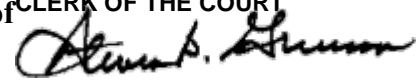


1/5/2022

Electronically Filed  
1/5/2022 1:55 PM  
Steven D. Grierson  
CLERK OF THE COURT



**Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of Court**

**DEPT NO. 17**

**Dist Ct No. A-17-760443-C**

IN THE ...**8th**..... JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK

Electronically Filed  
Jan 12 2022 09:14 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

A. B., Plaintiff        }  
                                  v.       }  
C. D., Defendant        }

**NOTICE OF APPEAL**

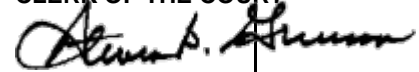
Notice is hereby given that C. D., defendant above named, hereby appeals to the Supreme Court of Nevada (from the final judgment) (from the order (describing it)) entered in this action

**Wilbert R Holmes pro se**

*Wilbert R Holmes*

3rd day of January, 2021, an ORDER  
AWARDING ATTORNEY'S FEES AND  
COSTS

Address **3980 S NELLIS BLVD  
LAS VEGAS NV 89183**



1 ASTA

2  
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5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 WILBERT R. HOLMES,

11 Plaintiff(s),

12 vs.

13 ERNEST MILLER; CAPUCINE Y. HOLMES,

14 Defendant(s),  
15

Case No: A-17-760443-C

Dept No: XVII

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Wilbert R. Holmes

20 2. Judge: Michael Villani

21 3. Appellant(s): Wilbert R. Holmes

22 Counsel:

23 Wilbert R. Holmes  
24 3980 S. Nellis Blvd.  
25 Las Vegas, NV 89183  
26  
27  
28

1 4. Respondent (s): Ernest Miller

2 Counsel:

3 Ernest Miller  
4 301 E. Clark Ave., Suite 100  
5 Las Vegas, NV 89101  
(Last Known Address)

6 Respondent (s): Capucine Y. Holmes

7 Counsel:

8 James A. Fontano  
9 5135 Camino al Norte, Ste. 273  
10 North Las Vegas, NV 89031

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

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

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

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

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

18 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, August 24, 2017  
19 \*\*Expires 1 year from date filed (Expired)  
20 Appellant Filed Application to Proceed in Forma Pauperis: Yes,  
Date Application(s) filed: May 13, 2019

21 9. Date Commenced in District Court: August 24, 2017

22 10. Brief Description of the Nature of the Action: TORT - Other

23 Type of Judgment or Order Being Appealed: Judgment

24 11. Previous Appeal: Yes

25 Supreme Court Docket Number(s): 80667, 83902, 84005

26 12. Child Custody or Visitation: N/A  
27  
28

1           13. Possibility of Settlement: Unknown

2                       Dated This 7 day of January 2022.

3                                       Steven D. Grierson, Clerk of the Court

4  
5                                       */s/ Heather Ungermann*

6                                       Heather Ungermann, Deputy Clerk

7                                       200 Lewis Ave

8                                       PO Box 551601

9                                       Las Vegas, Nevada 89155-1601

10                                      (702) 671-0512

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28  
cc: Wilbert R. Holmes

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-17-760443-C**

**Wilbert Holmes, Plaintiff(s)**  
**vs.**  
**Ernest Miller, Defendant(s)**

§  
§  
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§  
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§  
§

Location: **Department 17**  
 Judicial Officer: **Villani, Michael**  
 Filed on: **08/24/2017**  
 Case Number History:  
 Cross-Reference Case Number: **A760443**  
 Supreme Court No.: **80667**  
**83902**  
**84005**

**CASE INFORMATION****Statistical Closures**

05/31/2020 Other Manner of Disposition  
 05/18/2020 Other Manner of Disposition

Case Type: **Other Tort**

Case  
Status: **06/09/2020 Reopened**

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

Case Number A-17-760443-C  
 Court Department 17  
 Date Assigned 09/07/2021  
 Judicial Officer Villani, Michael

**PARTY INFORMATION**













<b>Plaintiff</b>	<b>Holmes, Wilbert R</b>	<b>Blanchard, Brent A.</b> <i>Retained</i> 7022086718(W)
<b>Defendant</b>	<b>Cason, Tommy</b> Removed: 01/09/2020 Dismissed  <b>Connor, Calvin</b> Removed: 01/09/2020 Dismissed  <b>Detroit Connection Inc Board of Directors</b> Removed: 01/09/2020 Dismissed  <b>Holmes, Capucine Y</b>   <b>Lee, Lawrence</b> Removed: 01/09/2020 Dismissed  <b>Miller, Ernest</b>	<b>Fontano, James A.</b> <i>Retained</i> 702-329-9901(W)
<b>Counter Claimant</b>	<b>Holmes, Capucine Y</b>	<b>Fontano, James A.</b> <i>Retained</i> 702-329-9901(W)
<b>Counter Defendant</b>	<b>Holmes, Wilbert R</b>	<b>Blanchard, Brent A.</b> <i>Retained</i> 7022086718(W)

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

# CASE SUMMARY

CASE NO. A-17-760443-C

## EVENTS

08/14/2017	 Application to Proceed in Forma Pauperis <i>Application to Proceed in Forma Pauperis (Confidential)</i>
08/24/2017	 Complaint Filed By: Counter Defendant Holmes, Wilbert R <i>Complaint for Intentional and Negligent Emotional Distress; Points and Authorities</i>
08/24/2017	 Order to Proceed In Forma Pauperis Granted for: Counter Defendant Holmes, Wilbert R <i>Order Granting Application to Proceed in Forma Pauperis (Confidential)</i>
09/04/2017	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for to Set Court Hearing Date</i>
10/02/2017	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for Order</i>
11/03/2017	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum Complaint for Mental Injury and Intentional Emotional Distress IIED Elements of Fact; Points and Authorities IIED Elements</i>
11/07/2017	 Summons Filed by: Counter Defendant Holmes, Wilbert R <i>Summons</i>
11/20/2017	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Defendant Miller, Ernest; Counter Claimant Holmes, Capucine Y; Defendant Detroit Connection Inc Board of Directors <i>Affidavit of Service</i>
01/24/2018	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Counter Claimant Holmes, Capucine Y <i>Affidavit of Service</i>
01/26/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum Complaint for Mental Injury and Intentional Infliction of Emotional Distress; Points and Authorities From News Article Interview</i>
01/26/2018	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Defendant Miller, Ernest <i>Affidavit of Service</i>
01/27/2018	 Affidavit of Attempted Service Filed By: Counter Defendant Holmes, Wilbert R <i>Not Found Affidavit</i>















# CASE SUMMARY

CASE NO. A-17-760443-C

01/29/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for to Set Court Hearing Date</i>
02/05/2018	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Holmes, Capucine Y <i>Application to Proceed in Forma Pauperis (Confidential)</i>
03/04/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum Complaint for Mental Injury and Intentional Emotional Distress; Points and Authorities</i>
03/09/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum (A1) Complaint for Mental Injury and Intentional Emotional Distress; Points and Authorities from News Article Interview</i>
03/10/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/10/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/10/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/12/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum (Medical Detail A) Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/15/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion to Set Case Conference Date</i>
03/22/2018	 Motion to Set Trial Date Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for to Set Trial Date; Complaint for Intentional and Negligent Emotional Distress</i>
04/12/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
04/12/2018	 Addendum <i>Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>

# CASE SUMMARY














CASE NO. A-17-760443-C

04/30/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum (4) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
05/15/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for Case Conference Date</i>
05/30/2018	 Default Filed By: Counter Defendant Holmes, Wilbert R Default Prty: Defendant Miller, Ernest <i>Default</i>
06/05/2018	 Notice of Default Filed By: Counter Defendant Holmes, Wilbert R <i>Entry of Default</i>
06/11/2018	 Motion for Default Judgment Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for Judgement by Default</i>
06/25/2018	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Holmes, Capucine Y <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
06/25/2018	 Order to Proceed In Forma Pauperis Granted for: Counter Claimant Holmes, Capucine Y <i>Order to Proceed in Forma Pauperis (Confidential)</i>
06/25/2018	 Motion to Dismiss Filed By: Counter Claimant Holmes, Capucine Y <i>Motion to Dismiss Complaint</i>
06/29/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for Telephonic Appearance</i>
07/16/2018	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
07/24/2018	 Amended Complaint <i>Amended Complaint for Intentional and Negligent Emotional Distress; Points and Authorities</i>
07/25/2018	 Summons Electronically Issued - Service Pending <i>Summons (Electronically Issued Only)</i>
07/26/2018	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Defendant Miller, Ernest <i>Affidavit of Service</i>
07/27/2018	 Opposition to Motion <i>Plaintiff's Opposition to Motion to Dismiss; Points and Authorities</i>
















# CASE SUMMARY

CASE NO. A-17-760443-C

08/29/2018	 Order Denying Motion Filed By: Counter Claimant Holmes, Capucine Y <i>Order Denying Plaintiff's Motion for Default Judgment and Denying Defendant's Motion to Dismiss Complaint</i>
09/05/2018	 Notice of Entry of Order <i>Notice of Entry of Order</i>
09/11/2018	 Answer and Counterclaim Filed By: Counter Claimant Holmes, Capucine Y <i>Defendant Capucine Y. Holmes' Answer and Counterclaim; Arbitration Exemption Claimed: Counterclaim Seeks Declaratory and Injunctive Relief</i>
09/26/2018	 Affidavit of Attempted Service Filed By: Counter Defendant Holmes, Wilbert R <i>Not Found Affidavit</i>
10/18/2018	 Notice of Appearance Party: Counter Defendant Holmes, Wilbert R <i>Notice of Appearance</i>
10/24/2018	 Answer to Counterclaim <i>Counter Answer and Affirmative Defenses</i>
12/05/2018	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Detroit Connection Inc</i>
12/05/2018	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Capucine Y Holmes</i>
12/05/2018	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Lawrence Lee</i>
12/05/2018	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Ernest H Miller</i>
12/05/2018	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Tommy Cason</i>
12/05/2018	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Calvin Connor</i>
03/06/2019	 Request Filed by: Counter Defendant Holmes, Wilbert R <i>Request for (Application) Entry of Default; Court Judgment</i>
03/10/2019	















# CASE SUMMARY

CASE NO. A-17-760443-C

	 Request Filed by: Counter Defendant Holmes, Wilbert R <i>Request for (Application) Entry of Default; Court Judgment</i>
03/10/2019	 Request Filed by: Counter Defendant Holmes, Wilbert R <i>Request for (Application) Entry of Default; Court Judgment</i>
03/18/2019	 Notice of Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Notice of Motion</i>
03/19/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/15/2019	 Notice of Early Case Conference Filed By: Counter Defendant Holmes, Wilbert R <i>Notice of Early Case Conference</i>
04/18/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum A7; Content and Authorities</i>
04/29/2019	Administrative Reassignment - Judicial Officer Change <i>To Judge Jacqueline M. Bluth</i>
05/06/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion to Set Default Hearing Date</i>
05/13/2019	 Motion for Default Judgment Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for Default Judgment</i>
05/13/2019	 Application to Proceed in Forma Pauperis Filed By: Counter Defendant Holmes, Wilbert R <i>Application to Proceed in Forma Pauperis to Include Court Call Appearances (Confidential)</i>
05/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Calvin Connor</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Lawrence Lee</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Tommy Cason</i>
06/05/2019	

**CASE SUMMARY**

**CASE NO. A-17-760443-C**

	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Ernest H Miller</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit in Support of Default Detroit Connection, Inc.</i>
06/05/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum Final 10; Contents and Authorities</i>
06/10/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum AIA; Contents and Authorities</i>
06/13/2019	 Order to Withdraw as Attorney of Record Filed by: Counter Defendant Holmes, Wilbert R <i>Order to Withdraw as Attorney of Record</i>
06/13/2019	 Notice of Entry Filed By: Counter Defendant Holmes, Wilbert R <i>Notice of Entry of Order to Withdraw as Attorney of Record</i>
06/20/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for Video Hearing Requested</i>
06/21/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/31/2019	 Audiovisual Transmission Equipment Appearance Request <i>Audio Visual Transmission Equipment Appearance Request</i>
07/31/2019	 Audiovisual Transmission Equipment Appearance Request <i>Audiovisual Transmission Equipment Appearance Request</i>
08/05/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum B1; Contents and Authorities</i>
08/10/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum C1; Contents and Authorities</i>
08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>Not Found Affidavit</i>
08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>Not Found Affidavit</i>















# CASE SUMMARY

CASE NO. A-17-760443-C

08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>Not Found Affidavit</i>
08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>Not Found Affidavit</i>
08/28/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>Not Found Affidavit</i>
08/30/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication</i>
08/30/2019	 Motion <i>Motion Request for Service by Publication</i>
08/30/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication</i>
08/30/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion and Request for Service by Publication (Unsigned)</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication</i>
09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication; Hearing Requested</i>
09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Hearing Requested Request for Service by Publication; Hearing Requested</i>
09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Request for Service by Publication; Hearing Requested</i>
















# CASE SUMMARY

CASE NO. A-17-760443-C

09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Hearing Requested Request for Service by Publication; Hearing Requested</i>
09/16/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/04/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Motion for Court to Review Service Attempts to Defendants</i>
12/04/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/09/2020	 Notice of Hearing <i>Notice of Hearing Scheduling Status Check: Status of Case</i>
02/05/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
02/06/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - My Expressive Letter (non-conforming missing case caption)</i>
02/06/2020	 Notice of Change of Address Filed By: Counter Defendant Holmes, Wilbert R <i>Notice of Change of Address</i>
02/09/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - Response Addendum A1 to 02/04/2020 Minute Order (3:15 PM) (Judicial Office Bell, Linda Marie)</i>
02/10/2020	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Defendant's Motion for Early Release from Probation</i>
02/20/2020	 Order to Show Cause <i>Order to Show Cause</i>
02/21/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>Clerk's Notice of Nonconforming Document and Curative Action</i>
02/22/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - Addendum A2 Response to Minutes of 02/04/2020 Minute Order (3:15 PM) (Judicial Office Bell, Linda Marie) (non-conforming - missing case caption)</i>
02/23/2020	 Notice of Appeal Filed By: Counter Defendant Holmes, Wilbert R <i>Notice of Appeal</i>

# CASE SUMMARY















CASE NO. A-17-760443-C

02/25/2020	 Case Appeal Statement Filed By: Counter Defendant Holmes, Wilbert R <i>Case Appeal Statement</i>
03/10/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - IDENTITY FACTS ABOUT CAPUCINE Y HOLMES</i>
03/16/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - medical letter by Dr. Briggs</i>
04/20/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum C1; Contents and Authorities</i>
04/30/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
05/09/2020	 Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>Affidavit</i>
05/13/2020	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion to Set Court Hearing Date; Hearing Requested</i>
05/18/2020	 Decision and Order <i>Decision and Order</i>
05/19/2020	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
05/19/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/21/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - My Expressive Letter</i>
05/27/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
05/27/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - Addendum B1 My Expressive Letter</i>
06/08/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>Addendum C1; Contents and Authorities</i>
06/08/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R

# CASE SUMMARY















CASE NO. A-17-760443-C

*Correct Addendum C1; Contents and Authorities*

06/11/2020	 Notice of Hearing <i>Notice of Hearing</i>
06/14/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>Miscellaneous Filing - Addendum D1</i>
07/08/2020	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of All Matters</i>
08/18/2020	 Notice of Appearance Party: Counter Defendant Holmes, Wilbert R <i>Notice of Entry of Appearance</i>
10/05/2020	 Joint Case Conference Report Filed By: Counter Defendant Holmes, Wilbert R <i>Joint Case Conference Report</i>
11/23/2020	 Certificate of Electronic Service Filed By: Counter Defendant Holmes, Wilbert R <i>Certificate of Electronic Service of: Plaintiff's Responses to Defendant's [Capucine Y. Holmes'] First Requests for Admission</i>
01/19/2021	 Amended Order <i>Amended Order to Appear for Mandatory Discovery Conference</i>
01/27/2021	 Notice of Compliance Party: Counter Claimant Holmes, Capucine Y <i>Notice of Compliance</i>
01/27/2021	 Notice of Compliance Party: Counter Defendant Holmes, Wilbert R <i>Plaintiff's Notice of Compliance</i>
02/05/2021	 Scheduling and Trial Order <i>Scheduling Order and Order Setting Civil Bench Trial and Calendar Call</i>
02/25/2021	 Request Filed by: Counter Defendant Holmes, Wilbert R <i>Request for Earlier Hearing Date</i>
04/22/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/18/2021	 Opposition to Motion Filed By: Counter Claimant Holmes, Capucine Y <i>Capucine Y. Holmes' Opposition to Motion to Amend</i>
06/25/2021	 Order Filed By: Counter Claimant Holmes, Capucine Y <i>Order re: Plaintiff's Motion to Amend Complaint</i>

# CASE SUMMARY















CASE NO. A-17-760443-C

06/28/2021	 Notice of Entry of Order <i>Notice of Entry of Order</i>
07/07/2021	 Supplement to Opposition <i>Capucine Y. Holmes' Supplemental Opposition to Motion to Amend</i>
08/02/2021	 Notice <i>Instruction for Bluejeans Videoconferencing</i>
08/09/2021	 Order Filed By: Counter Claimant Holmes, Capucine Y <i>Order Striking Plaintiff's Motion to Amend Complaint and Striking Amended Complaint</i>
08/09/2021	 Notice of Entry of Order Filed By: Counter Claimant Holmes, Capucine Y <i>Notice of Entry of Order</i>
09/07/2021	Case Reassigned to Department 17 <i>From Judge Jacqueline Bluth to Judge Michael Villani</i>
09/17/2021	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
10/05/2021	 Stipulation and Order Filed by: Counter Claimant Holmes, Capucine Y <i>Stipulation and Order to Continue Dates for Calendar Call &amp; Trial</i>
10/05/2021	 Notice of Entry of Order Filed By: Counter Claimant Holmes, Capucine Y <i>Notice of Entry of Order</i>
10/06/2021	 Amended Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Bench Trial and Calendar Call</i>
10/11/2021	 Motion for Summary Judgment Filed By: Counter Claimant Holmes, Capucine Y <i>Motion for Summary Judgment; Hearing Requested</i>
10/12/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
11/11/2021	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Motion for Motion to Adjourn the November 16 Hearing on Defendant's Motion for Summary Disposition and for an Extension to File an Answer to that Motion.; Hearing Requested</i>
11/12/2021	 Opposition to Motion Filed By: Counter Defendant Holmes, Wilbert R <i>Opposition to Motion for Summary Judgment 11/16/2021</i>
11/12/2021	 Reply to Opposition <i>Reply to Plaintiff's Opposition to Motion for Summary Judgment 11/16/2021</i>



# CASE SUMMARY

CASE NO. A-17-760443-C

12/01/2021	 Notice of Appeal Filed By: Counter Defendant Holmes, Wilbert R <i>Notice of Appeal</i>
12/03/2021	 Case Appeal Statement Filed By: Counter Defendant Holmes, Wilbert R <i>Case Appeal Statement</i>
12/09/2021	 Order Granting Summary Judgment Filed By: Counter Claimant Holmes, Capucine Y <i>Order Granting Summary Judgment</i>
12/09/2021	 Notice of Entry of Judgment Filed By: Counter Claimant Holmes, Capucine Y <i>Notice of Entry of Judgment</i>
12/13/2021	 Acknowledgment <i>Note: This is the Complaint that Was Decided in My Behalf by the Honorable Judge Caddish; Amended Complaint for Intentional and Negligent Emotional Distress; Points and Authorities</i>
12/16/2021	 Motion to Stay Filed By: Counter Defendant Holmes, Wilbert R <i>Motion Motion to Stay Summary Judgment of 11/30/2021; Hearing Requested</i>
12/17/2021	 Document Filed <i>Documentation in Support of Request for Fees and Costs</i>
12/21/2021	 Notice of Appeal Filed By: Counter Defendant Holmes, Wilbert R <i>Notice of Appeal</i>
12/27/2021	 Case Appeal Statement Filed By: Counter Defendant Holmes, Wilbert R <i>Case Appeal Statement</i>
01/03/2022	 Order <i>Order Awarding Attorney Fees &amp; Costs</i>
01/04/2022	 Notice of Entry of Order Filed By: Counter Claimant Holmes, Capucine Y <i>Notice of Entry of Order</i>
01/04/2022	 Application for Default Judgment <i>Application for Entry of Default and Supporting Affidavit</i>
01/04/2022	 Motion for Default Judgment Filed By: Counter Defendant Holmes, Wilbert R <i>Entry of Default (Unsigned)</i>
01/04/2022	 Notice of Entry of Default Party: Counter Defendant Holmes, Wilbert R <i>Entry of Default (Unsigned)</i>

# CASE SUMMARY

CASE NO. A-17-760443-C

01/05/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
*Miscellaneous Filing - Acknowledgment of News Article*

01/05/2022



Notice of Appeal

Filed By: Counter Defendant Holmes, Wilbert R  
*Notice of Appeal*

01/07/2022



Case Appeal Statement

*Case Appeal Statement*

## **DISPOSITIONS**

01/09/2020

**Order of Dismissal** (Judicial Officer: Bluth, Jacqueline M.)

Debtors: Wilbert R Holmes (Plaintiff)

Creditors: Detroit Connection Inc Board of Directors (Defendant), Tommy Cason (Defendant), Lawrence Lee (Defendant), Calvin Connor (Defendant)

Judgment: 01/09/2020, Docketed: 06/11/2020

04/30/2020

**Clerk's Certificate** (Judicial Officer: Bell, Linda Marie)

Debtors: Wilbert R Holmes (Plaintiff)

Creditors: Ernest Miller (Defendant), Capucine Y Holmes (Defendant), Detroit Connection Inc Board of Directors (Defendant), Tommy Cason (Defendant), Lawrence Lee (Defendant), Calvin Connor (Defendant)

Judgment: 04/30/2020, Docketed: 05/01/2020

Comment: Appeal Dismissed - Supreme Court No 80667

12/09/2021

**Summary Judgment** (Judicial Officer: Villani, Michael)

Debtors: Wilbert R Holmes (Plaintiff)

Creditors: Capucine Y Holmes (Defendant)

Judgment: 12/09/2021, Docketed: 12/13/2021

Comment: Certain Causes

01/03/2022

**Order** (Judicial Officer: Villani, Michael)

Debtors: Wilbert R Holmes (Plaintiff)

Creditors: Capucine Y Holmes (Defendant)

Judgment: 01/03/2022, Docketed: 01/04/2022

Total Judgment: 22,235.69

## **HEARINGS**

10/10/2017



**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**10/10/2017, 11/07/2017**

*Plaintiff's Motion for to Set Court Hearing Date*

Matter Continued;

Denied;

Journal Entry Details:

*Present via Court Call, Plaintiff Wilbert R. Holmes. Court stated it's unclear as to why matters were calendared and inquired if Defendant's have been served. Mr. Holmes stated they've been served by service of process and he has copies. Court stated there is no proof of service in the case. Mr. Holmes inquired as to what should be done, as he did what he was instructed to do by the Self Help Center. Court stated, if served, file proof and they will have 20 days to file a response; either they respond and the case goes forward, or if no response, proceed with the default. Colloquy regarding today's proceedings, service and the process Plaintiff must go through for the case. COURT ORDERED, no particular relief is being granted today; Plaintiff can proceed with his case and is directed to contact the Self Help Center.;*

Matter Continued;

Denied;

Journal Entry Details:

*Court noted Plaintiff is Pro Per and filed a Motion on October 2, 2017 seeking to continue this*

# CASE SUMMARY

CASE NO. A-17-760443-C

hearing. COURT ORDERED, matter CONTINUED. Court directed Plaintiff to Re-Notice the hearing to the Defendants. CONTINUED TO: 11/7/17 8:30 A.M. CLERK'S NOTE: A copy of the foregoing minute order has been mailed to Ernest Miller 10550 Pattrington Ct, Las Vegas, Nevada 89183. (10/11/17 ks);

03/13/2018



**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Plaintiff's Motion for to Set Court Hearing Date*

Denied;

Journal Entry Details:

*Present via Court Call, Plaintiff Wilbert R. Holmes. Court noted the absence of Mr. Fontano and inquired if matters were served on the Defendant's. Mr. Homes stated it was. Court stated the motion filed by the Plaintiff is not the way to get things scheduled for a hearing; Plaintiff is trying to get a trial date, which is understood by the Court, but he must first have a case conference and submit a case conference report under rule 16.1 of the NRCP, for which there are requirements in the report in regards to discovery schedules, and once ready for trial, then a scheduling order is obtained from the Court that sets the case for trial; the motion filed by the plaintiff is not the process to get that done. Mr. Holmes stated he was just following the instructions of the Self Help Center and that's what he was told to do. Court noted they may have misunderstood the current status of the case; it appears Defendant Capucine Holmes has counsel and has submitted a request to proceed In forma pauperis status, which will be looked at, and it's believed she's intending to file something in the case. Court suggested Mr. Homes look at rule 16.1 of the NRCP's in regards to when an ECC needs to be held, and when a discovery schedule needs to be submitted in the form of a case conference report to get things scheduled and moving ahead; there's a process you must go through to get the schedule in place before the case comes up for trial; look at NRCP 16.1. COURT ORDERED, Plaintiff's Motion to Set Court Hearing Date DENIED. ;*

03/26/2018



**Minute Order** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)

Minute Order - No Hearing Held;

Journal Entry Details:

*On March 13, 2018, after considering and denying Plaintiff s January 29, 2018 Motion for to Set Court Hearing Date, this Court instructed the Plaintiff in open court that before a trial date can be set, Plaintiff must comply with the requirements of Nevada Rules of Civil Procedure ( NRCP ), including Rules 16 and 16.1. On March 22, 2018, Plaintiff filed a new Motion to Set Trial Date. As the Court has already ruled on this same substantive issue, the hearing set for April 24, 2018 is hereby VACATED. Plaintiff must have an early case conference, submit a Joint Case Conference Report, complete a discovery plan, and complete any other requirements of the NRCP; only then can a trial date be set. CLERK'S NOTE: This Minute Order has been electronically served by Courtroom Clerk, Kory Schlitz, to all registered parties for Odyssey File & Serve. (3-26-18);*

04/24/2018

**CANCELED Motion to Set Trial Date** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Vacated - per Judge*

*Plaintiff's Motion to Set Trial Date*

06/19/2018

**CANCELED Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Vacated*

*motion to set case conference date*

07/31/2018

**Motion for Default Judgment** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Plaintiff's Motion for Judgment by Default*

Denied Without Prejudice;

07/31/2018

**Motion to Dismiss** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Defendant, Capucine Y. Holmes' Motion to Dismiss Complaint*

Denied;

07/31/2018



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**MINUTES**

Matter Heard;

Journal Entry Details:

# CASE SUMMARY

CASE NO. A-17-760443-C

*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.;*

10/08/2018

**CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)  
*Vacated*

04/23/2019

 **Motion for Default Judgment** (8:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

**04/23/2019, 04/30/2019**

*Notice of Motion for Default Judgment*

*Continued;*

*Denied;*

*Journal Entry Details:*

*Present via Court Call, Plaintiff Wilbert Holmes. Court noted the notice of motion for default judgment has been seen as well as the prior order of August 29, 2018, stated findings and ORDERED, Motion for Default Judgment DENIED. Court noted there's a \$65 Court Call fee for each time the system is used for which Plaintiffs order to proceed in Forma Pauperis did not consider and ORDERED, the fee is WAIVED for today's proceedings; Plaintiff's to appear in Court for future proceedings, pay the \$65 fee or send in a new request to include the Court Call fees. Mr. Holmes stated he will do what's necessary and inquired as to the type of detail necessary for the claim's. Colloquy. Court stated questions and decisions will be left up to Mr. Holmes. Mr. Holmes advised he's bed ridden and would have to appear on a gurney; the only reason for the use of Court Call is based upon his physical and mental status. Court stated a doctors note is needed Plaintiff's 100% bed ridden and cannot leave home under any circumstances. Mr. Holmes stated he cannot get that from any doctor. Court stated if documentation cannot be obtained, Plaintiff must come to Court. ;*


*Continued;*

*Denied;*

*Journal Entry Details:*

*Appearing via Court Call, Plaintiff Wilbert R. Holmes, and appearing on behalf of Plaintiff, Attorney Susan Reyes. Ms. Reyes advised a letter was received April 19th releasing Mr. Mueller's firm as counsel. Mr. Holmes agreed, stating counsel was discharged a long time ago. COURT ORDERED, Craig Mueller WITHDRAWN as counsel. Colloquy regarding basis of Motion for Judgment by Default, proceedings of July 31, 2018, affidavits, certificates of mailing, service, communications with Attorney James a. Fontano. After looking at the paperwork, Court notes the main issue is there must be proof of service before Plaintiff can proceed with default judgments on anyone and ORDERED proceedings CONTINUED; the status of the case will be discussed with the new Judge and the Court will go to the Self Help Office to show them the paperwork from Plaintiff's file to determine what's missing, as it does not appear there's service on any of the Defendants except for Ernest Miller and Plaintiff's wife. Colloquy regarding affidavits of service. Court stated the Court will go to the Self Help Office to determine what they are talking about and the Court will even go to the Clerk's Office to make sure we have everything; all the Court has is the motion for default as it applies to Ernest Miller; the Court will get a copy of what's in the file, and go to the Self Help Desk and determine what kind of information they are giving you, and then will speak with the new Judge. Mr. Holmes stated he would just like a default. COURT ORDERED, matter CONTINUED; Court will inform Plaintiff what's not in the file, that needs to be in the file before default can be entered. 4-30-19 9:30 AM Notice of Motion;*

06/18/2019

 **Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Motion to set Default*

*Denied;*

*Journal Entry Details:*

*Appearing via Court Call, Plaintiff Wilbert R. Holmes. Court stated Judge Cadish found proper service was affected on Ernest Miller, and the only thing to look at is whether the damages sought have been proven; discussions were had before between the Court and Mr. Holmes that it will take a bit more than what's been provided and it was discussed about having Mr. Holmes to be able to be sworn under oath to testify to the damages requested,*

# CASE SUMMARY

CASE NO. A-17-760443-C

which will be more than just the letter provided. Court inquired of Mr. Holmes as to the status of matters. Mr. Holmes stated he's submitted filings detailing his situation; in regards to the award or requested default which are highlighted in red, all instructions by Judge Cadish have been followed and all the information is there. Court inquired if Mr. Holmes has a therapist that can come in to testify as to how this affects him. Mr. Holmes inquired if matters can be done telephonically as he has seizures, advising the documents have been sent and he's not avoiding coming in. Colloquy regarding content of letters in regards to the health issues of Mr. Holmes dated March 18, 2019 and June 14, 2018. Court admonished there are rules and the Court cannot just accept letters in regards to damages, directing Mr. Holmes to either set up video deposition for him to be sworn to assess the damages; just providing letters to the Court will not work. Mr. Holmes inquired if the Court saw the filing of June 10, 2019, stating he feels like a victim. Court stated what's being said is there are certain procedures that have to be followed, a witness is needed to be sworn and some type of documents presented to prove up the amounts. Court directed Mr. Holmes to contact the legal aid center as the Court cannot provide advice. Mr. Holmes stated he does not need legal advice, it's just needed to be known what needs to be done to get this default of \$50,000.00 times six; damages suffered behind what those people did. Court stated the process has been explained and if Mr. Holmes would like to prove up the damages by calling a Doctor or setting up a video conference to swear him to lay a foundation why these amounts are appropriate; its up to you to set it up. Mr. Holmes stated he will do what's necessary and set up a video conference. Court stated those would be the individuals Mr. Holmes would like to call as witness to support his case; a human being is needed to come in and testify to support the claims for damages; contact the Legal Aid Center if help is needed and counsel cannot be afforded. Mr. Holmes stated he tried that and they said they don't handle these types of cases; just being bounced around, feeling penalized and my feelings don't mean anything. COURT ORDERED, Motion To Set Default DENIED. ;

08/06/2019



**Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

**08/06/2019, 08/27/2019**

*Motion for Video*

Continued;

Matter Resolved;

Journal Entry Details:

*Mr. Homes stated he has his witnesses. Court noted proceedings are to address the Plaintiffs damages. Testimony Presented (See Worksheet). Colloquy between Court and Mr. Holmes regarding the continuation of proceedings for the testimony of the Doctor. COURT ORDERED, Plaintiff is to place the matter on calendar when the Doctor's available for testimony on a Tuesday at 11:00 AM; current witnesses need not reappear. Colloquy. Court noted the receipt of affidavits, but there's not proper service; default was only entered against Mr. Miller; Plaintiff is directed to follow the proper service mechanisms and to place the matter back on calendar once he figures out the next court date.;*

Continued;

Matter Resolved;

Journal Entry Details:

*Court noted I.T. has been trying for awhile to get the video conference working to be able to see the Plaintiff, nothing is coming through, I.T. says the system is shot, new equipment will have to be obtained, the hearing cannot be held, the Court apologizes for any inconvenience and ORDERED, matter CONTINUED. 8-27-19 9:30 AM MOTION FOR VIDEO CLERK'S NOTE: The above minute order has been distributed to: Wilbert R. Holmes, 10550 Partington Ct., Las Vegas Nv. 89183. kar 8/7/19;*

10/22/2019



**Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Request for Service by Publication*

Denied;

Journal Entry Details:

*Present via Court Call, Plaintiff Wilbert R. Holmes. Argument in support of Request For Service By Publication by Mr. Holmes. Court stated findings and ORDERED, Request For Service By Publication DENIED. ;*

01/09/2020



**Motion** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Plaintiff's Motion for Court to Review Service Attempts to Defendants*

Minute Order - No Hearing Held;

Journal Entry Details:


*Pursuant to EDCR 2.23 and this Court having reviewed the pleading filed, Plaintiff's Motion*


# CASE SUMMARY

CASE NO. A-17-760443-C


for Court to Review Service Attempts to Defendants is hereby **DENIED**. At the hearing on October 22, 2019, Plaintiff was ordered to show good cause why the unserved defendants were not served within the 120 days of the filing of the Complaint as required by NRCP 4(e). This Court having reviewed the attachments finds that no good cause has been shown as to why defendants Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. were not served within the 120 day limit. The proof of failed personal service attempts is not sufficient to show good cause as to why the defendants were not served by alternate means within the statutory period. NRCP 4.2 provides for methods of service for individuals and entities in Nevada, including service via the Nevada Secretary of State for entities. Additionally, NRCP 4.4 provides for alternative methods of service if personal service cannot be completed, such as service by publication. The Plaintiff has not shown that he moved for permission to serve via publication within the statutory time period or that he attempted service via the Nevada Secretary of State for the entity involved. As the failure of service within the statutory period cannot be cured and the plaintiff has not shown good cause as to why service was impossible to be completed within the period, defendant Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. are hereby dismissed **CLERK'S NOTE**: The above minute order has been distributed Via e-mail to: Wilbert R. Holmes. kar 1/29/20;

01/28/2020 **CANCELED Minute Order** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)  
Vacated - On in Error

02/04/2020  **Minute Order** (3:15 PM) (Judicial Officer: Bell, Linda Marie)  
Minute Order - No Hearing Held;  
Journal Entry Details:  
*Wilbert R. Holmes has filed eight complaints in the Eighth Judicial District Court as a pro se litigant. Four of Mr. Holmes's complaints were filed within two weeks of each other. Mr. Holmes has been granted in forma pauperis status in five of the complaints. Each of Mr. Holmes's complaints bring a claim of intentional and/or negligent infliction of emotional distress. Mr. Holmes claims appear to arise from either family-related disputes (including Mr. Holmes's divorce) or from Mr. Holmes's 2017 criminal conviction. Defendants named by Mr. Holmes include the judges from both Mr. Holmes's divorce and his criminal case. Mr. Holmes's complaints appear to lack sufficient facts necessary to demonstrate the elements of Mr. Holmes's claims. Additionally, within the last three years, Mr. Holmes has filed five other complaints alleging intentional infliction of emotional distress, but each complaint was dismissed for failure to state a claim upon which relief could be granted. Likewise, Mr. Holmes's current complaints appear to lack any arguable factual or legal basis. Therefore, the Court finds it is necessary that an Order to Show Cause Why Plaintiff Wilbert R. Holmes Should Not Be Deemed a Vexatious Litigant in one or more of the above referenced cases should issue. To accommodate this, Mr. Holmes's cases shall be coordinated through case no. A-17-760443-C and reassigned to Department 7 for the purpose of hearing the Order to Show Cause. ;*

02/18/2020  **Status Check: Status of Case** (9:00 AM) (Judicial Officer: Bell, Linda Marie)  
**02/18/2020, 03/17/2020**  
Minute Order Dated 02-04-2020  
Continued;  
Matter Heard;  
Minute Order Dated 02-04-2020  
Continued;  
Matter Heard;  
Journal Entry Details:  
*No parties present. COURT ORDERED, matter CONTINUED. CONTINUED TO: 03/17/20 9:00 AM;*

03/17/2020 **Show Cause Hearing** (9:00 AM) (Judicial Officer: Bell, Linda Marie)  
Matter Heard;

03/17/2020  **All Pending Motions** (9:00 AM) (Judicial Officer: Bell, Linda Marie)  
Matter Heard;  
Journal Entry Details:  
*STATUS CHECK: STATUS OF CASE.....SHOW CAUSE HEARING Mr. Holmes participated telephonically via Bluejeans Court Call. COURT NOTED, there are several Complaints filed*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-17-760443-C**

*by Plaintiff. Following argument by Plaintiff. COURT ORDERED, WRITTEN ORDER WILL ISSUE.;*

05/19/2020



**Minute Order** (3:00 PM) (Judicial Officer: Bell, Linda Marie)

Minute Order - No Hearing Held;

Journal Entry Details:

*Given that not all parts of this case were dismissed pursuant to the vexatious litigant order, this case was erroneously closed and should be reopened.;*

06/17/2020



**Minute Order** (7:00 AM) (Judicial Officer: Bell, Linda Marie)

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court issued a Decision and Order in case A-17-760443-C on May 18, 2020. On May 31, 2020, two duplicate copies of the Court's decision were inadvertently filed into the case. Therefore, the Clerk of the Court is directed to strike both Decision and Orders filed into the case on May 31, 2020. ;*

07/14/2020

**CANCELED Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Vacated - Set in Error*

*The Case Motion for Written Order/Hearing*

07/15/2020

**Motion** (12:00 PM) (Judicial Officer: Bluth, Jacqueline M.)

*Plaintiff's Motion to Set Court Hearing Date*

Matter Heard;

07/15/2020

**Hearing** (12:00 PM) (Judicial Officer: Bluth, Jacqueline M.)

*See Notice filed on:6/11/2020*

Matter Heard;

07/15/2020



**All Pending Motions** (12:00 PM) (Judicial Officer: Bluth, Jacqueline M.)

Matter Heard;

Journal Entry Details:

*Mr. Fontano stated no judgment had been made against his client. Court instructed counsel to get the case moving along and advised a that a 16.1 Conference was needed and would send out a scheduling order.;*

01/27/2021



**Mandatory Rule 16 Conference** (10:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Matter Heard;

Journal Entry Details:

*Mr. Blanchard moved for an extension of discovery. Mr. Fontano advised items not received were reserved on counsel this morning; any continuance of discovery should not be extensive; no discovery has been served on the Defendant. Upon the inquiry of the Court, Mr. Fontano stated there's no opposition to 90 days. Upon inquiry of the Court, Mr. Blanchard stated it's believed ADR would be helpful. Mr. Fontano stated he's doubtful about it. Court directed parties to contact the Judicial Settlement Program should it be something they'd like to do and to file their Notice of Compliance by 5 PM today. Colloquy regarding the day, day and a half Non Jury Trial. COURT ORDERED, dates and trial SET with a FIRM setting: 1. Close of discovery: July 20, 2021 2. Final date to file motions to amend pleadings or add parties (without further court order): April 21, 2021 3. Final Dates for expert disclosures: a. Initial disclosure: April 21, 2021 b. Rebuttal disclosures: May 20, 2021 4. Final date to file dispositive motions: August 20, 2021 10-26-21 9:30 AM CALENDAR CALL 11-1-21 10:00 AM NON JURY TRIAL (FIRM SETTING);*

05/25/2021



**Motion to Amend Complaint** (9:30 AM) (Judicial Officer: Bell, Linda Marie)

**05/25/2021, 07/27/2021, 08/03/2021**

*Plaintiff's Motion to Amend Complaint*

Matter Continued;

Matter Continued;

Motion Denied; Plaintiff's Motion to Amend Complaint

Journal Entry Details:

# CASE SUMMARY

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*COURT STATED they reviewed the Motion, the Opposition, and the Supplement to the Opposition. Mr. Fontano stated the Plaintiff waiting until the last day, at the last hour to file a Motion to Amend, adding he still has not been served with it directly, and they have only been provided a copy of the proposed amended, and he has not had an opportunity to respond to the amended complaint. Mr. Fontano further argued they are past the Discovery cut off, and none has been completed by the Plaintiff's. COURT ORDERED, Amended Complaint filed on June 22, 2021 STRICKEN, adding it should have been filed as an attachment to the Motion; and FURTHER ORDERED, Motion to Amend Complaint STRICKEN as well, as the Motion has not been properly served. COURT DIRECTED Mr. Fontano to prepare and submit an order to Mr. Blanchard and if he does not hear back from him within 48 hours, to submit the Order to the Court.;*

Matter Continued;

Matter Continued;

Motion Denied; Plaintiff's Motion to Amend Complaint

Journal Entry Details:

*COURT ORDERED, matter CONTINUED for counsel to appear. 8/03/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT CLERK'S NOTE: Department 6 Judicial Executive Assistant contact counsel and notified counsel of the continuance date./kb;*

Matter Continued;

Matter Continued;

Motion Denied; Plaintiff's Motion to Amend Complaint

Journal Entry Details:

*Mr. Fontano stated if the Court is not inclined to deny the motion, requested the matter be continued thirty days so that he can be properly served with this motion and will then file an opposition. COURT ORDERED, matter CONTINUED. Court directed the Pltf. to serve a copy of the motion upon the Deft. by June 22, 2021 and Mr. Fontano is to file an opposition by July 6, 2021. 7/27/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT;*

09/28/2021



**Calendar Call (9:00 AM)** (Judicial Officer: Villani, Michael)

09/28/2021, 12/21/2021

Matter Continued;

Stip/Agreement by parties

Matter Heard;

Matter Continued;

Stip/Agreement by parties

Matter Heard;

Journal Entry Details:

*Plaintiff indicated his attorney had abandoned the case and he was currently in the process of retaining another attorney. Upon Court's inquiry, Mr. Fontano advised Mr. Blanchard had filed a Motion to Amend back in March which was not served on him, he had only heard from Mr. Blanchard once, and was eventually served with a copy of the amended pleadings in May or June, however he has not had any contact with Mr. Blanchard and they have not engaged in any discovery. Mr. Fontano requested the matter be dismissed. Court noted Mr. Blanchard had not withdrawn. COURT ORDERED, Calendar Call CONTINUED and directed the Court Clerk to contact Mr. Blanchard regarding the continued date. COURT FURTHER ORDERED, Mr. Blanchard to appear at the Calendar Call hearing as his appearance was mandatory. CONTINUED TO: 10/5/2021 9:00 AM CLERK'S NOTE: A copy of this Minute Order was provided to Mr. Blanchard by e-mail on 9/29/2021. SA;*

10/01/2021



**Minute Order (3:00 AM)** (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

*By stipulation and agreement by the Parties via email communications with Dept. 17 Law Clerk, COURT ORDERS, matter SET for October 5, 2021 9:00 A.M. (CALENDAR CALL) is VACATED and RESET to December 14, 2021 9:00 A.M. Upon receipt of a formal stipulation, the Non-Jury Trial currently scheduled for October 11, 2021 10:30 A.M. will be continued to the January 3, 2022 Trial Stack. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve/ SA 10/1/2021;*

11/16/2021



**Motion for Summary Judgment (9:00 AM)** (Judicial Officer: Villani, Michael)

11/16/2021, 11/30/2021

Events: 10/11/2021 Motion for Summary Judgment



# CASE SUMMARY

CASE NO. A-17-760443-C

*Defendant Capucine Y. Holmes' Motion for Summary Judgment*

Matter Continued;

Granted;

Journal Entry Details:

*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 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;*


Matter Continued;

Granted;

Journal Entry Details:

*Argument by Mr. Fontano and Plaintiff. Upon Court's inquiry, Plaintiff stated he had spoken to an attorney who stated they would take his case. MATTER TRAILED to contact the attorney's office to see if they were retained. MATTER RECALLED. Court confirmed a consultation was set for today at 3:00 pm with the attorney's office and noted they were not retained. Mr. Fontano advised he was never served with any written discovery by Plaintiff's prior counsel and further advised he never received a response to his request for Plaintiff's availability for a deposition. Court Clerk confirmed a Notice of Appearance had been filed by Mr. Blanchard. Court noted it did not have anything filed by Mr. Blanchard to withdraw. Upon Court's inquiry, Plaintiff advised he last heard from Mr. Blanchard approximately one to two months ago. Court noted an e-mail had been sent to Mr. Blanchard on September 29th by the Court Clerk and there was never any response. Upon Court's inquiry, Mr. Fontano noted Mr. Blanchard had been recently taken off discipline when he was hired by the Plaintiff. COURT ORDERED, matter CONTINUED and advised Mr. Blanchard would be notified to appear at the next hearing date. CONTINUED TO: 11/30/2021 9:00 AM CLERK'S NOTE: Mr. Blanchard notified of the new hearing date by e-mail on 11/22/2021. SA;*

12/21/2021 **Prove Up (9:00 AM)** (Judicial Officer: Villani, Michael)  
Judgment for the Defendant;

12/21/2021  **All Pending Motions (9:00 AM)** (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

*CALENDAR CALL...PROVE UP Mr. Fontano advised he had submitted the order for summary judgment to the Court. Capucine Holmes SWORN and TESTIFIED. Mr. Fontano requested attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69. Court noted it had previously granted Capucine Holmes' Motion at the last hearing and FINDS the requested attorneys fees and costs to be reasonable, necessary, and appropriate in this matter as there were no reasonable grounds to bring this action, which was meant to harass Capucine Holmes, therefore ORDERED, request for attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69 GRANTED; trial VACATED. Court directed Mr. Fontano to prepare the Order. Court noted Plaintiff kept interrupting the Court and was not letting the Judge talk.;*

01/03/2022 **CANCELED Non-Jury Trial (10:30 AM)** (Judicial Officer: Villani, Michael)  
Vacated - per Judge

**CASE SUMMARY****CASE NO. A-17-760443-C**

DATE

FINANCIAL INFORMATION

**Counter Claimant** Holmes, Capucine Y

Total Charges 423.00

Total Payments and Credits 200.00

**Balance Due as of 1/7/2022 223.00****Counter Defendant** Holmes, Wilbert R

Total Charges 96.00

Total Payments and Credits 96.00

**Balance Due as of 1/7/2022 0.00**



DISTRICT COURT CIVIL COVER SHEET

LAS VEGAS CLARK County, Nevada

Case No.

(Assigned by Clerk's Office)

A-17-760443-C  
VI

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

Plaintiff(s) (name/address/phone):

WILBERT R HOLMES  
10550 PATRINGTON CT  
LAS VEGAS NV 89183  
702 281 5752

Defendant(s) (name/address/phone):

ERNEST H MILLER  
637 TWIGHTLIGHT BLUE  
NORTH LAS VEGAS NV 89183  
702 399 8851

Attorney (name/address/phone):

PRO SE

CAPUCINE Y HOLMES  
(SAME AS ABOVE)

DETROIT CONNECTION INC.  
P O BOX 336434  
NORTH LAS VEGAS NV 89033  
702 642 2628

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

**Civil Case Filing Types**

Real Property	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <b>Other Landlord/Tenant</b> <input type="checkbox"/> Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<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 checked="" type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate (select case type and estate value)</b> <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>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<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>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment Other Civil Matters	

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

8/14/2017

Date

Signature of initiating party or representative

See other side for family-related case filings.

RECEIVED

AUG 14 2017

Form PA 201  
Rev 3/1

CLERK OF THE COURT

*Heaton Fontano*

CLERK OF THE COURT

**ORDR**  
JAMES A. FONTANO  
Nevada Bar No. 8456  
HEATON FONTANO, LTD.  
5135 Camino al Norte, Ste 273  
N Las Vegas, NV 89031  
Telephone: 702-329-9901  
Facsimile: 702-763-7385  
jim@heatonfontano.com  
*Attorneys for Defendant/  
Counterclaimant Capucine Holmes*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

WILBERT R. HOLMES,  
Plaintiff,

vs.

ERNEST H. MILLER; CAPUCINE Y.  
HOLMES; and the DETROIT  
CONNECTION, INC.,

Defendants.

CASE NO.: A-17-760443-C  
DEPT. NO.: 17

DATE: December 21, 2021  
TIME: 9:00 a.m.

AND ALL RELATED MATTERS

**ORDER AWARDING ATTORNEY'S FEES & COSTS**

Defendant/Counterclaimant CAPUCINE Y. HOLMES' request for attorney's fees and costs having come before the Court on December 21, 2021; the Court having read and reviewed the Documentation in Support of Request for Fees and Costs submitted by Defendant and having conducted the requisite analysis under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345 (1969); and other good cause appearing:

The Court FINDS that the factors set forth in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345 (1969) to wit, [1] the advocate's professional qualities, [2] the nature of the litigation, [3] the work performed, and [4] the result, are satisfied and weigh in favor of an award of the attorney's fees sought by Defendant; and that the fees requested were reasonably and necessarily incurred;

The Court further FINDS that the Complaint in this matter was brought without reasonable ground and for the purpose of harassing Defendant Capucine Y. Holmes;

Now therefore, it is hereby

ORDERED that, Defendant's request for attorney's fees and costs shall be and is hereby GRANTED; and it is

FURTHER ORDERED, that Plaintiff shall be and hereby is awarded her attorney's fees in the amount of \$21,693.00 and costs in the amount of \$542.69 incurred in this matter; and it is

FURTHER ORDERED, that the attorney's fees awarded hereby shall be and hereby are reduced to judgment in favor of Defendant/Counterclaimant CAPUCINE Y. HOLMES and against Plaintiff/Counterdefendant WILBERT R. HOLMES and shall accrue interest at the statutory rate from the date of entry of this Order until paid in full.

Dated this 3rd day of January, 2022



*Submitted by:*

HEATON FONTANO, LTD.

**BE8 E2D 58D5 DA85**  
**Michael Villani**  
**District Court Judge**



JAMES A. FONTANO

Nevada Bar No. 8456  
5135 Camino al Norte, Ste 273  
N Las Vegas, Nevada 89031  
*Attorneys for Defendant/Counterclaimant Capucine Y. Holmes*

*Approved as to form and content:*

*[Refused to sign]*

WILBERT R. HOLMES  
3890 S. Nellis Blvd., Lot 56  
Las Vegas NV 89121  
*Plaintiff in Proper Person*

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Wilbert Holmes, Plaintiff(s)

CASE NO: A-17-760443-C

7 vs.

DEPT. NO. Department 17

8 Ernest Miller, 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: 1/3/2022

15 James Fontano

jim@heatonfontano.com

16 ERNEST MILLER

ARCHLEGEND@aol.com

17 CAPUCINE MILLER

UCINE68@YAHOO.COM

18 DETROIT CONNECTION INC

detroitconnection@yahoo.com

19 LAWRENCE LEE

COX5@COX.NET

20 TOMMY CASON

CASON5@COX.NET

21 ERNEST MILLER

ARCHLEGEND@AOL.COM

22 Wilbert Holmes

wholmes711@aol.com

23 CALVIN CONNOR

Llarrylee@yahoo.com

24 TOMMY CASON

CASON5@COX.NET

25 Brent Blanchard

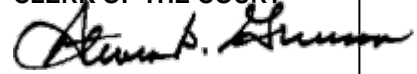
blanchardlaw1@gmail.com

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1 **NEOJ**  
2 JAMES A. FONTANO  
3 Nevada Bar No. 8456  
4 HEATON FONTANO, LTD.  
5 5135 Camino al Norte, Ste 273  
6 N Las Vegas, NV 89031  
7 Telephone: 702-329-9901  
8 Facsimile: 702-763-7385  
9 jim@heatonfontano.com  
10 *Attorneys for Defendant /*  
11 *Counterclaimant Capucine Holmes*

7  
8 **DISTRICT COURT  
CLARK COUNTY, NEVADA**

9 WILBERT R. HOLMES,

10 Plaintiff,

11 vs.

12 ERNEST H. MILLER; CAPUCINE Y.  
13 HOLMES; and the DETROIT  
CONNECTION, INC.,

14 Defendants.

15  
16 AND ALL RELATED MATTERS

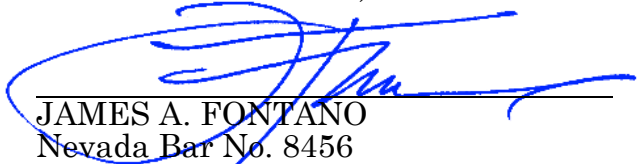
CASE NO.: A-17-760443-C  
DEPT. NO.: 17

**NOTICE OF ENTRY OF ORDER**

17 PLEASE TAKE NOTICE that on the 3rd day of January, 2021, an ORDER  
18 AWARDING ATTORNEY'S FEES AND COSTS was entered in the above referenced  
19 matter, a copy of which is attached hereto as Exhibit A.

20 DATED this 4th day of January 2022.

21 HEATON FONTANO, LTD.

22  
23   
24 JAMES A. FONTANO  
25 Nevada Bar No. 8456  
26 5135 Camino al Norte, Ste 273  
27 N Las Vegas, Nevada 89031  
28 *Attorneys for Defendant Capucine Y. Holmes*



1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a copy of the above and foregoing NOTICE OF ENTRY OF  
3 ORDER was served upon the following via Court-mandated electronic service on the  
4 4th day of January 2022.

5 Wilbert R. Holmes  
6 wholmes711@aol.com  
7 *Plaintiff*

8 Brent A Blanchard  
9 blanchardlaw1@gmail.com  
10 *Attorney of Record for Plaintiff*

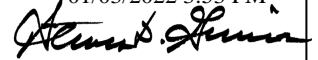
11 By: 

12 *An employee of Heaton Fontano, Ltd.*

=====

**Ex. “A”**

=====

  
CLERK OF THE COURT

**ORDR**  
JAMES A. FONTANO  
Nevada Bar No. 8456  
HEATON FONTANO, LTD.  
5135 Camino al Norte, Ste 273  
N Las Vegas, NV 89031  
Telephone: 702-329-9901  
Facsimile: 702-763-7385  
jim@heatonfontano.com  
*Attorneys for Defendant/  
Counterclaimant Capucine Holmes*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

WILBERT R. HOLMES,

Plaintiff,

vs.

ERNEST H. MILLER; CAPUCINE Y.  
HOLMES; and the DETROIT  
CONNECTION, INC.,

Defendants.

CASE NO.: A-17-760443-C  
DEPT. NO.: 17

DATE: December 21, 2021  
TIME: 9:00 a.m.

AND ALL RELATED MATTERS

**ORDER AWARDING ATTORNEY'S FEES & COSTS**

Defendant/Counterclaimant CAPUCINE Y. HOLMES' request for attorney's fees and costs having come before the Court on December 21, 2021; the Court having read and reviewed the Documentation in Support of Request for Fees and Costs submitted by Defendant and having conducted the requisite analysis under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345 (1969); and other good cause appearing:

The Court FINDS that the factors set forth in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345 (1969) to wit, [1] the advocate's professional qualities, [2] the nature of the litigation, [3] the work performed, and [4] the result, are satisfied and weigh in favor of an award of the attorney's fees sought by Defendant; and that the fees requested were reasonably and necessarily incurred;

The Court further FINDS that the Complaint in this matter was brought without reasonable ground and for the purpose of harassing Defendant Capucine Y. Holmes;

Now therefore, it is hereby

ORDERED that, Defendant's request for attorney's fees and costs shall be and is hereby GRANTED; and it is

FURTHER ORDERED, that Plaintiff shall be and hereby is awarded her attorney's fees in the amount of \$21,693.00 and costs in the amount of \$542.69 incurred in this matter; and it is

FURTHER ORDERED, that the attorney's fees awarded hereby shall be and hereby are reduced to judgment in favor of Defendant/Counterclaimant CAPUCINE Y. HOLMES and against Plaintiff/Counterdefendant WILBERT R. HOLMES and shall accrue interest at the statutory rate from the date of entry of this Order until paid in full.

Dated this 3rd day of January, 2022



*Submitted by:*

HEATON FONTANO, LTD.

**BE8 E2D 58D5 DA85**  
**Michael Villani**  
**District Court Judge**



JAMES A. FONTANO

Nevada Bar No. 8456  
5135 Camino al Norte, Ste 273  
N Las Vegas, Nevada 89031  
*Attorneys for Defendant/Counterclaimant Capucine Y. Holmes*

*Approved as to form and content:*

*[Refused to sign]*

WILBERT R. HOLMES  
3890 S. Nellis Blvd., Lot 56  
Las Vegas NV 89121  
*Plaintiff in Proper Person*

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Wilbert Holmes, Plaintiff(s)

CASE NO: A-17-760443-C

7 vs.

DEPT. NO. Department 17

8 Ernest Miller, 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: 1/3/2022

15 James Fontano

jim@heatonfontano.com

16 ERNEST MILLER

ARCHLEGEND@aol.com

17 CAPUCINE MILLER

UCINE68@YAHOO.COM

18 DETROIT CONNECTION INC

detroitconnection@yahoo.com

19 LAWRENCE LEE

COX5@COX.NET

20 TOMMY CASON

CASON5@COX.NET

21 ERNEST MILLER

ARCHLEGEND@AOL.COM

22 Wilbert Holmes

wholmes711@aol.com

23 CALVIN CONNOR

Llarrylee@yahoo.com

24 TOMMY CASON

CASON5@COX.NET

25 Brent Blanchard

blanchardlaw1@gmail.com

26

27

28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 10, 2017**

---

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

---

**October 10, 2017      8:30 AM      Motion**

**HEARD BY:** Cadish, Elissa F.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Kory Schlitz

**RECORDER:** Paula Walsh

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court noted Plaintiff is Pro Per and filed a Motion on October 2, 2017 seeking to continue this hearing. COURT ORDERED, matter CONTINUED. Court directed Plaintiff to Re-Notice the hearing to the Defendants.

CONTINUED TO: 11/7/17 8:30 A.M.

CLERK'S NOTE: A copy of the foregoing minute order has been mailed to Ernest Miller 10550 Patrington Ct, Las Vegas, Nevada 89183. (10/11/17 ks)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**November 07, 2017**

---

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

---

**November 07, 2017      8:30 AM      Motion**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Paula Walsh

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Present via Court Call, Plaintiff Wilbert R. Holmes.

Court stated it's unclear as to why matters were calendared and inquired if Defendant's have been served. Mr. Holmes stated they've been served by service of process and he has copies. Court stated there is no proof of service in the case. Mr. Holmes inquired as to what should be done, as he did what he was instructed to do by the Self Help Center. Court stated, if served, file proof and they will have 20 days to file a response; either they respond and the case goes forward, or if no response, proceed with the default. Colloquy regarding today's proceedings, service and the process Plaintiff must go through for the case. COURT ORDERED, no particular relief is being granted today; Plaintiff can proceed with his case and is directed to contact the Self Help Center.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****March 13, 2018**

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

**March 13, 2018      8:30 AM      Motion**

**HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Present via Court Call, Plaintiff Wilbert R. Holmes.

Court noted the absence of Mr. Fontano and inquired if matters were served on the Defendant's. Mr. Holmes stated it was. Court stated the motion filed by the Plaintiff is not the way to get things scheduled for a hearing; Plaintiff is trying to get a trial date, which is understood by the Court, but he must first have a case conference and submit a case conference report under rule 16.1 of the NRCP, for which there are requirements in the report in regards to discovery schedules, and once ready for trial, then a scheduling order is obtained from the Court that sets the case for trial; the motion filed by the plaintiff is not the process to get that done. Mr. Holmes stated he was just following the instructions of the Self Help Center and that's what he was told to do. Court noted they may have misunderstood the current status of the case; it appears Defendant Capucine Holmes has counsel and has submitted a request to proceed In forma pauperis status, which will be looked at, and it's believed she's intending to file something in the case. Court suggested Mr. Holmes look at rule 16.1 of the NRCP's in regards to when an ECC needs to be held, and when a discovery schedule needs to be submitted in the form of a case conference report to get things scheduled and moving ahead; there's a process you must go through to get the schedule in place before the case comes up for trial; look at NRCP 16.1. COURT ORDERED, Plaintiff's Motion to Set Court Hearing Date DENIED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**March 26, 2018**

---

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

---

<b>March 26, 2018</b>	<b>10:00 AM</b>	<b>Minute Order</b>
-----------------------	-----------------	---------------------

<b>HEARD BY:</b> Cadish, Elissa F.	<b>COURTROOM:</b> Chambers
------------------------------------	----------------------------

**COURT CLERK:** Kory Schlitz

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- On March 13, 2018, after considering and denying Plaintiff s January 29, 2018 Motion for to Set Court Hearing Date, this Court instructed the Plaintiff in open court that before a trial date can be set, Plaintiff must comply with the requirements of Nevada Rules of Civil Procedure ( NRCP ), including Rules 16 and 16.1. On March 22, 2018, Plaintiff filed a new Motion to Set Trial Date. As the Court has already ruled on this same substantive issue, the hearing set for April 24, 2018 is hereby VACATED. Plaintiff must have an early case conference, submit a Joint Case Conference Report, complete a discovery plan, and complete any other requirements of the NRCP; only then can a trial date be set.

CLERK'S NOTE: This Minute Order has been electronically served by Courtroom Clerk, Kory Schlitz, to all registered parties for Odyssey File & Serve. (3-26-18)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 31, 2018**

---

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

---

**July 31, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Alice Jacobson

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- 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.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

April 23, 2019

A-17-760443-C

Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

April 23, 2019

8:30 AM

**Motion for Default  
Judgment**

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- Appearing via Court Call, Plaintiff Wilbert R. Holmes, and appearing on behalf of Plaintiff, Attorney Susan Reyes. Ms. Reyes advised a letter was received April 19th releasing Mr. Mueller's firm as counsel. Mr. Holmes agreed, stating counsel was discharged a long time ago. COURT ORDERED, Craig Mueller WITHDRAWN as counsel. Colloquy regarding basis of Motion for Judgment by Default, proceedings of July 31, 2018, affidavits, certificates of mailing, service, communications with Attorney James a. Fontano. After looking at the paperwork, Court notes the main issue is there must be proof of service before Plaintiff can proceed with default judgments on anyone and ORDERED proceedings CONTINUED; the status of the case will be discussed with the new Judge and the Court will go to the Self Help Office to show them the paperwork from Plaintiff's file to determine what's missing, as it does not appear there's service on any of the Defendants except for Ernest Miller and Plaintiff's wife. Colloquy regarding affidavits of service. Court stated the Court will go to the Self Help Office to determine what they are talking about and the Court will even go to the Clerk's Office to make sure we have everything; all the Court has is the motion for default as it applies to Ernest Miller; the Court will get a copy of what's in the file, and go to the Self Help Desk and determine what kind of information they are giving you, and then will speak with the new Judge. Mr. Holmes stated he would just like a default. COURT ORDERED, matter CONTINUED; Court will inform Plaintiff what's not in the file, that needs to be in the file before default can be

**A-17-760443-C**

entered.

4-30-19 9:30 AM Notice of Motion

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

April 30, 2019

A-17-760443-C

Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

April 30, 2019

9:30 AM

**Motion for Default  
Judgment**

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- Present via Court Call, Plaintiff Wilbert Holmes. Court noted the notice of motion for default judgment has been seen as well as the prior order of August 29, 2018, stated findings and ORDERED, Motion for Default Judgment DENIED. Court noted there's a \$65 Court Call fee for each time the system is used for which Plaintiffs order to proceed in Forma Pauperis did not consider and ORDERED, the fee is WAIVED for today's proceedings; Plaintiff's to appear in Court for future proceedings, pay the \$65 fee or send in a new request to include the Court Call fees. Mr. Holmes stated he will do what's necessary and inquired as to the type of detail necessary for the claim's. Colloquy. Court stated questions and decisions will be left up to Mr. Holmes. Mr. Holmes advised he's bed ridden and would have to appear on a gurney; the only reason for the use of Court Call is based upon his physical and mental status. Court stated a doctors note is needed Plaintiff's 100% bed ridden and cannot leave home under any circumstances. Mr. Holmes stated he cannot get that from any doctor. Court stated if documentation cannot be obtained, Plaintiff must come to Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****June 18, 2019**

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

**June 18, 2019****9:30 AM****Motion****HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Appearing via Court Call, Plaintiff Wilbert R. Holmes.

Court stated Judge Cadish found proper service was affected on Ernest Miller, and the only thing to look at is whether the damages sought have been proven; discussions were had before between the Court and Mr. Holmes that it will take a bit more than what's been provided and it was discussed about having Mr. Holmes to be able to be sworn under oath to testify to the damages requested, which will be more than just the letter provided. Court inquired of Mr. Holmes as to the status of matters. Mr. Holmes stated he's submitted filings detailing his situation; in regards to the award or requested default which are highlighted in red, all instructions by Judge Cadish have been followed and all the information is there. Court inquired if Mr. Holmes has a therapist that can come in to testify as to how this affects him. Mr. Holmes inquired if matters can be done telephonically as he has seizures, advising the documents have been sent and he's not avoiding coming in. Colloquy regarding content of letters in regards to the health issues of Mr. Holmes dated March 18, 2019 and June 14, 2018. Court admonished there are rules and the Court cannot just accept letters in regards to damages, directing Mr. Holmes to either set up video deposition for him to be sworn to assess the damages; just providing letters to the Court will not work. Mr. Holmes inquired if the Court saw the filing of June 10, 2019, stating he feels like a victim. Court stated what's being said is there are certain procedures that have to be followed, a witness is needed to be sworn and some type of documents

presented to prove up the amounts. Court directed Mr. Holmes to contact the legal aid center as the Court cannot provide advice. Mr. Holmes stated he does not need legal advice, it's just needed to be known what needs to be done to get this default of \$50,000.00 times six; damages suffered behind what those people did. Court stated the process has been explained and if Mr. Holmes would like to prove up the damages by calling a Doctor or setting up a video conference to swear him to lay a foundation why these amounts are appropriate; its up to you to set it up. Mr. Holmes stated he will do what's necessary and set up a video conference. Court stated those would be the individuals Mr. Holmes would like to call as witness to support his case; a human being is needed to come in and testify to support the claims for damages; contact the Legal Aid Center if help is needed and counsel cannot be afforded. Mr. Holmes stated he tried that and they said they don't handle these types of cases; just being bounced around, feeling penalized and my feelings don't mean anything. COURT ORDERED, Motion To Set Default DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**August 06, 2019**

---

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

---

**August 06, 2019      9:30 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court noted I.T. has been trying for awhile to get the video conference working to be able to see the Plaintiff, nothing is coming through, I.T. says the system is shot, new equipment will have to be obtained, the hearing cannot be held, the Court apologizes for any inconvenience and ORDERED, matter CONTINUED.

8-27-19 9:30 AM MOTION FOR VIDEO

CLERK'S NOTE: The above minute order has been distributed to: Wilbert R. Holmes, 10550 Partington Ct., Las Vegas Nv. 89183. kar 8/7/19



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**August 27, 2019**

---

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

---

**August 27, 2019      9:30 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Holmes, Wilbert R      Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- Mr. Holmes stated he has his witnesses. Court noted proceedings are to address the Plaintiffs damages. Testimony Presented (See Worksheet). Colloquy between Court and Mr. Holmes regarding the continuation of proceedings for the testimony of the Doctor. COURT ORDERED, Plaintiff is to place the matter on calendar when the Doctor's available for testimony on a Tuesday at 11:00 AM; current witnesses need not reappear. Colloquy. Court noted the receipt of affidavits, but there's not proper service; default was only entered against Mr. Miller; Plaintiff is directed to follow the proper service mechanisms and to place the matter back on calendar once he figures out the next court date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 22, 2019**

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

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**October 22, 2019**

**9:30 AM**

**Motion**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Present via Court Call, Plaintiff Wilbert R. Holmes. Argument in support of Request For Service By Publication by Mr. Holmes. Court stated findings and ORDERED, Request For Service By Publication DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****January 09, 2020**

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

**January 09, 2020      3:00 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to EDCR 2.23 and this Court having reviewed the pleading filed, Plaintiff's Motion for Court to Review Service Attempts to Defendants is hereby DENIED. At the hearing on October 22, 2019, Plaintiff was ordered to show good cause why the unserved defendants were not served within the 120 days of the filing of the Complaint as required by NRCP 4(e). This Court having reviewed the attachments finds that no good cause has been shown as to why defendants Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. were not served within the 120 day limit. The proof of failed personal service attempts is not sufficient to show good cause as to why the defendants were not served by alternate means within the statutory period. NRCP 4.2 provides for methods of service for individuals and entities in Nevada, including service via the Nevada Secretary of State for entities. Additionally, NRCP 4.4 provides for alternative methods of service if personal service cannot be completed, such as service by publication. The Plaintiff has not shown that he moved for permission to serve via publication within the statutory time period or that he attempted service via the Nevada Secretary of State for the entity involved. As the failure of service within the statutory period cannot be cured and the plaintiff has not shown good cause as to why service was impossible to be completed within the period, defendant Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. are hereby dismissed

CLERK'S NOTE: The above minute order has been distributed Via e-mail to: Wilbert R. Holmes. kar  
1/29/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Other Tort****COURT MINUTES****February 04, 2020**

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

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**February 04, 2020      3:15 PM      Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** No Location

**COURT CLERK:** Kimberly Estala

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Wilbert R. Holmes has filed eight complaints in the Eighth Judicial District Court as a pro se litigant. Four of Mr. Holmes's complaints were filed within two weeks of each other. Mr. Holmes has been granted in forma pauperis status in five of the complaints.

Each of Mr. Holmes's complaints bring a claim of intentional and/or negligent infliction of emotional distress. Mr. Holmes claims appear to arise from either family-related disputes (including Mr. Holmes's divorce) or from Mr. Holmes's 2017 criminal conviction. Defendants named by Mr. Holmes include the judges from both Mr. Holmes's divorce and his criminal case. Mr. Holmes's complaints appear to lack sufficient facts necessary to demonstrate the elements of Mr. Holmes's claims. Additionally, within the last three years, Mr. Holmes has filed five other complaints alleging intentional infliction of emotional distress, but each complaint was dismissed for failure to state a claim upon which relief could be granted. Likewise, Mr. Holmes's current complaints appear to lack any arguable factual or legal basis.

Therefore, the Court finds it is necessary that an Order to Show Cause Why Plaintiff Wilbert R. Holmes Should Not Be Deemed a Vexatious Litigant in one or more of the above referenced cases should issue. To accommodate this, Mr. Holmes's cases shall be coordinated through case no. A-17-760443-C and reassigned to Department 7 for the purpose of hearing the Order to Show Cause.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**February 18, 2020**

---

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

---

**February 18, 2020      9:00 AM      Status Check: Status of  
Case**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 17A

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/17/20 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**March 17, 2020**

---

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

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**March 17, 2020      9:00 AM      All Pending Motions**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 17A

**COURT CLERK:** Phyllis Irby

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

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

**JOURNAL ENTRIES**

- STATUS CHECK: STATUS OF CASE.....SHOW CAUSE HEARING

Mr. Holmes participated telephonically via Bluejeans Court Call. COURT NOTED, there are several Complaints filed by Plaintiff. Following argument by Plaintiff. COURT ORDERED, WRITTEN ORDER WILL ISSUE.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 19, 2020**

---

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

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**May 19, 2020**

**3:00 PM**

**Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** No Location

**COURT CLERK:** Kimberly Estala

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Given that not all parts of this case were dismissed pursuant to the vexatious litigant order, this case was erroneously closed and should be reopened.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**June 17, 2020**

---

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

---

**June 17, 2020**

**7:00 AM**

**Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** No Location

**COURT CLERK:** Kimberly Estala

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court issued a Decision and Order in case A-17-760443-C on May 18, 2020. On May 31, 2020, two duplicate copies of the Court's decision were inadvertently filed into the case.

Therefore, the Clerk of the Court is directed to strike both Decision and Orders filed into the case on May 31, 2020.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 15, 2020**

---

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

---

**July 15, 2020**

**12:00 AM**

**All Pending Motions**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Alice Jacobson

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**

Fontano, James A.  
Holmes, Wilbert R

Attorney  
Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- Mr. Fontano stated no judgment had been made against his client. Court instructed counsel to get the case moving along and advised a that a 16.1 Conference was needed and would send out a scheduling order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**January 27, 2021**

---

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

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**January 27, 2021      10:30 AM      Mandatory Rule 16  
Conference**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Blanchard, Brent A.      Attorney  
Fontano, James A.      Attorney

**JOURNAL ENTRIES**

- Mr. Blanchard moved for an extension of discovery. Mr. Fontano advised items not received were reserved on counsel this morning; any continuance of discovery should not be extensive; no discovery has been served on the Defendant. Upon the inquiry of the Court, Mr. Fontano stated there's no opposition to 90 days. Upon inquiry of the Court, Mr. Blanchard stated it's believed ADR would be helpful. Mr. Fontano stated he's doubtful about it. Court directed parties to contact the Judicial Settlement Program should it be something they'd like to do and to file their Notice of Compliance by 5 PM today.

Colloquy regarding the day, day and a half Non Jury Trial. COURT ORDERED, dates and trial SET with a FIRM setting:

1. Close of discovery: July 20, 2021

2. Final date to file motions to amend pleadings or add parties (without further court order): April 21, 2021

3. Final Dates for expert disclosures:

a, Initial disclosure: April 21, 2021

b. Rebuttal disclosures: May 20, 2021

4. Final date to file dispositive motions: August 20, 2021

10-26-21 9:30 AM CALENDAR CALL

11-1-21 10:00 AM NON JURY TRIAL (FIRM SETTING)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 25, 2021**

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

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**May 25, 2021      9:30 AM      Motion to Amend  
Complaint**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kristen Brown

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:** Fontano, James A.      Attorney

**JOURNAL ENTRIES**

- Mr. Fontano stated if the Court is not inclined to deny the motion, requested the matter be continued thirty days so that he can be properly served with this motion and will then file an opposition. COURT ORDERED, matter CONTINUED. Court directed the Pltf. to serve a copy of the motion upon the Deft. by June 22, 2021 and Mr. Fontano is to file an opposition by July 6, 2021.

7/27/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 27, 2021**

---

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

---

**July 27, 2021      9:30 AM      Motion to Amend  
Complaint**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kristen Brown

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED for counsel to appear.

8/03/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT

CLERK'S NOTE: Department 6 Judicial Executive Assistant contact counsel and notified counsel of the continuance date./kb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

August 03, 2021

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

<b>August 03, 2021</b>	<b>9:30 AM</b>	<b>Motion to Amend Complaint</b>	<b>Plaintiff's Motion to Amend Complaint</b>
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**HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Yolanda Orpineda  
Kory Schlitz

**RECORDER:** Gail Reiger**REPORTER:****PARTIES**

**PRESENT:** Fontano, James A.      Attorney

**JOURNAL ENTRIES**

- COURT STATED they reviewed the Motion, the Opposition, and the Supplement to the Opposition. Mr. Fontano stated the Plaintiff waiting until the last day, at the last hour to file a Motion to Amend, adding he still has not been served with it directly, and they have only been provided a copy of the proposed amended, and he has not had an opportunity to respond to the amended complaint. Mr. Fontano further argued they are past the Discovery cut off, and none has been completed by the Plaintiff's. COURT ORDERED, Amended Complaint filed on June 22, 2021 STRICKEN, adding it should have been filed as an attachment to the Motion; and FURTHER ORDERED, Motion to Amend Complaint STRICKEN as well, as the Motion has not been properly served. COURT DIRECTED Mr. Fontano to prepare and submit an order to Mr. Blanchard and if he does not hear back from him within 48 hours, to submit the Order to the Court.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**September 28, 2021**

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

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**September 28, 2021      9:00 AM      Calendar Call**

**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**

- Plaintiff indicated his attorney had abandoned the case and he was currently in the process of retaining another attorney. Upon Court's inquiry, Mr. Fontano advised Mr. Blanchard had filed a Motion to Amend back in March which was not served on him, he had only heard from Mr. Blanchard once, and was eventually served with a copy of the amended pleadings in May or June, however he has not had any contact with Mr. Blanchard and they have not engaged in any discovery. Mr. Fontano requested the matter be dismissed. Court noted Mr. Blanchard had not withdrawn. COURT ORDERED, Calendar Call CONTINUED and directed the Court Clerk to contact Mr. Blanchard regarding the continued date. COURT FURTHER ORDERED, Mr. Blanchard to appear at the Calendar Call hearing as his appearance was mandatory.

CONTINUED TO: 10/5/2021 9:00 AM

CLERK'S NOTE: A copy of this Minute Order was provided to Mr. Blanchard by e-mail on 9/29/2021. SA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 01, 2021**

---

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

---

**October 01, 2021      3:00 AM      Minute Order**

**HEARD BY:** Villani, Michael

**COURTROOM:** Chambers

**COURT CLERK:** Samantha Albrecht

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- By stipulation and agreement by the Parties via email communications with Dept. 17 Law Clerk, COURT ORDERS, matter SET for October 5, 2021 9:00 A.M. (CALENDAR CALL) is VACATED and RESET to December 14, 2021 9:00 A.M. Upon receipt of a formal stipulation, the Non-Jury Trial currently scheduled for October 11, 2021 10:30 A.M. will be continued to the January 3, 2022 Trial Stack.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve/ SA 10/1/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**November 16, 2021**

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

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<b>November 16, 2021</b>	<b>9:00 AM</b>	<b>Motion for Summary Judgment</b>
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**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fontano, James A.	Attorney
	Holmes, Wilbert R	Plaintiff
		Counter Defendant

**JOURNAL ENTRIES**

- Argument by Mr. Fontano and Plaintiff. Upon Court's inquiry, Plaintiff stated he had spoken to an attorney who stated they would take his case.

MATTER TRAILED to contact the attorney's office to see if they were retained.

MATTER RECALLED.

Court confirmed a consultation was set for today at 3:00 pm with the attorney's office and noted they were not retained. Mr. Fontano advised he was never served with any written discovery by Plaintiff's prior counsel and further advised he never received a response to his request for Plaintiff's availability for a deposition. Court Clerk confirmed a Notice of Appearance had been filed by Mr. Blanchard. Court noted it did not have anything filed by Mr. Blanchard to withdraw. Upon Court's inquiry, Plaintiff advised he last heard from Mr. Blanchard approximately one to two months ago. Court noted an e-mail had been sent to Mr. Blanchard on September 29th by the Court Clerk and there was never any response. Upon Court's inquiry, Mr. Fontano noted Mr. Blanchard had been

recently taken off discipline when he was hired by the Plaintiff. COURT ORDERED, matter CONTINUED and advised Mr. Blanchard would be notified to appear at the next hearing date.

CONTINUED TO: 11/30/2021 9:00 AM

CLERK'S NOTE: Mr. Blanchard notified of the new hearing date by e-mail on 11/22/2021. SA

**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**

<b>PRESENT:</b>	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 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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

December 21, 2021

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

**December 21, 2021      9:00 AM      All Pending Motions**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fontano, James A.	Attorney
	Holmes, Capucine Y	Defendant
		Counter Claimant
	Holmes, Wilbert R	Plaintiff
		Counter Defendant

**JOURNAL ENTRIES**

- CALENDAR CALL...PROVE UP

Mr. Fontano advised he had submitted the order for summary judgment to the Court. Capucine Holmes SWORN and TESTIFIED. Mr. Fontano requested attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69. Court noted it had previously granted Capucine Holmes' Motion at the last hearing and FINDS the requested attorneys fees and costs to be reasonable, necessary, and appropriate in this matter as there were no reasonable grounds to bring this action, which was meant to harass Capucine Holmes, therefore ORDERED, request for attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69 GRANTED; trial VACATED. Court directed Mr. Fontano to prepare the Order. Court noted Plaintiff kept interrupting the Court and was not letting the Judge talk.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**WILBERT R. HOLMES**  
**3980 S. NELLIS BLVD.**  
**LAS VEGAS, NV 89183**

**DATE: January 7, 2022**  
**CASE: A-17-760443-C**

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

NOTICE OF APPEAL FILED: January 5, 2022

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***



# 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; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER AWARDING ATTORNEY'S FEES & COSTS;  
NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

WILBERT R. HOLMES,

Plaintiff(s),

vs.

ERNEST MILLER; CAPUCINE Y. HOLMES,

Defendant(s),

Case No: A-17-760443-C

Dept No: XVII

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 7 day of January 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk