

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILBERT R HOLMES

Appellant,

vs.

Ernest Miller, Defendant(s)

Respondent.

Supreme Court No. 83902

District Court No. A-17-760443-C

FILED

DEC 22 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

MOTION FOR STAY
FOR PARTIES WITHOUT ATTORNEYS

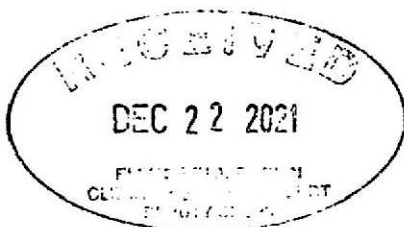
INSTRUCTIONS: Write only in the space allowed on the form. Additional pages and attachments are not permitted. The Nevada Supreme Court prefers short and direct statements. Citation to legal authority or the district court record is not required but would be helpful to the Court.

Any form you file with the Nevada Supreme Court must be mailed or delivered to all other parties to this appeal or to the parties' attorneys,

You may file your forms in person or by mail. You must file the original and 2 copies with the Clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your form, you must submit the original and 3 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or e-mailed to the Clerk's Office.

This form must be filed with the Clerk of the Nevada Supreme Court at the following address:

Clerk of the Court
Supreme Court of Nevada
201 South Carson Street
Carson City, Nevada 89701
Telephone: (775) 684-1600 or (702) 486-9300



21-36524

Judgment or Order You Are Appealing. Specify the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
11/30/2021	Summary Judgment of 11/30/2021

Notice of Appeal. Specify the date you filed your notice of appeal in the district court: 12/1/2021

Order to be Stayed. A stay from the Nevada Supreme Court prevents enforcement of a district court order. What do you want stayed?

Summary Judgment plus of 11/30/2021

Statement of Facts. Briefly explain the facts related to your request for a stay. (Your answer must be provided in the space allowed,)

I filed numerous documents ie medical records, doctors letters etc* all sighting my mental injury incurred by the acts of Capucine Y Holmes of which are valid ELEMENTS and CAUSE of my law suitofwhich has been decided in my favor in the court of the now Honorable Supreme court Judge Elissa Cadish. (see following) The oppositions attorney James Fontano falsely stated I did not.**

I have filed a judicial complaint against the decision by Judicial Officer Villani, Michael whom granted a totally undue biased summary judgment and all other rulings listed for the above factual reasons.

The hearings held by the judge were very unjust and demeaning, where I was not allowed to speak make testimony as did the opposing counsel James Fontano as he rambled on and on repeating lies concerning the case.

The judge changed his decision after he let Fontano speak repeating lies for the 3rd time. I have the video transcript of the second hearing sighting and to prove such.

07/31/2018 All Pending Motions (8:30 AM)

(Judicial Officer Cadish, Elissa F.)

Minutes 07/31/2018 8:30 AM

Defendant, Capucine Y. Holmes' Motion to Dismiss Complaint Pltf's Motion for Judgment by Default Mr. Fontano argued to dismiss claims. Opposition by Mr. Holmes. Argument that he was not admitted to a social event and the emotional distress he suffered from the incident. Court finds that Ms. Holmes was involved and made representations that she was in danger. COURT ORDERED, motion to dismiss, DENIED. Mr. Holmes stated he was seeking \$300,000.00 in damages and \$5,000.00 in costs. Court instructed Mr. Holmes to file Default first to include amount seeking, to address each Defendant, and include Affidavits. COURT ORDERED, motion for default judgment, DENIED WITHOUT PREJUDICE as not properly submitted with supporting documents. **

**** THESE INSTRUCTIONS HAVE BEEN DONE.**

Effect on Your Appeal. If a stay is denied, how will this affect the issues you are appealing? (Your answer must be provided in the space allowed.)

I will not have my "day in court" to present the valid detail documentation that supports my IIED lawsuit complaint for a well deserved settlement

Harm to You What serious harm will you experience if a stay is denied?
(Your answer must be provided in the space allowed.)

Please see my above statement. Also I will continue with the acute mental injury ie depression, anxiety etc impended on me by Capucine Y Holmes

Harm to Others. What harm will the other side experience if the stay is granted? (Your answer must be provided in the space allowed.)

NONE

Success on Appeal. Why are you likely to win this appeal? (Your answer must be provided in the space allowed,)

Please see my Statement of Facts above. Also I deserve to have my PROOF of my Mental Injury* detail presented in a fair court of law for a just settlement.**

***** please see the following proof of injury detail**

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed appeal statement upon all parties to the appeal as follows:

By personally serving it upon him/her; or

X By mailing it by first class mail with sufficient postage prepaid to the following address (es):

James Fontano
5135 Camino al Norte Ste 273
N Las Vegas, NV 89031

DATED this 16th day of December 2021

--



Signature of Moving Party

Wilbert R Holmes

Print Name of Moving Party

3890 S Nellis Blvd lot 56

Address

Las Vegas Nv 89121

City/State/Zip

702 2815752

Telephone



DEPARTMENT OF VETERANS AFFAIRS

VA Southern Nevada Healthcare System
6900 North Pecos Road
North Las Vegas, Nevada 89086
(702) 791-9000

February 11, 2021

To Whom It May Concern:

Mr. Wilbert is under the care of the VA Southern Nevada Healthcare System and is currently being treated for one or more mental health disabilities recognized in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5). These are major depressive disorder and adjustment disorder. Moreover, the following physical illnesses are also being managed through the VA: urinary frequency secondary to benign prostatic hypertrophy, hypogonadism, erectile dysfunction, chronic back pain, right knee pain secondary to degenerative joint disease, vitamin D deficiency, chronic right ear pain.

As a result of Mr. Wilbert's mental illnesses, he exhibits worsening anxiety when in the community, low mood and hopelessness with prolonged exposure to his major triggers, as well as low tolerance to frustration. At this time, his most significant stressor is undergoing the process of divorcing his ex-wife. Therefore, this veteran is requesting an expedited hearing to complete the remainder of such proceedings.

Sincerely,

Chrisalbeth J. Guillermo, DO

Chrisalbeth J. Guillermo, DO, MPH, MSMedEd
ABPN Certified Psychiatrist
Certificate #75745
Nevada State Board of Osteopathic medicine

Chrisalbeth
J Guillermo
1352550

Digitally signed by
Chrisalbeth J
Guillermo
1352550
Date: 2021.02.11
20:58:43 -08'00'



DEPARTMENT OF VETERANS AFFAIRS

VA Southern Nevada Healthcare System

6900 North Pecos Road

North Las Vegas, Nevada 89086

(702) 791-9000

December 01, 2020

WILBERT HOMLES
240 E SIL RNCH BLVD UNIT 1354
LAS VEGAS, NV 89183

Dear Mr. Holmes:

Per your request, this letter is to document that you have a current mental health diagnosis of Adjustment Disorder with Depressed Mood.

This letter is being released directly to Mr. Holmes. Should other readers of this letter have any questions or concerns, I would be happy to respond with an appropriate signed release of information.

Sincerely,

Arash Farshid, Ph.D.

Arash Farshid, Ph.D.
Staff Psychologist, Behavioral Health Service
VA Southern Nevada Healthcare System
6900 N. Pecos Rd.
North Las Vegas, NV 89086



DEPARTMENT OF VETERANS AFFAIRS

VA Southern Nevada Healthcare System

Mental Health Clinic

Southwest Primary Care Clinic

7235 South Buffalo Drive

Las Vegas, NV

April 30, 2018

To whom it may concern,

Mr. Holmes has been coming to the VA Mental Health Clinic for the treatment of mental health issues from July 2016 until the present. Mr. Holmes has disclosed emotional distress related to his marital discourse and recent long-term divorce proceedings. Mr. Holmes reports an increase in mental health symptoms and emotional distress related to multiple legal matters and court proceedings contributed by these marital issues.

Shawn Odohan, MD



DEPARTMENT OF VETERANS AFFAIRS

VA Southern Nevada Healthcare System

6900 North Pecos Road

North Las Vegas, Nevada 89086

(702) 791-9000

Date: 6/14/2020

In Reply Refer To: H0666

To whom this may concern,

This letter is written to verify the Veteran, Mr. Wilbert Holmes, has been seen by the behavioral health staff at the VA Southern Nevada Healthcare System for approximately three years. His primary trigger for anxiety is caused by enclosed spaces as well as court rooms at this time. He is participating in both psychotherapy and psychiatry services to address these anxiety triggers at this time. His medical records also show he fainted at his most recent court date. If you have any questions regarding the information provided on this letter or if there is any additional information I can provide to assist with this Veteran's care, please feel free to contact me at the number provided below.

Best,

A handwritten signature in black ink, appearing to read "B. Potts", is written over a circular stamp that is partially obscured.

Dr. Brian Potts, PsyD
(702) 791-9040x 11780



DEPARTMENT OF VETERANS AFFAIRS
VA Southern Nevada Healthcare System
6900 North Pecos Road
North Las Vegas, Nevada 89086
(702) 791-9000

03/19/19

RE: Holmes, Wilbert
DOB: 11/21/1946

To whom it may concern:

This is to inform your office that the above veteran was seen today for continued medication management.

Sincerely,

Porteria Montesclaros, MD
Dr. Porteria Montesclaros



DEPARTMENT OF VETERANS AFFAIRS
VA Southern Nevada Healthcare System
Southwest Primary Care Clinic
7235 South Buffalo Drive
Las Vegas, NV 89113
(702) 791-9040

October 29, 2018

To Whom it May Concern:

My name is Elizabeth (Beth) Briggs, PsyD and I am a licensed psychologist practicing at the VA Southern Nevada Healthcare System. This letter is to confirm that Wilbert Holmes (DOB 11/21/1946) is being seen by myself and other mental health providers at the VA Southern Nevada Healthcare System.

He is being treated for an Adjustment Disorder related to ongoing legal stressors. He has met with me a total of 3 times on the following dates: 09/25/18, 10/12/18, and 10/29/18. He has also met with a psychiatrist Shawn Odohan, MD on the following dates: 10/03/17, 03/14/18, 04/18/18, 06/13/18, 06/24/18, and 10/22/18.

If you have any questions, please do not hesitate to contact me at 702-791-9040.

Sincerely,

A handwritten signature in cursive script that reads "Beth Briggs, PsyD".

Beth Briggs, PsyD
Licensed Psychologist

DESERT PARKWAY BEHAVIORAL HEALTHCARE HOSPITAL
PSYCHIATRIC EVALUATION
Page 1 of 4

DATE OF EVALUATION: May 28, 2017
TIME OF EVALUATION: 13:50 hours.

I believe this patient requires inpatient hospitalization. I do not believe this patient could be adequately and appropriately treated in a less restrictive environment. I have based my decision on the following information.

OMPLAINT: "I went to VA to consult about my ears and has dreams of"

HISTORY OF PRESENT ILLNESS: The patient is a 70-year-old separated African American male, who was admitted from VA Hospital on a Legal 2000 for having thoughts.

On face-to-face interview, the patient states that he does not know why he had to be brought to lock down facility, which he states "incarceration." He states that he went to the VA Hospital to have his ears checked because it seemed clogged and verbalized that he has been suffering through painful separation and impending divorce from his wife. The patient states that his wife has been making false claims, stating that he has been stalking her on social media and put him on TPO. He admitted that he expressed anger and and would like to, — but claims he does not have any violence in his heart. The patient states that the process of divorce has been 3 years since it was filed in 2015 and the judge has not made any decision on the finalization of the divorce. He states that this has resulted in his suffering financially and emotionally. The patient minimizes recent incarcerations for violation of TPO. He currently denies suicidal or homicidal thoughts and was trying to vent about his troubling dreams.

The patient admits of having horrible dreams of

JUSTIFICATION FOR 24-HOUR CARE: Danger to others with need for controlled environment.

PAST PSYCHIATRIC HISTORY: The patient denies any treatment for any psychiatric

PATIENT NAME:	Holmes, Wilbert
DATE OF BIRTH:	NOVEMBER 21, 1946
MEDICAL RECORD #:	106667
ADMISSION #:	1703672
ADMISSION DATE:	MAY 27, 2017
ATTENDING PHYSICIAN:	Amitabh Singh, MD



David Geffen School of Medicine at UCLA
Department of Otolaryngology—Head and Neck Surgery
200 Medical Plaza, Suite 550
Los Angeles CA 90095-1624
Telephone: 310-825-6748
Fax: 310-825-2810
Quinton Gopen, MD

March 18, 2019

RE: Wilbert Holmes
10550 PATRINGTON CT
LAS VEGAS NV 89183

To Whom It May Concern:

Wilbert R Holmes is a pleasant 72 year old male who presents with complaints of hearing loss. He did undergo a composite resection of his temporomandibular joint and surrounding tissue for chondroblastoma by Dr. Elliot Abemayor performed on 3/24/2009. Surgery performed was emergent due being misdiagnoses by other physicians. **Dr. Abemayor's life saving operation was successful, however Mr. Holmes has lifelong residual symptoms from the Chondroblastoma.** He has had multiple surgeries. He has done well from an occlusion standpoint but has developed severe and recalcitrant pain in the distribution of his trigeminal nerve, trigeminal neuralgia, loss of hearing, complete right side numbness of the face.

Mr. Holmes did undergo a right tympanoplasty/mastoidectomy with removal of ear tube performed on 10/07/2018 for right chronic otomastoiditis. Today, he reports hearing gurgling sounds in his RIGHT ear. Patient also notes right otalgia and aural pruritis.

It is essential that Mr. Holmes be able to maintain treatment from UCLA Head and Neck department.

If you have further questions, please do not hesitate to contact my office at 310-206-7366

Sincerely,

A handwritten signature in black ink, appearing to read "Quinton Gopen", with a stylized, cursive script.

Quinton Gopen, MD

Randall T. Weingarten, M.D.
11201 S. Eastern Ave., Ste. 120
Henderson, NV 89052
(702) 617-9599 · Fax (702) 614-8937

CHART NOTE

Patient: Wilbert Holmes
Date: 07-06-2018

Wilbert is a 71-year-old male who is status post excision of base of skull surgery in the past. He did have one radiation treatment after that. He has had persistent otorrhea refractory to medical treatment. He comes in today with his CT scan of the temporal bone.

Physical Examination:

Eyes: EOMI. PERRLA.

Ears: The external canal is 70% narrowed with some otorrhea which was suctioned free. He does have a prominent zygomatic arch on the right side which is clearly asymmetric.

Nose: Midline septum. Moderate turbinate hypertrophy.

Mouth: The tonsil fossae, pharynx, floor of mouth, palate and tongue are normal.

Neck: Without thyromegaly or lymphadenopathy.

My impression is that Wilbert has chronic otorrhea after base of skull surgery with radiation and a tube placed. This has been refractory to medical treatment. On review of the CT of the temporal bone, he clearly has fluid in both the mastoid and the middle ear. I do think it is a good idea if he goes back to see Dr. Ramirez for his possible recommendation. Whether it will be an antibiotic situation versus a simple mastoidectomy I will leave up to him. He also has an expansile mass in the infratemporal fossa, extending into the zygomatic arch. We will have him see Dr. Abernethy at the same time when he sees Dr. Ramirez. If Dr. Ramirez does not feel comfortable then I think it's a good idea for him to see an otologist.

Randall T. Weingarten, M.D.
RTW/sb

"32Y o'4 Male, 1X)W n:111946
10550 PADUNG(Gr)NCI", LAS VEGAS, NV a9183-4s.6.2
Home, 7(pu-281-5752
-&rwtaadr.an.RariS

Yakov D. Kotlarsky PA-C

MM-011

