 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 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 ORDER DENYING PLAINTIFF'S AMERICAN TRUSTEE SERVICING 15 MOTION FOR RECONSIDERATION SOLUTIONS, L.L.C., a Foreign Limited 16 Liability Company; and BANK OF NEW Chambers Hearing Date: March 24, 2021 YORK MELLON f/k/a THE BANK OF NEW 17 YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC., 18 ALTERNATIVE LOAN TRUST 2005-2, 19 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-2, 20 Defendants. 21 22 This matter regarding Plaintiff Dennis Baham's ("Plaintiff") Motion for Reconsideration 23 filed on February 25, 2021, came before the Court during an in-chambers hearing on March 24, 24 2021. The Court having considered the briefs and arguments presented therein and being fully 25 advised in the premises, hereby orders as follows: 26 27 28

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

### 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 3	DISTRICT COURT		
4	CLARK COUNTY, NEVADA		
5			
6	Dennis Baham, Plaintiff(s)	CASE NO: A-19-795762-C	
7	vs.	DEPT. NO. Department 4	
8	Bayview Loan Servicing, LLC, Defendant(s)		
9			
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: 4/15/2021		
15	Natalie Winslow	natalie.winslow@akerman.com	
16	Ariel Stern	ariel.stern@akerman.com	
17 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	Richard Waltjen	rwaltjen@nvlaw.us	
<ul><li>26</li><li>27</li></ul>	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. 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 DENNIS BAHAM, an individual Case No.: A-19-795762-C Consolidated with: A-20-810458-C 11 Plaintiff, Dept. No.: 4 12 VS. 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 15<sup>th</sup> day of April, 2021. A copy of which is 23 attached hereto. DATED this 15<sup>th</sup> 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

1	CERTIFICATE OF SERVICE
2	Pursuant to NRCP 5(b), I certify that I am an employee of WRIGHT, FINLAY & ZAK,
3	LLP, and that on this 15 <sup>th</sup> day of April, 2021, I did cause a true copy of the foregoing <b>NOTICE</b>
4	<b>OF ENTRY OF ORDER</b> to be e-filed and e-served through the Eighth Judicial District EFP
5	system pursuant to NEFR 9, addressed as follows:
6	Dennis Baham greenskies87@gmail.com
7	Jamie Combs jamie.combs@akerman.com Akerman LLP AkermanLAS@akerman.com
8	Ariel Stern ariel.stern@akerman.com
9	Natalie Winslow natalie.winslow@akerman.com Kevin Chan kchan@nvlaw.us
10	Filipe Villa fvilla@nvlaw.us
11	Richard Waltjen rwaltjen@nvlaw.us
12	/s/ Jason Craig
13	An Employee of WRIGHT, FINLAY & ZAK, LLP
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## ELECTRONICALLY SERVED 4/15/2021 9:40 AM

Electronically Filed 04/15/2021 9:40 AM CLERK OF THE COURT

1	ORDR WRIGHT, FINLAY & ZAK, LLP	
2	Darren T. Brenner, Esq.	
	Nevada Bar No. 8386	
3	dbrenner@wrightlegal.net Rock K. Jung, Esq.	
4	Nevada Bar No. 10906	
5	7785 W. Sahara Ave., Suite 200	
6	Las Vegas, Nevada 89117	
	(702) 475-7964; Fax: (702) 946-1345 rjung@wrightlegal.net	
7	Attorney for Defendant Bayview Loan Servicing,	LLC
8		
9	DISTRIC	T COURT
10	CLARK COUN	VTY, NEVADA
11	DENNIS BAHAM, an individual	Case No.: A-19-795762-C
12	Plaintiff,	Consolidated with: A-20-810458-C
13	VS.	Dept. No.: 4
	BAYVIEW LOAN SERVICING, LLC, a	
14	Foreign Limited Liability Company; FIRST	ORDER DENYING PLAINTIFF'S
15	AMERICAN TRUSTEE SERVICING SOLUTIONS, L.L.C., a Foreign Limited	MOTION FOR RECONSIDERATION
16	Liability Company; and BANK OF NEW	Cl. 1 H . D . M . 1.24.2021
17	YORK MELLON f/k/a THE BANK OF NEW	Chambers Hearing Date: March 24, 2021
	YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF CWALT, INC.,	
18	ALTERNATIVE LOAN TRUST 2005-2,	
19	MORTGAGE PASS-THROUGH	
20	CERTIFICATES, SERIES 2005-2,	
21	Defendants.	
22	This matter regarding Plaintiff Dennis Ba	aham's ("Plaintiff") Motion for Reconsideration
23	filed on February 25, 2021, came before the Cou	rt during an in-chambers hearing on March 24,
24	2021. The Court having considered the briefs an	d arguments presented therein and being fully
25	advised in the premises, hereby orders as follows	:
26		
27		
28		

Page 1 of 2

Case Number: A-19-795762-C

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

### 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 3	DISTRICT COURT	
4	CLARK COUNTY, NEVADA	
5		
6	Dennis Baham, Plaintiff(s)	CASE NO: A-19-795762-C
7	vs.	DEPT. NO. Department 4
8	Bayview Loan Servicing, LLC, Defendant(s)	
9		
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: 4/15/2021	
15	Natalie Winslow	natalie.winslow@akerman.com
16	Ariel Stern	ariel.stern@akerman.com
17 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	Richard Waltjen	rwaltjen@nvlaw.us
<ul><li>26</li><li>27</li></ul>	Dennis Baham	greenskies87@gmail.com

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

Other Title to Property

**COURT MINUTES** 

July 09, 2019

A-19-795762-C

Dennis Baham, Plaintiff(s)

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

July 09, 2019 PRINT DATE: 04/26/2021 Page 1 of 7 Minutes Date:

#### 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: 04/26/2021 Page 2 of 7 Minutes Date: July 09, 2019

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

Other Title to Property

**COURT MINUTES** 

October 15, 2019

A-19-795762-C

Dennis Baham, Plaintiff(s)

Bayview Loan Servicing, LLC, Defendant(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: 04/26/2021 Page 3 of 7 Minutes Date: July 09, 2019

## DISTRICT COURT CLARK COUNTY, NEVADA

Other Title to Property

**COURT MINUTES** 

January 15, 2021

A-19-795762-C

Dennis Baham, Plaintiff(s)

VS.

Bayview Loan Servicing, LLC, Defendant(s)

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).

## DISTRICT COURT CLARK COUNTY, NEVADA

Other Title to Property

**COURT MINUTES** 

January 19, 2021

A-19-795762-C

Dennis Baham, Plaintiff(s)

VS.

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:** Stace

Stacey Ray

**REPORTER:** 

**PARTIES** 

**PRESENT:** Combs, Jamie

Attorney

Mortenson, Peter B

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: 04/26/2021 Page 5 of 7 Minutes Date: July 09, 2019

## DISTRICT COURT CLARK COUNTY, NEVADA

**COURT MINUTES** Other Title to Property March 24, 2021 Dennis Baham, Plaintiff(s) A-19-795762-C Bayview Loan Servicing, LLC, Defendant(s) 3:00 AM **Motion For** Plaintiff's Motion for March 24, 2021 Reconsideration Reconsideration and Memorandum of Points and **Authorities** [Rescheduled From Sub Case Due to Consolidation]

**HEARD BY:** Krall, 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: 04/26/2021 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: 04/26/2021 Page 7 of 7 Minutes Date: July 09, 2019

## **Certification of Copy**

State of Nevada
County of Clark

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):

AMENDED NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

DENNIS BAHAM,

Plaintiff(s),

VS.

BAYVIEW LOAN SERVICING, LLC; FIRST AMERICAN TRUSTEE 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 26 day of April 2021.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk