



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Electronically Filed
Dec 14 2021 10:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

December 14, 2021

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: WILBERT R. HOLMES vs. ERNEST MILLER; CAPUCINE Y. HOLMES

S.C. CASE: 83902

D.C. CASE: A-17-760443-C

Dear Ms. Brown:

On December 3, 2021 our office submitted a Notice of Appeal packet for the above referenced case noting that the minutes from November 30, 2021 were not included. The minutes have now been completed and are enclosed. Please contact our office at (702) 671-0512 if you have any questions.

Sincerely,

STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Heather Ungermann", written over a horizontal line.

Heather Ungermann, Deputy Clerk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

November 30, 2021

A-17-760443-C Wilbert Holmes, Plaintiff(s)
vs.
Ernest Miller, Defendant(s)

**November 30, 2021 9:00 AM Motion for Summary
Judgment**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Kristine Santi

REPORTER:

PARTIES

PRESENT: Fontano, James A. Attorney
Holmes, Wilbert R Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Arguments by Mr. Fontano and Plaintiff, Wilbert Holmes. Court noted a Motion to Dismiss has a different standard than a Motion for Summary Judgment and further noted Plaintiff had not cited any points and authorities in his Opposition. Court stated it was concerned about the request for injunctive relief as it was not in a position to deny Plaintiff's right to file any new lawsuits. Upon Court's inquiry, Mr. Fontano stated Plaintiff was required to submit any proposed lawsuits to Judge Bell for consideration and approval to confirm he was not filing anything frivolous and noted he was requesting an injunction precluding the Plaintiff from taking any further actions to harass Capucine Holmes including making and publishing slanderous statements to her friends, employer, associates and the general public. COURT ORDERED, Motion GRANTED as Plaintiff has failed to provide any evidence establishing the claim of intentional infliction of emotional distress, his Opposition failed to cite any points and authorities, and there has been no evidence presented to defeat the Motion for Summary Judgment under all the case law standards. Court FINDS there to be an abuse of process and noted Plaintiff has already been deemed a vexatious litigant, therefore COURT FURTHER ORDERED, request for injunctive relief GRANTED and Plaintiff shall cease all slanderous statements

PRINT DATE: 12/06/2021

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Minutes Date: November 30, 2021

against Capucine Holmes. Court directed Mr. Fontano to prepare the Order and forward it to the Plaintiff for a response within 48 hours as to the wording of the Order.

Mr. Fontano advised they were requesting special damages for the repeated frivolous filings made by the Plaintiff on the abuse of process claim, therefore they needed a prove-up hearing. Court directed Mr. Fontano to submit the documents to the Court. COURT FURTHER ORDERED, Prove-Up hearing SET. Court noted the Plaintiff had signed off of BlueJeans.

12/21/2021 9:00 AM PROVE UP

CLERK'S NOTE: Minute Order provided to Plaintiff, Wilbert Holmes by e-mail on 12/6/2021. SA