

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Aug 16 2021 02:12 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

THOMAS WALKER, AN INDIVIDUAL,
Appellant(s),

vs.

FLOYD WAYNE GRIMES; WBG TRUST;
ELIZABETH GRIMES; VICTORIA JEAN
HALSEY; JALEE ARNONE; AND PETER
ARNONE,
Respondent(s),

Case No: A-18-783375-C

Docket No: 83284

RECORD ON APPEAL VOLUME 4

ATTORNEY FOR APPELLANT
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LAS VEGAS, NV 89156

ATTORNEY FOR RESPONDENT
KENNETH M. ROBERTS, ESQ.
1130 WIGWAM PKWY
HENDERSON, NV 89074

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A-18-783375-C

Thomas Walker, Plaintiff(s)

vs.

Floyd Grimes, Defendant(s)

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IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS WALKER, AN INDIVIDUAL,
Appellant

v.

FLOYD WAYNE GRIMES; WBG TRUST;
ELIZABETH GRIMES; VICTORIA JEAN
HALSEY; JALEE ARNONE; AND PETER
ARNONE,
Respondents

Supreme Court No. 83284
District Court Case No. A783375

CERTIFICATION

I certify that on the date indicated below, I served a copy of the transcript request form upon the court reporter and all parties on appeal:

COURT REPORTER:
LAURA CORCORAN
CorcoranL@clarkcountycourts.us,
DISTRICT COURT
DEPARTMENT XXXI
ATTENTION: COURT RECORDER LAURA CORCORAN
200 Lewis Avenue
Las Vegas, Nevada 89101

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Henderson, Nevada 89074

DATED this 10 day of August, 2021



Appellant

6253 Rocky Mountain Avenue

Las Vegas, Nevada 89156

(702) 619-1256

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****August 13, 2019**

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

**August 13, 2019 10:30 AM Mandatory Rule 16
Conference**

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Susan Botzenhart**RECORDER:** Sandra Harrell**REPORTER:****PARTIES**

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Plaintiff Thomas Walker, present in proper person. Upon Court's inquiry, Mr. Walker provided his correct address. Court reminded Plaintiff to make sure the Clerk's office has his correct address. Estimate was 2-3 days for trial. Court reviewed with parties the Joint Case Conference Report (JCCR) filed July 19, 2019, and Mandatory Rule 16 Pre-Trial Scheduling Conference Order filed July 24, 2019. Thereafter, Court inquired about whether a settlement conference / mediation would be necessary in this matter. Defense counsel confirmed his client would be open to having one. Plaintiff declined on having one. Court stated it will not order a settlement conference. Court adopted the proposed deadline dates in the JCCR. **COURT ORDERED**, trial date SET. New trial and scheduling order to issue from Chambers. Matter SET for status check.

11/12/19 9:00 A.M. STATUS CHECK: STATUS OF CASE

2/13/20 10:15 A.M. PRE-TRIAL CONFERENCE

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Minutes Date: August 13, 2019

A-18-783375-C

3/10/20 9:00 A.M. CALENDAR CALL

3/16/20 9:00 A.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 10, 2019

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

October 10, 2019 9:00 AM Motion

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT:	Grimes, Elizabeth	Defendant
		Trustee
	Roberts, Kenneth M, ESQ	Attorney
	Walker, Thomas	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Mr. Walker appeared in proper person. Arguments by Mr. Roberts in support of relief requested. Mr. Walker responded to the arguments, and also stated he had a written opposition prepared for the Motion. At request of Plaintiff, and there being no objection, COURT ORDERED, matter CONTINUED one week for the opposition to be filed, with a courtesy copy to be provided by Plaintiff, and for a written reply to be filed by Defendant, with a courtesy copy to be provided for the Court.

10/24/19 9:30 A.M. COUNTERCLAIMANTS JALEE ARNONE AND FLOYD GRIMES'
APPLICATION FOR TEMPORARY WRIT OF RESTITUTION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 24, 2019

A-18-783375-C	Thomas Walker, Plaintiff(s)
	vs.
	Floyd Grimes, Defendant(s)

October 24, 2019 9:30 AM Motion

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Shelley Boyle

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT:	Roberts, Kenneth M, ESQ	Attorney
	Walker, Thomas	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Extensive argument regarding Pltf's. understanding of the terms of the agreement between the parties, the lack of a signed contract, Pltf's. receipts totaling more than \$91,000.00, Pltf's. non-payment of rent since 2015, and the public records indication of who the legal owner of the property is. Mr. Roberts argued Pltf's. argument regarding Rule 56 does not apply as Rule 56 is a summary judgment rule with strict requirements that there be a genuine issue of material fact. Pltf. argued the agreement was for Pltf. to \$800.00 for the first 25 months, the extra \$2500.00 would be used as the down payment. Adding, most of his communications and payments were with Mr. Grimes daughter, Vicky. His records indicate \$63,000.00 had been paid by 2012, the total purchase was to be \$69,000.00 with interest and everything.

Mr. Roberts requested Pltf. pay \$700.00 into his trust account or to the Court pending the outcome of the trial, first payment due 11/01/19. COURT STATED Its inclination and FINDINGS, and ORDERED, Application GRANTED. Pltf. is to pay \$700.00 per month, first payment DUE by 11/15/19. Parties STIPULATE payment is to be to Deft's. trust account. The funds must be

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Minutes Date: August 13, 2019

segregated and CAN NOT be released without a Court Order. Mr. Roberts is to prepare the Order, provide a copy to the Pro Se litigant at the same time it is served upon the Court, within 10 days of today's hearing.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property

COURT MINUTES

November 12, 2019

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

November 12, 2019	9:00 AM	Status Check: Status of Case
-------------------	---------	------------------------------

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Mr. Walker appeared in proper person. Court reminded both sides the order from the hearing dated October 24, 2019 was not submitted. Mr. Roberts confirmed he will make sure such order gets submitted to the Court. Court provided the upcoming court dates. Mr. Walker stated he will be filing a response to the Motion to withdraw scheduled for December 5, 2019, and he will not be opposing the Motion. Following discussions as to there being no other outstanding issues for Court to address, Court noted it will leave the Motion to withdraw on for December 5, 2019 at 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

December 05, 2019

A-18-783375-C Thomas Walker, Plaintiff(s)
 vs.
 Floyd Grimes, Defendant(s)

**December 05, 2019 9:00 AM Motion to Withdraw as
 Counsel**

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
 Walker, Thomas Plaintiff
 Counter Defendant

JOURNAL ENTRIES

- Mr. Walker appeared in proper person. At request of counsel, and there being no objection by Plaintiff, the Court did not rule and the Motion was WITHDRAWN.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 13, 2020

A-18-783375-C Thomas Walker, Plaintiff(s)
 vs.
 Floyd Grimes, Defendant(s)

February 13, 2020 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK:

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
 Walker, Thomas Plaintiff
 Counter Defendant

JOURNAL ENTRIES

- Court noted trial expected to last 2-3 days. Colloquy regarding scheduling. Court stated the case would be #3 on the stack. COURT ORDERED, jury trial and calendar call SET; joint pre-trial memorandum due March 17, 2020 by end of day.

3/24/2020 9:00 AM CALENDAR CALL

4/1/2020 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 25, 2020

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

February 25, 2020 9:00 AM Motion in Limine

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Michaela Tapia

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Court noted no opposition to the motion and indicated it had told Mr. Walker multiple times if he does not show the original document, it was inclined to grant the motion. At the request of Mr. Walker, MATTER TRAILED for production of document. MATTER RECALLED. Mr. Walker no longer present. Court stated it had instructed Mr. Walker to provide Mr. Roberts the document at issue. Argument in support of the motion by Mr. Roberts. Pursuant to EDCR 2.20, COURT ORDERED, motion GRANTED, noting Mr. Walker had requested matter be trailed for the production of document but did not return to Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 07, 2020

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

July 07, 2020 9:00 AM Status Check: Trial Setting

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Carolyn Jackson

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Thomas Walker, Plaintiff and Counter Defendant, appearing Pro-Se.

Court noted this matter was set for Status Check: Trial Setting. Mr. Roberts and Mr. Walker advised the October 12, 2020 trial stack was acceptable. Upon Court's inquiry, Mr. Walker advised he is not amendable with a Settlement Conference.

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Title to Property

COURT MINUTES

September 10, 2020

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

September 10, 2020 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Alice Jacobson

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT:	Roberts, Kenneth M, ESQ	Attorney
	Walker, Thomas	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- Counsel agreed to reset the trial due to Covid 19 pandemic. COURT ORDERED, trial dates VACATED and RESET.

12/17/20	9:00AM	STATUS CHECK
1/5/21	9:00AM	CALENDAR CALL
1/20/21	9:00AM	JURY TRIAL

PRINT DATE: 08/16/2021

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 29, 2020

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

October 29, 2020 9:00 AM Show Cause Hearing

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Carolyn Jackson

RECORDER: Sandra Harrell

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Court stated this matter was on for a show cause hearing based on the previous order of May 2020, wherein the Plaintiff was ordered to pay restitution of \$700 each month on the 15th day, to be held in trust until the resolution of the case. Mr. Roberts concurred with the Court's assessment and advised no payments have been made and the Plaintiff had not provided an excuse for non-payment or communicated with Mr. Roberts. Upon Court's inquiry, Mr. Walker advised he had made no payments since he was waiting on transcripts from prior hearings and the COVID-19 pandemic affected his ability to obtain employment. Further, Mr. Walker requested a 2 week continuance. Further arguments by Mr. Roberts in support of the merits of the Motion. Following arguments, Court stated its FINDINGS and ORDERED, matter SET for evidentiary hearing regarding contempt.

11/05/2020 1:00 PM EVIDENTIARY HEARING RE: CONTEMPT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

November 05, 2020

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

November 05, 2020 1:00 PM Evidentiary Hearing

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Alice Jacobson

RECORDER: Patti Slattery

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Mr. Roberts advised that Mr. Walker had made payment and was current through October and the next payment was due November 15th. Court does not find Mr. Walker in contempt of Court and will reserve ruling of attorney fees and costs in conjunction with this hearing. Colloquy regarding settlement conference. At the agreement of the parties, COURT ORDERED, parties to participate in a Mandatory Settlement Conference with a Senior Judge.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property	COURT MINUTES	December 08, 2020
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A-18-783375-C	Thomas Walker, Plaintiff(s) vs. Floyd Grimes, Defendant(s)
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December 08, 2020	9:00 AM	Settlement Conference
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HEARD BY: Barker, David	COURTROOM: No Location
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COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- A settlement conference was held in front of the Honorable David Barker in which the case was unable to be settled.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property	COURT MINUTES	December 17, 2020
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A-18-783375-C	Thomas Walker, Plaintiff(s) vs. Floyd Grimes, Defendant(s)
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**December 17, 2020 9:00 AM Status Check: Trial
Readiness**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Alice Jacobson

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Roberts, Kenneth M, ESQ Walker, Thomas	Attorney Plaintiff Counter Defendant
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JOURNAL ENTRIES

- Status provided.

Mr. Walker requested to amend the Complaint to narrow down the claims and to reopen discovery. Objection o reopening discovery, by Mr. Roberts. Court instructed Mr. Walker to submit a Motion to Amend the Complaint and advised discovery would not be reopened.

Mr. Walker stated he preferred a Jury Trial. Mr. Roberts did not object to a Bench Trial. Court advised that a trial date will be reset in March or April 2021 and will send out a scheduling order.

Mr. Roberts noted that \$700.00 a month payments were now being made by Plaintiff. Court instructed Plaintiff to keep payments current.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****March 09, 2021**

A-18-783375-C Thomas Walker, Plaintiff(s)
 vs.
 Floyd Grimes, Defendant(s)

March 09, 2021 9:00 AM Motion for Judgment

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Natalie Ortega

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Krawczyk, David E. Roberts, Kenneth M, ESQ Walker, Thomas	Attorney Attorney Plaintiff Counter Defendant
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JOURNAL ENTRIES

- All parties present via Blue Jeans.

Mr. Roberts argued in support of the instant Motion, stating that a number of the causes of action were based upon criminal statutes. Additionally, Mr. Roberts argued that four or five of the causes of action were based upon the putative contract, which was excluded by the granting of a Motion in Limine. Upon Court's inquiry, Mr. Walker stated that he filed an Opposition; however, it was filed in the middle of the night on March 8, 2021. The Court advised that such a late filing was not fair to the other side, noting that, although Mr. Walker had been granted some leniency due to his pro per status, he must follow the rules. Mr. Walker stated that he filed for an extension of time on March 8, 2021. Mr. Walker argued in opposition, citing multiple cases in support. The Court noted that Mr. Walker could not cite multiple cases, when said cases were improper as to timing, and did not relate to the issues at hand. Based upon arguments by Mr. Walker, the Court inquired as to the Grimes

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Defendants, whether they made an admission in a written document that they no longer owned the property, and had no standing to pursue the instant case. Mr. Roberts answered the Court's inquiry in the negative, stating that there had been no admission that the property had ever been purchased by Mr. Walker, nor was there ever any intent to make that admission. The COURT DIRECTED Mr. Walker to find the title of the document he was referencing. Mr. Roberts stated that the objection regarding the lack of timeliness to any opposition Mr. Walker may bring. Mr. Walker indicated that he was referring to the Defendants' 1st Amended Answer to Plaintiffs' Complaint, date December 17, 2018, page 2, line 12. Matter trailed to allow the Court to hear another case.

Matter recalled. Mr. Roberts stated there was an indication that Defendants admitted to the allegations set forth in paragraph 204, the substance of said paragraph being that on or about August 13, 2018, Defendant Floyd Grimes, and his wife Elizabeth Grimes, acting as trustees for the trust, conveyed the property to Defendant Jalee Arnone; however, in the middle of that paragraph, there was the phrase "purchased by Plaintiff". Mr. Roberts clarified there was no intention to admit Plaintiff purchased the property, as he had provided no documents to show that he purchased the property; therefore, the phrase "purchased by Plaintiff" could be removed. Upon Court's inquiry regarding whether the movant wished for the Court to rule on the instant Motion, or withdraw it without prejudice, Mr. Roberts stated that there was no understanding as to how the untimely assertion by Mr. Walker related to any of the claims in the instant Motion. The Court having reiterated its questions, Mr. Roberts stated that it would submit on the pleadings, and have the Court rule on the instant Motion. At the request of the Court, Mr. Walker read paragraph 204 into the record.

COURT ORDERED Defendants' Motion for Judgment on the Pleadings was hereby GRANTED IN PART / DENIED IN PART, FINDING and ORDERING the following: (1) the portions of the instant Motion which were granted, were granted substantively, and pursuant to EDCR 2.20, due to the failure to timely file an Opposition; (2) GRANTED as to the first cause of action, as it was a criminal action; (3) DENIED WITHOUT PREJUDICE as to the second cause of action, as there were potential issues regarding whether there was an admission as to ownership; (4) GRANTED as to the third cause of action, as there was no government action asserted in the instant case; (5) GRANTED as to the fourth cause of action, as there was no public action in the instant case; (6) GRANTED as the fifth cause of action, as it was a criminal cause of action; (7) DENIED WITHOUT PREJUDICE as to the sixth cause of action; (8) GRANTED as to the seventh cause of action, as there was no tortious breach of contract alleged; (9) DENIED WITHOUT PREJUDICE as to the eighth cause of action, as there were potential disputes over title; (10) GRANTED as to the ninth cause of action, as duplicative of the eighth cause of action; (11) GRANTED as to the tenth cause of action, as intent had not been shown under the applicable statutes and case law; (12) GRANTED as to the eleventh cause of action; while there was an assertion in the Answer, it was an inadvertent error, and the Plaintiff had failed to establish anything; (13) GRANTED as to twelfth cause of action, as Plaintiff had failed to show that he was induced into anything; (14) GRANTED as to the thirteenth cause of action, as Plaintiff had failed to meet the elements of the causes of action; (15) GRANTED as to the fourteenth cause of action, as fraud had not been pled with particularity as required under Rule 9 and NRS 112.180; (16) GRANTED as to the fifteenth cause of action, as there was no personal property at issue; (17)

DENIED WITHOUT PREJUDICE as to the sixteenth cause of action, as there was an question as to whether there was or was not a contract, and as to who did or did not have the property; (18) GRANTED as to the seventeenth cause of action, as there was no personal property, and it was duplicative of the fifteenth cause of action; (19) GRANTED as to the eighteenth cause of action, as the elements had not been met; (20) GRANTED as to the nineteenth cause of action, as an underlying tort had not been asserted; (21) GRANTED as to the twentieth cause of action, as duplicative of the sixteenth cause of action; (22) GRANTED as to the twenty-first cause of action, as it was a criminal cause of action; (23) GRANTED as to the twenty-second cause of action, as the Plaintiff had not asserted any writing, conditions, etc. under NRS 598.0923(5), at the time the Plaintiff alleged the property was sold to the Plaintiff; and (24) GRANTED as to the twenty-third cause of action, as it was duplicative of the eighteenth cause of action.

Counsel for the movant to prepare the written Order, and forward it to opposing counsel for approval as to form and content. Mr. Roberts advised that he would be filing a Motion to amend the Answer with respect to the error discussed earlier in the proceedings.

CLERK'S NOTE: Minute order prepared by Kristin Duncan via JAVS. (KD 4/7/21)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****March 18, 2021**

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

March 18, 2021 10:15 AM Pre Trial Conference

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:**

Natalie Ortega

RECORDER: Sandra Harrell**REPORTER:****PARTIES**

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Upon Court's inquiry, as to a trial May 3rd through May 7th at the Convention Center. Mr. Walker and Mr. Roberts noted that met their needs. COURT NOTED Department 27 would coordinate the scheduling of the Convention Center trial. Mr. Roberts anticipated four (4) days for trial with five (5) witnesses. Mr. Walker indicated he did not have any witnesses and planned to testify on his own behalf. COURT NOTED the trial would have six (6) witnesses and take five (5) or (6) days. Mr. Roberts advised he had less than 100 pages of exhibits. Mr. Walker indicated he had the same amount. COURT FURTHER NOTED it would send to the parties a memorandum with a link to submit exhibits. Upon Court's inquiry, Mr. Walker and Mr. Roberts acknowledged they understood they would need to schedule a Meet and Confer. COURT ORDERED, Calendar Call SET for April 20, 2021 at 9:00 a.m. At that Calendar Call exhibits and the Convention Center trial would be discussed. Further, Jury Selection would commence before April 29, 2021 at Jury Selection Services. Following that, a Jury Trial would follow around May 3rd at the Convention Center. Mr. Walker indicated possibly vacating the Writ of Restitution. Mr. Roberts noted the Defense would not stipulate. COURT

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NOTED if there was an issue than they would need to file an appropriate motion.

04/20/21 9:00 AM CALENDAR CALL

05/03/21 JURY TRIAL (TENTATIVE) CONVENTION CENTER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 20, 2021

A-18-783375-C Thomas Walker, Plaintiff(s)
 vs.
 Floyd Grimes, Defendant(s)

April 20, 2021 9:00 AM Calendar Call

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
 Walker, Thomas Plaintiff
 Counter Defendant

JOURNAL ENTRIES

- Court advised the trial could not go forward and would need to be reset. Colloquy regarding scheduling. Mr. Roberts noted defense was willing to have a bench trial. Mr. Walker stated he wanted a jury trial. Court stated a jury trial would be set. Further colloquy. COURT ORDERED, trial date reset for 6/1/2021. COURT NOTED, if parties have an issue they need to file a proper motion in order for the Court to hear. Court advised a new calendar call would be issued.

06/01/2021 JURY TRIAL (TENTATIVE CONVENTION CENTER)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 18, 2021

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

May 18, 2021 9:00 AM Calendar Call

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Court noted it received the Pre Trial Memorandums and inquired if the Plaintiff wanted to use the memorandum dated 5/14/2021. Mr. Walker concurred. Mr. Walker stated Mr. Roberts was supposed to send him an email with the information they discussed at the 2.67 meeting however he has not received it. Mr. Roberts stated he thought it was sent. Upon Court's inquiry, Mr. Roberts advised he submitted his proposed exhibits to the court email address. Mr. Walker stated he had not seen Defendant's exhibits. Colloquy regarding Defendant's proposed exhibits. Mr. Walker reviewed Defendant's proposed exhibits. He stipulated to Defendant's exhibit A, B, C and D; as for proposed exhibit E, he requested additional time for review. Upon Court's inquiry, Mr. Walker stated he would submit his proposed exhibits to the DC evidence email. MATTER TRAILED.

MATTER RECALLED: all parties present as before. Mr. Walker stated he needed more time to submit his proposed exhibits. Colloquy regarding Plaintiff's proposed exhibits listed in the pretrial memorandum dated 5/14/2021. Court directed Mr. Walker to submit exhibits today and advising that it also needs his proposed jury instruction and he needed to exchange exhibits with Mr. Roberts.

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Colloquy regarding trial procedures relating to Covid-19 restrictions, jury selection and peremptory challenges; parties agreed to 5 peremptory challenges each. Mr. Roberts advised they 3 witnessess appearing by video; Court directed him to file an out of state video appearance form for each person. Court CONFIRMED trial date was 6/1/2021 at 9:00 AM and ORDERED, matter CONTINUED.

CONTINUED TO: 05/20/2021 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****May 20, 2021**

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

May 20, 2021 8:30 AM Calendar Call

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Kathryn Hansen-McDowell**RECORDER:** Victoria Boyd**REPORTER:****PARTIES**

PRESENT: Roberts, Kenneth M, ESQ Attorney
Walker, Thomas Plaintiff
Counter Defendant

JOURNAL ENTRIES

- Court noted this was the continuation of the calendar call. Colloquy regarding trial process. Colloquy regarding whereabouts of Plaintiff's proposed exhibits and jury questions. Mr. Walker stated they were being delivered. Further colloquy regarding the trial process. Court stated matter would need to be trailed in order for Court to continue with its calendar. MATTER TRAILED until 11:00 AM.

MATTER RECALLED at 11:43 AM: all parties present as before. Plaintiff's proposed exhibits and jury question packet not received. Colloquy regarding Court and Defendant's jury questions. Parties had no objection to Court's jury questions. Mr. Walker had no objection to Defendant's jury questions. Upon Court's noted concern, Mr. Roberts withdrew jury question #33. Colloquy regarding Defendant's proposed exhibit E. Mr. Walker stipulated to exhibit E. Colloquy regarding Plaintiff's proposed exhibits. Parties agreed and stipulated that Plaintiff's exhibit #1 and Defendant's exhibit D were the same document. Mr. Roberts stipulated to exhibit 6, Clark County Assessor Records. COURT NOTED, Plaintiff's proposed exhibits would have numbers 1-15 and Defendant's proposed

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exhibits would be numbers 16-20. Further colloquy regarding Plaintiff's proposed exhibits of video transcripts. COURT ADMONISHED Plaintiff regarding not submitting exhibits timely, RESERVED its ruling on striking for failure to follow the Court's order and RESERVED all aspects with regards to the video transcripts. Mr. Walker orally requested to submit paper exhibits; Court GRANTED Mr. Walker's request and stated it would evaluate the submission.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 26, 2021

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

May 26, 2021 9:30 AM Request of Court

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Grimes, Floyd Wayne	Defendant Counter Claimant Trustee
	Krawczyk, David E.	Attorney
	Roberts, Kenneth M, ESQ	Attorney
	Walker, Thomas	Plaintiff Counter Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: COURT INSTRUCTED parties regarding jury selection and trial procedures. Court reviewed Plaintiff's voir dire questions and had concerns with #8, colloquy. Plaintiff withdrew question #8. Mr. Roberts had no objections.

IN THE PRESENCE OF THE PROSPECTIVE JURY: Roll Call. Clerk swore prospective jury panel. General Voir Dire conducted.

BENCH CONFERENCE

IN THE PRESENCE OF THE PROSPECTIVE JURY: Jury panel selected and sworn. COURT

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ADMONISHED and EXCUSED the jury for the evening. COURT ORDERED, trial CONTINUED.

CONTINUED TO: 06/01/2021 9:00 AM (DEPT. 31)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****June 01, 2021**

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

June 01, 2021 9:00 AM Jury Trial - FIRM

HEARD BY: Kishner, Joanna S.**COURTROOM:** RJC Courtroom 12B**COURT CLERK:** Kathryn Hansen-McDowell**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Arnone, Jalee	Defendant
		Counter Claimant
	Arnone, Peter	Defendant
	Grimes, Floyd Wayne	Defendant
		Counter Claimant
		Trustee
	Halsey, Victoria Jean	Defendant
	Krawczyk, David E.	Attorney
	Roberts, Kenneth M, ESQ	Attorney
	Walker, Thomas	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF THE JURY: Plaintiff, Mr. Walker, not present.

Court noted parties were instructed to be present at 8:30 AM this morning. Court further stated Mr. Walker had not provided notification to the department of his tardiness. Department staff advised Court an email was received at 8:33 AM stating Mr. Walker was on his way. Upon Court's inquiry, Mr. Roberts advised he received the same email. Mr. Roberts orally requested Court dismiss the

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complaint and all remaining counts against the Defendants. COURT FINDS it appropriate upon Mr. Walker's arrival to place him on notice to defend his position. Colloquy concerning witnesses appearing on Bluejeans and their ability to view exhibits.

Plaintiff, Mr. Walker, present at 9:27 AM

Court ADMONISHED Plaintiff for being late and inquired as to the cause of his tardiness. Mr. Walker apologized and provided his cause. Arguments by Mr. Roberts and Mr. Walker regarding dismissing the complaint. COURT FINDS it appropriate to move forward as neither side would be prejudiced against and ORDERED, decision DEFERRED; ADVISED Plaintiff if the case continued he could have to pay for Defendant's attorney's fees. Mr. Walker understood and wanted to proceed. Previously stipulated exhibits admitted.

IN THE PRESENCE OF THE JURY: Roll call. Exclusionary Rule INVOKED. Opening statements by Mr. Walker and Mr. Roberts. Witness testimony. (See worksheets). Plaintiff rested.

OUTSIDE PRESENCE OF THE JURY: Mr. Walker orally requested a motion to stipulate he was a purchaser of the property. Colloquy regarding the motion. Mr. Roberts orally requested a Rule 50 directed verdict. Court allowed Plaintiff time to prepare a response in opposition of a directed verdict. Arguments by Mr. Walker and Mr. Krawczyk. COURT stated its FINDINGS and ORDERED, directed verdict GRANTED on the Slander of Title and Quantum Meruit Cause of Actions and DEFERRED decision on the Breach of Contract and Declaratory Relief Cause of Actions.

IN THE PRESENCE OF THE JURY: Witness testimony. (See worksheets). Defendant rested.

COURT ADMONISHED and EXCUSED the jury for the evening. COURT ORDERED, trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding jury instructions. COURT INSTRUCTED parties to met and confer regarding jury instructions and a joint verdict form.

CONTINUED TO: 06/02/2021 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 02, 2021

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

June 02, 2021 9:00 AM Jury Trial - FIRM

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Arnone, Jalee	Defendant
		Counter Claimant
	Arnone, Peter	Defendant
	Grimes, Floyd Wayne	Defendant
		Counter Claimant
		Trustee
	Halsey, Victoria Jean	Defendant
	Krawczyk, David E.	Attorney
	Roberts, Kenneth M, ESQ	Attorney
	Walker, Thomas	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Colloquy regarding agreed upon jury instructions and verdict form. COURT FINDS, Mr. Walker in violation of NRCP 16.1(f) for being unprepared.

Following colloquy, Mr. Walker requested WBG Trust, Elizabeth Grimes, Jalee Arnone, Peter Arnone and Roes and Does be dismissed without prejudice from the complaint. Mr. Roberts stipulated to all dismissals. As for the counterclaimants, Mr. Roberts requested Roes and Does be dismissed with

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prejudice. Mr. Walker stipulated. Mr. Walker orally requested to have Jalee Arnone remain as to declaratory relief. Mr. Roberts objected to the request. COURT stated its FINDINGS, and ORDERED, Jalee Arnone would remain as to declaratory relief and all other dismissals GRANTED.

Court noted the counterclaimants had 6 causes of action however only 2 were indicated in the jury form. Mr. Roberts stated as to the counterclaim breach of contract, breach of covenant and slander of title were abandoned for all purposes. Mr. Walker stipulated. COURT GRANTED.

Further colloquy regarding jury instructions, Mr. Walker requested opposed Plaintiff jury instruction P-29 be entered. Mr. Roberts argued in opposition. COURT GRANTED Mr. Walker's request.

IN THE PRESENCE OF THE JURY: Plaintiff rebuttal. Witness testimony. (See worksheets). Counterclaimants case started. Witness testimony. (See worksheets).

OUTSIDE PRESENCE OF THE JURY: Further colloquy regarding jury instructions. Mr. Walker orally requested motion for a finding of fact that he was a purchaser of the property. Argument by Mr. Walker. COURT DENIED Plaintiff's oral motion.

IN THE PRESENCE OF THE JURY: Witness testimony. (See worksheets). Counterclaimants rested.

OUTSIDE THE PRESENCE OF THE JURY: Jury instructions SETTLED. Colloquy regarding scheduling.

IN THE PRESENCE OF THE JURY: Court instructed the jury. Following bench conference, parties agreed to omit jury instruction #12.

COURT ADMONISHED and EXCUSED the jury for the evening. COURT ORDERED, trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Roberts stated he would provide an updated page to omit jury instruction #12, to be added tomorrow morning. Colloquy regarding admitted exhibits. Parties agreed exhibit 1 and exhibit 19 were duplicative and exhibit 19 would be presented to the jury. Court stated exhibits 6, 16, 17, 18, 19 and 20 would go to the jury and RELEASED any unoffered exhibits to the parties after closing arguments.

COURT FINDS, dismissal was not appropriate as there was sufficient evidence to send to the matter to the jury and ORDERED, Defendant's Rule 50 motion denied. However, pursuant to EDCR 7.60 (a), NRCP 37 and 16.1(f) COURT FINDS a sanction was appropriate and FURTHER ORDERED, Plaintiff to pay an hour and a half of Defendant's attorney's fees for a total of \$375.00, payable within FOURTEEN (14) DAYS from today. Mr. Roberts to prepare an order, circulate to opposing party and submit to the department in box.

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CONTINUED TO: 06/03/2021 9:15 AM

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 03, 2021

A-18-783375-C Thomas Walker, Plaintiff(s)
vs.
Floyd Grimes, Defendant(s)

June 03, 2021 9:00 AM Jury Trial - FIRM

HEARD BY: Kishner, Joanna S.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:	Arnone, Jalee	Defendant
		Counter Claimant
	Arnone, Peter	Defendant
	Grimes, Floyd Wayne	Defendant
		Counter Claimant
		Trustee
	Halsey, Victoria Jean	Defendant
	Roberts, Kenneth M, ESQ	Attorney
	Walker, Thomas	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Roberts advised Defendant Jalee Arnone was present in the courtroom. Colloquy regarding jury instruction #12; parties stipulate to delete jury instruction #12.

IN THE PRESENCE OF THE JURY: Closing statements by Mr. Walker and Mr. Roberts. Alternate juror #9 excused. Jury started deliberation at the hour of 10:23 a.m.

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Verdict returned at the hour of 12:00 p.m. with the verdict in favor of the Counter Claimant.

The Court thanked and excused the Jury. Clerk returned Plaintiff's unoffered DVD exhibits to Mr. Walker.

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated August 4, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises four volumes with pages numbered 1 through 756.

THOMAS WALKER,

Plaintiff(s),

vs.

FLOYD WAYNE GRIMES; ELIZABETH GRIMES; WBG TRUST; VICTORIA JEAN HALSEY; L JALEE ARNONE; PETER ARNONE,

Defendant(s),

Case No: A-18-783375-C

Dept. No: XXXI

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 16 day of August 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk