

IN THE EIGHT JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK

Arnold Leong, and Cheryl Choy,
and Does and Roes,
Defendants

Electronically Filed
Feb 10 2022 03:06 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case Number: A-21-842940-C

Co., No. 62735 (Nev. Jan. 15, 2015), at 1 ("We ... agree with appellant. See *Sullivan v. Eighth Judicial Dist. Court*, 111 Nev. 1367, 1371, 904 P.2d 1039, 1042 (1995) ("If . . . the district court grants the application [to proceed in forma pauperis], the district court must then proceed to require the filing of petitioner's other documents and to consider them in due course."). The Order -(2) is also contrary to NRAP 24 allowing an appeal by a person with a District Court OIFP as I was granted.

(b) In addition, as viewed in this Case by the Complaint and subsequent filings, see: NRAP 3A(b)(9)-(10) allowing appeals of interlocutory orders *in action* "to redeem real or personal property from a mortgage or lien that determines the right to redeem and directs an accounting" or *action* "for partition that determines the rights and interests of the respective parties and directs a partition, sale or division."; *State v. Second Judicial Dist. Court ex rel. Cty. of Washoe*, 55 P.3d 420, 425 (Nev. 2002) (exercising discretionary jurisdiction over preliminary ruling on governmental quasi-immunity). In this *action* these Orders have allowed the named defendants to proceed in this *action*, prejudicing plaintiff, (i) based on their allegations *against* the Complaint *while in Default* (in which the Complaint is admitted) that Choy is not a valid defendant but only guardian ad litem for Leong, alleged as legally incapacitated, and a GAL is an officer of the court with governmental quasi-immunity (see above), and (ii) in addition, Plaintiff's complaint and pending application for default judgment includes count seven for conversion, and remedies under this count (this within the scope of the above-described *actions* on personal property, liens, division, etc.).

(c) Further, these Orders, as viewed in this Case by the Complaint and subsequent filings, deprive Havens of basic due process of law, including the due process rights in Nevada statutes and rules stated in part herein, and under the US Constitution Fifth and Fourteenth Amendments, regarding fair notice and hearings in civil actions in court,² especially when based on federal property (radio spectrum owned by the United States and solely licensed and governed by the Federal Communications Commission) and such due process violations are appealable when they occur, and need not be in any final judgment, decision or order.

² See, e.g., Henry J. Friendly, "Some Kind of Hearing," in UNIVERSITY OF PENNSYLVANIA LAW REVIEW Vol. 123: 1267 et seq. [*] explaining that Judge Henry Friendly generated a list that remains highly influential as to due process requirements-- (1) An unbiased tribunal. (2) Notice of the proposed action and the grounds asserted for it. (3) Opportunity to present reasons why the proposed action should not be taken. (4) The right to present evidence, including the right to call witnesses. (5) The right to know opposing evidence. (6) The right to cross-examine adverse witnesses. (6) Decision based exclusively on the evidence presented. (7) Opportunity to be represented by counsel. (8) Requirement that the tribunal prepare a record of the evidence presented.(9) Requirement that the tribunal prepare written findings of fact and reasons for its decision [after the above] . Said due-process notice, opportunity, evidence, and other rights involve the time and manner allowed or delayed or frustrated, and how they are implemented in statutes and rules followed or breached.

[*] Copy at first link below, and referenced in second link below.

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=5317&context=penn_law_review / https://www.law.cornell.edu/wex/due_process

(d) Other support for the appeal also applies, and as noted above, this Notice of Appeal is not a brief or filing in the appeal in support thereof.

Prior to Order-2, I stated objections as to matters subject of this Notice of Appeal to the named defendants by attorney acting for them and to the Court in this case. After Order-2, in other filings, I continued with said objections. I now timely submit this Notice of Appeal.

This Notice of Appeal is based on these court Orders and do not change or waive my positions including objection and opposition filings in this case.

I may separately seek a stay on appeal.

In the electronic filing of this Notice of Appeal, I will add, in the field provided, a request to the clerk to promptly deliver a copy to Department 11, and since this is a business case to the Chief Judge (see RPEJD 1.61. Assignment of business matters).



Warren Havens
Pro se³
2649 Benvenue Ave
Berkeley CA 94704
510 914 0910
wrrnvns@gmail.com

Feb. 8, 2022

³ Under an OIFP fee waiver. But see '(4)' above.

CERTIFICATE OF SERVICE

I certify that concurrent with the filing of the foregoing Notice of Appeal, on the date below, I serve a copy of it (1) by US Mail First Class, postage prepaid, as to the named defendants Leong and Choy, as listed below, and (2) on the District Court's electronic file and service system (which I use), as to Ben's Law, to attorneys at Ben's law listed in the system in this case, without waiving my potions in this case, some of which is in Note-(2) below.

Arnold Leong
Defendant
3111 Green River Drive
Reno, NV 89503

Chery Choy
Defendant
789 Parkhaven Way
Sacramento CA 95831

Ben's Law
As alleged attorneys for named defendants
5940 South Rainbow Boulevard
Las Vegas, Nevada 89118
Phone: 702.518.9236



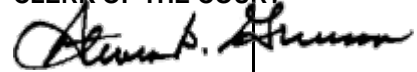
Warren Havens
Appellant, Pro Se
Feb. 8, 2022

Notes

(1) This mail will have tomorrow's postmark since this Notice of Appeal will be filed after the time that the US Mail person picks up mail at my address but will be placed today in the US Mail postal box, which is USPS property, at my address.

(2) Based on my filings in this case, I do not believe that Leong or Choy have appeared in this case directly or by authorized legal counsel at Ben's Law (or otherwise), and I also allege conflicts of interest between Leong, Choy and Ben's law. I thus serve Leong and Choy, the two defendants, directly by US mail as stated above.

(3) While not stated here as service in this Case at this time, I will also email a copy of this to Arnold Leong and Cheryl Choy at their email address -- atelesaur@cs.com -- used in other court actions which they have not objected to, or returned or rejected as non-deliverable.



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

10 WARREN HAVENS,

11 Plaintiff(s),

12 vs.

13 ARNOLD LEONG; CHERYL CHOY,

14 Defendant(s),
15

Case No: A-21-842940-C

Dept No: XI

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Warren Havens

20 2. Judge: Ellie Roohani

21 3. Appellant(s): Warren Havens

22 Counsel:

23 Warren Havens
24 2649 Benvenue Ave.
Berkeley, CA 94704

25 4. Respondent (s): Arnold Leong; Cheryl Choy

26 Counsel:

27 Ben Lahaavi, Esq.
28 5940 S. Rainbow Blvd.
Las Vegas, NV 89118

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

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

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

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

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, November 1, 2021
8 **Expires 1 year from date filed
9 Appellant Filed Application to Proceed in Forma Pauperis: N/A
10 Date Application(s) filed: N/A

11 9. Date Commenced in District Court: October 20, 2021

12 10. Brief Description of the Nature of the Action: Unknown

13 Type of Judgment or Order Being Appealed: Misc. Order

14 11. Previous Appeal: No

15 Supreme Court Docket Number(s): N/A

16 12. Child Custody or Visitation: N/A

17 13. Possibility of Settlement: Unknown

18 Dated This 9 day of February 2022.

19 Steven D. Grierson, Clerk of the Court

20
21 /s/ Heather Ungermann

22 Heather Ungermann, Deputy Clerk
23 200 Lewis Ave
24 PO Box 551601
25 Las Vegas, Nevada 89155-1601
26 (702) 671-0512

27 cc: Warren Havens
28

CASE SUMMARY**CASE NO. A-21-842940-C**

Warren Havens, Plaintiff(s)
vs.
Arnold Leong, Defendant(s)

§
 §
 §
 §
 §

Location: **Department 11**
 Judicial Officer: **Roohani, Ellie**
 Filed on: **10/20/2021**
 Case Number History:
 Cross-Reference Case Number: **A842940**

CASE INFORMATIONCase Type: **Other Civil Matters**

Case
 Status: **10/20/2021 Open**






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

Case Number A-21-842940-C
 Court Department 11
 Date Assigned 02/03/2022
 Judicial Officer Roohani, Ellie

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Havens, Warren	Pro Se 5109140910(H)
Defendant	Choy, Cheryl	Lehavi, Ben A. <i>Retained</i> 702-998-1500(W)
	Leong, Arnold	Lehavi, Ben A. <i>Retained</i> 702-998-1500(W)

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

10/20/2021	 Complaint Filed By: Plaintiff Havens, Warren [1] <i>Civil Complaint</i>
10/20/2021	 Exhibits Filed By: Plaintiff Havens, Warren [2] <i>Exhibits- Cover Sheet and Exhibits</i>
10/20/2021	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Havens, Warren [3] <i>Application to Proceed in Forma Pauperis</i>
10/20/2021	 Summons Electronically Issued - Service Pending Party: Plaintiff Havens, Warren [4] <i>Summons</i>
10/20/2021	 Summons Electronically Issued - Service Pending Party: Plaintiff Havens, Warren

CASE SUMMARY

CASE NO. A-21-842940-C

[5] Summons

11/01/2021



Order to Proceed In Forma Pauperis

[6] Order to Proceed in Forma Pauperis

11/02/2021



Affidavit of Service

Filed By: Plaintiff Havens, Warren

Party Served: Defendant Choy, Cheryl

[7] Affidavit/ Declaration of Service Under Penalty of Perjury - Cherly Choy

11/17/2021



Demand for Security of Costs

Filed By: Defendant Choy, Cheryl

[8] Demand for Security Costs Pursuant to NRS 18.130

11/18/2021



Certificate of Service

Filed by: Plaintiff Havens, Warren

[9] Certificate Service

11/18/2021



Default

Filed By: Plaintiff Havens, Warren

Default Prty: Defendant Choy, Cheryl

[12] Default - Cheryl Choy

11/19/2021



Response

Filed by: Plaintiff Havens, Warren

[10] Plaintiff's Response to "Demand for Security Costs" Filed in the Name of Defendant Choy

11/19/2021



Certificate of Service

Filed by: Plaintiff Havens, Warren

[11] Certificate of Service

11/29/2021



Application for Default Judgment

[13] Application for Default Judgment on the Conversion Claim as to Defendant Choy

11/29/2021



Exhibits

[14] Exhibits to Application for Default Judgment

11/29/2021



Notice of Intent to Take Default Judgment

[15] Notice of Intention to Enter Default Judgment If an Appearance was Made*

11/29/2021



Certificate of Service

Filed by: Plaintiff Havens, Warren

[16] Certificate of Service

12/02/2021



Affidavit of Service

Filed By: Plaintiff Havens, Warren

Party Served: Defendant Leong, Arnold

[17] Affidavit / Declaration of Service Under Penalty of Perjury - Arnold Leong

12/02/2021



Affidavit of Service

Filed By: Plaintiff Havens, Warren

Party Served: Defendant Leong, Arnold

[18] 2nd* Affidavit/Declaration of Service Under Penalty of Perjury - Arnold Leong















CASE SUMMARY

CASE NO. A-21-842940-C

12/06/2021	 Opposition and Countermotion Filed By: Defendant Choy, Cheryl <i>[19] Opposition to Plaintiff's Application For Default Judgment and Countermotion to Dismiss or in the Alternative Motion for More Definite Statement</i>
12/06/2021	 Declaration Filed By: Defendant Choy, Cheryl <i>[20] Declaration of Cheryl Choy in Support of Her Opposition to Plaintiff's Application for Default Judgment and Countermotion to Dismiss or in the Alternative Motion for More Definite Statement</i>
12/06/2021	 Motion Filed By: Defendant Choy, Cheryl <i>[21] Motion to Seal Exhibits in Support of Defendant s Opposition to Plaintiff s Application for Default Judgment and Countermotion to Dismiss or in the Alternative Motion for More Definite Statement</i>
12/07/2021	 Clerk's Notice of Hearing Party: Defendant Leong, Arnold <i>[22] Notice of Hearing</i>
12/09/2021	 Errata Filed By: Defendant Choy, Cheryl <i>[23] Errata to: (1) Opposition to Plaintiff's Application for Default Judgment and Countermotion to Dismiss or in the Alternative Motion for More Definite Statement; and (2) Motion to Seal Exhibits in Support of Defendant's Opposition to Plaintiff's Application for Default Judgment and Countermotion to Dismiss or in the Alternative Motion for More Definite Statement</i>
12/13/2021	 Motion to Dismiss Filed By: Defendant Leong, Arnold <i>[24] Arnold Leong s Motion to Dismiss or in the Alternative Motion for More Definite Statement and Motion to Stay</i>
12/13/2021	 Motion Filed By: Defendant Leong, Arnold <i>[25] Motion to Seal Exhibits in Support of Arnold Leong s Motion to Dismiss or in the Alternative Motion for More Definite Statement and Motion to Stay</i>
12/14/2021	 Clerk's Notice of Hearing Party: Defendant Leong, Arnold <i>[26] Notice of Hearing</i>
12/14/2021	 Clerk's Notice of Hearing Party: Defendant Leong, Arnold <i>[27] Notice of Hearing</i>
12/15/2021	 Request for Exemption From Arbitration Filed by: Defendant Choy, Cheryl <i>[28] Request for Exemption From Arbitration</i>
12/20/2021	 Motion to Strike Filed By: Plaintiff Havens, Warren <i>[29] Motion to Strike, and in the Alternative, Motion for Order to Show Cause: Re Defendant Choy Alleging to Be Guardian AD Litem ("Gal") in this Action of Defendant Leong in Violation of Requirements Thereof. and Motion for a Stay</i>

CASE SUMMARY

CASE NO. A-21-842940-C

12/20/2021	 Opposition to Motion to Dismiss Filed By: Plaintiff Havens, Warren <i>[30] Opposition and Response to the Motion and Other Filings in the Name of Defendant Cheryl Choy Filed December 6, 2021</i>
12/20/2021	 Motion Filed By: Plaintiff Havens, Warren <i>[31] Motion for Extension of Time</i>
12/22/2021	 Clerk's Notice of Hearing Party: Plaintiff Havens, Warren <i>[32] Notice of Hearing</i>
12/22/2021	 Order Shortening Time <i>[33] Defendants Motion to Set Aside Default and Request for Briefing Schedule on an Order Shortening Time</i>
12/23/2021	 Peremptory Challenge <i>[34] Peremptory Challenge. 12-23-2021. A-21-842940-C. Havens v Leong, Choy.</i>
12/27/2021	 Notice of Department Reassignment <i>[35] Notice of Department Reassignment</i>
12/27/2021	 Opposition to Motion to Dismiss Filed By: Plaintiff Havens, Warren <i>[36] Opposition and Response to the Motion and Other Filings in the Name of Defendant Cheryl Choy Filed December 13, 2021 for Choy and Leong</i>
12/28/2021	 Motion to Strike Filed By: Plaintiff Havens, Warren <i>[37] motion to strike etc</i>
12/29/2021	 Clerk's Notice of Nonconforming Document <i>[38] Clerk's Notice of Nonconforming Document</i>
12/29/2021	 Application Filed By: Defendant Choy, Cheryl <i>[39] Application to File Foreign Guardianship</i>
12/29/2021	 Peremptory Challenge Filed by: Defendant Choy, Cheryl <i>[40] Peremptory Challenge</i>
12/29/2021	 Notice of Department Reassignment <i>[41] Notice of Department Reassignment</i>
12/30/2021	 Motion to Strike Filed By: Plaintiff Havens, Warren <i>[42] Plaintiff S Motion To Strike The "Application To Register Foreign Guardianship (Nrs 159.2025)" Filed In The Name Of Cheryl Choy, A Defaulted Defendant, Filed On 12-29-2021, And Motion For A Stay</i>
01/03/2022	 ADR - Action Required

CASE SUMMARY

CASE NO. A-21-842940-C

[43] ADR - Action Required - No Action will be taken on Request for Exemption - No answer has been filed

01/03/2022



Opposition

Filed By: Defendant Choy, Cheryl

[44] Defendants' Omnibus Opposition to Plaintiff's Motion to Strike and Spurious Filings and Reply in Support of Motion to Dismiss

01/04/2022



Clerk's Notice of Hearing

Party: Plaintiff Havens, Warren

[45] Notice of Hearing

01/04/2022



Clerk's Notice of Nonconforming Document and Curative Action

[46] Clerk's Notice of Curative Action

01/04/2022



Clerk's Notice of Hearing

[47] Notice of Hearing

01/04/2022



Notice of Change of Hearing

[48] Notice of Change of Hearing

01/06/2022



Motion to Stay

Filed By: Plaintiff Havens, Warren

[49] Plaintiff's 1-6-2022 Motion for a Stay Needed for Compliance With Governing Procedural Rules and Law, and Due Process, and a Petition Under NRAP 21 Before the Nevada Supreme Court

01/07/2022



Clerk's Notice of Hearing

[50] Notice of Hearing

01/09/2022



Ex Parte

Filed By: Plaintiff Havens, Warren

[51] Ex parte motion. Continuance of all Hearings, Including the 1-11-2022 Hearing and Matters until Choy Becomes Authorized and Files an Authorized Motion to Set Aside the Default.

01/10/2022



Ex Parte Motion

Filed By: Plaintiff Havens, Warren

[52] 1-10-2022 Amended Replacement Ex Parte Motion for Continuance of All Hearings, Including the 1-11-2022 Hearing and Matters Until Choy Becomes Authorized and Files an Authorized Motion to Set Aside the Default.

01/10/2022



Opposition to Motion

Filed By: Defendant Leong, Arnold; Defendant Choy, Cheryl

[53] Defendant Choy and Leong's Opposition to Plaintiff's January 6, 2022 Motion to Stay

01/10/2022



Ex Parte Motion

Filed By: Plaintiff Havens, Warren

[59] Ex Parte Motion for Continuance of All Hearings, Including the 1-11-2022 Hearing and Matters Until Choy Becomes Authorized and Files an Authorized Motion to Set Aside the Default.

01/11/2022


















Clerk's Notice of Hearing

[54] Notice of Hearing

CASE SUMMARY

CASE NO. A-21-842940-C

01/11/2022	 Memorandum <i>[55] Court's Memo RE: Remote Appearance Information for JANUARY 13, 2022, Hearing</i> <i>**PLEASE REVIEW IN ITS ENTIRETY**</i>
01/12/2022	 Ex Parte Motion Filed By: Plaintiff Havens, Warren <i>[56] Ex Parte Motion Decision Requested Prior to Any Hearing on Any Matter on Request for continuance of all hearings set based on this request for extension of time due to health, financial and other hardships, first filed Dec. 20, 2021 (accepted...on Jan. 4, 2022</i>
01/12/2022	 Opposition Filed By: Plaintiff Havens, Warren <i>[57] Plaintiff's Conditional Opposition to Putative Defendants' Motion to Set Aside Default and Request for Briefing Schedule on an Order Shortening Time (The Motion and the Request)</i>
01/13/2022	 Clerk's Notice of Hearing <i>[58] Notice of Hearing</i>
01/14/2022	 Clerk's Notice of Hearing <i>[60] Notice of Hearing</i>
01/18/2022	 Memorandum <i>[61] Court's Memo RE: Remote Appearance Information for JANUARY 20, 2022, Hearing</i> <i>**PLEASE REVIEW IN ITS ENTIRETY**</i>
01/20/2022	 Clerk's Notice of Nonconforming Document <i>[62] Clerk's Notice of Nonconforming Document</i>
01/24/2022	 Filing Fee Remittance <i>[63] Filing Fee Remittance</i>
01/25/2022	 Notice of Department Reassignment <i>[64] Notice of Department Reassignment</i>
01/25/2022	 Notice of Appearance Party: Defendant Choy, Cheryl <i>[65] Notice of Appearance of Counsel</i>
01/27/2022	 Notice of Hearing <i>[66] Notice of Hearing</i>
01/28/2022	 Peremptory Challenge <i>[67] Peremptory challenge</i>
01/28/2022	 Notice of Stay <i>[68] Notices of Stay and Related Matters, and of Relevant Admissions</i>
01/28/2022	 Notice Filed By: Plaintiff Havens, Warren <i>[69] NOTC (Civ) Notice of Relevant Admissions (in NOTICES OF STAY AND RELATED MATTERS AND OF RELEVANT ADMISSIONS)</i>
01/28/2022	 Notice

CASE SUMMARY

CASE NO. A-21-842940-C

Filed By: Plaintiff Havens, Warren

[70] NOTC (Civ) Errata copy. Notice of Relevant Admissions (in NOTICES OF STAY AND RELATED MATTERS AND OF RELEVANT ADMISSIONS)

01/28/2022



Notice

Filed By: Plaintiff Havens, Warren

[71] NOTICE OF PAYMENT OF NRS 18.130 \$500 DEPOSIT, SUBJECT TO PRE-GRANTED OIFP AND RELATED MATTERS

02/03/2022



Notice of Department Reassignment

[72] Notice of Department Reassignment

02/08/2022



Notice of Appeal

Filed By: Plaintiff Havens, Warren

[73] Havens Notice of Appeal in Havens v Leong, Choy

02/09/2022



Case Appeal Statement

Case Appeal Statement

HEARINGS

01/13/2022

Motion to Set Aside (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

Defendants Motion to Set Aside Default and Request for Briefing Schedule on an Order Shortening Time

Matter Heard;

01/14/2022



Minute Order (3:00 AM) (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;


Journal Entry Details:

On October 20, 2021, the Complaint was filed by Plaintiff Warren Havens and the case was assigned to Department 14, the Honorable Judge Escobar. On November 1, 2021, an Order to Proceed in Forma Pauperis, under NRS 12.015, was entered for Plaintiff Warren Havens. On November 17, 2021, Defendant Cheryl Choy filed a Demand for Security of Costs Pursuant to NRS 18.130, thereby staying the case until a security bond was posted. Although Plaintiff Havens filed a Response to Demand for Security Costs on November 19, 2021, as of January 13, 2022 Plaintiff Havens affirmatively stated that he has only filed the Response and has not filed any cost bond. Even though the case was stayed pursuant to NRS 18.130, the parties filed a series of documents while the case was still assigned to Department 14. On December 23, 2021, Plaintiff filed a peremptory challenge against Judge Escobar in Department 14. As a result of that filing, the case was reassigned to Judge Ballou in Department 24. Thereafter on December 29, 2021, Defendants Arnold Leong and Cheryl Choy filed a peremptory challenge against Judge Ballou, and the case was reassigned to the instant Department 31, Judge Kishner. As a result of the second Peremptory challenge, the clerk reset an outstanding Motion to Set Aside Default that was filed after the Demand for Security Costs which was originally set in one of the prior departments. In preparation for the instant hearing the Record revealed that the case was stayed pursuant to NRS 18.130(1). As set forth by the Supreme Court in Biscay v. MGM Resorts International, 131 Nev. 458 (2015), [i]n cases where a security is required by [a party] all proceedings in the action are stayed until the [opposing party] files the security. NRS 18.130(1). See also Dorman v. Venetian Casino Resort LLC, 131 Nev. 1273 (2015) (unpublished) (stating that both parties obligations . . . are stayed until security is posted.). Further, in Olausen v. State Dept. of Corrections, 281 P.3d 1206 (2009) (unpublished) (the court found that the filing of a peremptory challenge by a litigant who was granted in forma pauperis status did not alleviate the stay requirements of NRS 18.130.) In light of the statutory provision and in accordance with the applicable case law, prior to conducting a hearing on the motion which had been set by the clerk, if the cost bond had been paid by Plaintiff Haven. Plaintiff Haven affirmatively stated on the record on January 13, 2022, that the cost bond had not been paid. As a result, the Court found that pursuant to NRS 18.130 and applicable case law, the matter was stayed on November 17, 2021, upon the filing of Defendant Cheryl Choy's Demand for Security of Costs Pursuant to NRS 18.130. Accordingly, Plaintiff's December 23rd peremptory challenge and Defendants peremptory challenge were therefore not effective, and this case is not properly before Department 31. Thus, the Court requests that the instant matter be transferred by the Chief Judge to the correct department. CLERK S NOTE: This Minute

CASE SUMMARY

CASE NO. A-21-842940-C

Order has been electronically served to all registered parties for Odyssey File & Serve.;

01/20/2022	CANCELED Motion (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated Plaintiff's Motion for Extension of Time</i>
01/20/2022	CANCELED Motion (9:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Vacated Plaintiff's 1-10-2022 Amended Replacement Ex Parte Motion for Continuance of All Hearings, Including the 1-11-2022 Hearing and Matters Until Choy Becomes Authorized and Files an Authorized Motion to Set Aside the Default.</i>
01/21/2022	 Minute Order (3:00 AM) (Judicial Officer: Bell, Linda Marie) Minute Order - No Hearing Held; Journal Entry Details: <i>As a result of Judge Kishner's findings in the January 14, 2022 minute order, including finding that both peremptory challenges filed in this matter were not effective due to the ongoing stay of the case, this case is to be REASSIGNED to the original department, Dept. 14. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;</i>
02/11/2022	Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>[21] Motion to Seal Exhibits in Support of Defendant's Opposition to Plaintiff's Application for Default Judgment and Countermotion to Dismiss or in the Alternative Motion for More Definite Statement</i>
02/11/2022	Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>[25] Motion to Seal Exhibits in Support of Arnold Leong's Motion to Dismiss or in the Alternative Motion for More Definite Statement and Motion to Stay</i>
02/11/2022	Motion to Strike (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>[29] Motion to Strike, and in the Alternative, Motion for Order to Show Cause: Re Defendant Choy Alleging to Be Guardian AD Litem ("Gal") in this Action of Defendant Leong in Violation of Requirements Thereof. and Motion for a Stay</i>
02/11/2022	Motion to Strike (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>[42] Plaintiff's Motion To Strike The "Application To Register Foreign Guardianship (Nrs 159.2025)" Filed In The Name Of Cheryl Choy, A Defaulted Defendant, Filed On 12-29-2021, And Motion For A Stay</i>
02/11/2022	Motion For Stay (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's 1-6-2022 Motion for a Stay Needed for Compliance With Governing Procedural Rules and Law, and Due Process, and a Petition Under NRAP 21 Before the Nevada Supreme Court</i>
02/11/2022	Motion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Plaintiff's Ex Parte Motion for Continuance of All Hearings, Including the 1-11-2022 Hearing and Matters Until Choy Becomes Authorized and Files an Authorized Motion to Set Aside the Default.</i>
02/15/2022	Opposition and Countermotion (9:00 AM) (Judicial Officer: Roohani, Ellie) <i>Opposition to Plaintiff's Application For Default Judgment and Countermotion to Dismiss or in the Alternative Motion for More Definite Statement</i>
02/15/2022	Motion to Dismiss (9:00 AM) (Judicial Officer: Roohani, Ellie) <i>[24] Arnold Leong's Motion to Dismiss or in the Alternative Motion for More Definite Statement and Motion to Stay</i>
02/18/2022	Motion (3:00 AM) (Judicial Officer: Roohani, Ellie) <i>Ex Parte Motion Decision Requested Prior to Any Hearing on Any Matter on Request for continuance of all hearings set based on this request for extension of time due to health, financial and other hardships, first filed Dec. 20, 2021 (accepted...on Jan. 4, 2022</i>

CASE SUMMARY**CASE NO. A-21-842940-C**

02/18/2022	Motion to Set Aside Default Judgment (3:00 AM) (Judicial Officer: Roohani, Ellie)	
DATE	FINANCIAL INFORMATION	
	Defendant Choy, Cheryl	
	Total Charges	673.00
	Total Payments and Credits	673.00
	Balance Due as of 2/9/2022	0.00
	Defendant Leong, Arnold	
	Total Charges	223.00
	Total Payments and Credits	0.00
	Balance Due as of 2/9/2022	223.00
	Plaintiff Havens, Warren	
	Total Charges	1,194.00
	Total Payments and Credits	1,194.00
	Balance Due as of 2/9/2022	0.00
	Plaintiff Havens, Warren	
	Security Cost Bond Balance as of 2/9/2022	500.00

DISTRICT COURT CIVIL COVER SHEET

CLARK County, Nevada

Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-21-842940-C
Department 14

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

Plaintiff(s) (name/address/phone): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> Warren Havens 2649 Benvenue Ave., Berkeley CA (510) 914 0910 </div>	Defendant(s) (name/address/phone): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> Arnold Leong 3111 Green River Drive, Reno, NV 89503 Phone unknown </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> Cheryl Choy 789 Parkhaven Way, Sacramento, CA 95831 Phone unknown </div>
Attorney (name/address/phone): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> Currently Self Represented. </div>	Attorney (name/address/phone): <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"> Not Currently Known </div>

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

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <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 Estate Value <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	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <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	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input checked="" type="checkbox"/> Other Civil Matters

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

October 20, 2021

Date



Signature of initiating party or representative

See other side for family-related case filings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 14, 2022

A-21-842940-C Warren Havens, Plaintiff(s)
vs.
Arnold Leong, Defendant(s)

January 14, 2022 3:00 AM Minute Order

HEARD BY: Kishner, Joanna S.

COURTROOM: Chambers

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- On October 20, 2021, the Complaint was filed by Plaintiff Warren Havens and the case was assigned to Department 14, the Honorable Judge Escobar. On November 1, 2021, an Order to Proceed in Forma Pauperis, under NRS 12.015, was entered for Plaintiff Warren Havens.

On November 17, 2021, Defendant Cheryl Choy filed a Demand for Security of Costs Pursuant to NRS 18.130, thereby staying the case until a security bond was posted. Although Plaintiff Havens filed a Response to Demand for Security Costs on November 19, 2021, as of January 13, 2022 Plaintiff Havens affirmatively stated that he has only filed the Response and has not filed any cost bond.

Even though the case was stayed pursuant to NRS 18.130, the parties filed a series of documents while the case was still assigned to Department 14.

On December 23, 2021, Plaintiff filed a peremptory challenge against Judge Escobar in Department 14.

As a result of that filing, the case was reassigned to Judge Ballou in Department 24. Thereafter on December 29, 2021, Defendants Arnold Leong and Cheryl Choy filed a peremptory challenge against Judge Ballou, and the case was reassigned to the instant Department 31, Judge Kishner.

As a result of the second Peremptory challenge, the clerk reset an outstanding Motion to Set Aside Default that was filed after the Demand for Security Costs which was originally set in one of the prior departments. In preparation for the instant hearing the Record revealed that the case was stayed pursuant to NRS 18.130(1). As set forth by the Supreme Court in *Biscay v. MGM Resorts International*, 131 Nev. 458 (2015), [i]n cases where a security is required by [a party] all proceedings in the action are stayed until the [opposing party] files the security. NRS 18.130(1). See also *Dorman v. Venetian Casino Resort LLC*, 131 Nev. 1273 (2015) (unpublished) (stating that both parties obligations . . . are stayed until security is posted.). Further, in *Olausen v. State Dept. of Corrections*, 281 P.3d 1206 (2009) (unpublished) (the court found that the filing of a peremptory challenge by a litigant who was granted in forma pauperis status did not alleviate the stay requirements of NRS 18.130.)

In light of the statutory provision and in accordance with the applicable case law, prior to conducting a hearing on the motion which had been set by the clerk, if the cost bond had been paid by Plaintiff Haven. Plaintiff Haven affirmatively stated on the record on January 13, 2022, that the cost bond had not been paid. As a result, the Court found that pursuant to NRS 18.130 and applicable case law, the matter was stayed on November 17, 2021, upon the filing of Defendant Cheryl Choy s Demand for Security of Costs Pursuant to NRS 18.130. Accordingly, Plaintiff s December 23rd peremptory challenge and Defendants peremptory challenge were therefore not effective, and this case is not properly before Department 31. Thus, the Court requests that the instant matter be transferred by the Chief Judge to the correct department.

CLERK S NOTE: This Minute Order has been electronically served to all registered parties for Odyssey File & Serve.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

January 21, 2022

A-21-842940-C Warren Havens, Plaintiff(s)
vs.
Arnold Leong, Defendant(s)

January 21, 2022 3:00 AM Minute Order

HEARD BY: Bell, Linda Marie

COURTROOM: Chambers

COURT CLERK:

Michaela Tapia

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- As a result of Judge Kishner s findings in the January 14, 2022 minute order, including finding that both peremptory challenges filed in this matter were not effective due to the ongoing stay of the case, this case is to be REASSIGNED to the original department, Dept. 14.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt



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

WARREN HAVENS
2649 BENVENUE AVE.
BERKELEY, CA 94704

DATE: February 9, 2022
CASE: A-21-842940-C

RE CASE: WARREN HAVENS vs. ARNOLD LEONG; CHERYL CHOY

NOTICE OF APPEAL FILED: February 8, 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
- ☒ Written Orders, signed by Judicial Officer
- ☒ Notice of Entry of Written Orders

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.

***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; DISTRICT COURT MINUTES; NOTICE OF
DEFICIENCY

WARREN HAVENS,

Plaintiff(s),

vs.

ARNOLD LEONG; CHERYL CHOY,

Defendant(s),

Case No: A-21-842940-C

Dept No: XI

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 9 day of February 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk