

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROCHELLE MEZZANO

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, In and For the County of
Washoe, and the Honorable BRIDGET
ROBB and Honorable CYNTHIA LU

Respondent.

And

JOHN TOWNLEY

Real Party in Interest

Case No.

Electronically Filed
Feb 14 2022 02:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court Case No. DV19-01564

PETITIONER'S APPENDIX

THE O'MARA LAW FIRM, P.C.
DAVID C. O'Mara, Esq.
Nevada Bar No. 8599
311 East Liberty Street
Reno, NV 89501
Telephone: 775/323-1321
Facsimile: 775/323-4082
Attorneys for Petitioner

Petitioner, Rochelle Mezzano, by and through her counsel, David C. O'Mara, Esq., of The O'Mara Law Firm, P.C. hereby offers the following documents as Petitioner's Appendix:

Date Filed	Description	Bates Range	Volume
September 23, 2019	Complaint for Divorce	PA0001-0005	I
September 25, 2019	Order of Recusal and Random Reassignment	PA0006	I
September 25, 2019	Case Assignment Notification	PA0007-0008	I
September 29, 2019	Order of Recusal	PA0009-0010	I
September 30, 2019	Case Assignment Notification	PA0011-0012	I
October 1, 2019	Peremptory Challenge of Judge	PA0013-0014	I
October 1, 2019	Case Assignment Notification	PA0015-0016	I
December 28, 2021	Notice of Peremptory Challenge	PA0017-0018	I
December 28, 2021	Objection to Invalid Peremptory Challenge	PA0019-0021	I
January 3, 2022	Case Assignment Notification	PA0022-0023	I
January 5, 2022	Order Striking Peremptory Challenge	PA0024-0026	I
January 5, 2022	Case Assignment Notification	PA0027-0028	I
January 18, 2022	Order Granting Ex Parte Request for Status Hearing	PA0029-0030	I
January 21, 2022	Application for Setting- April 5, 2022 Status Hearing	PA0031-0032	I

[signature on following page]

Respectfully submitted.

Dated: February 14, 2022

THE O'MARA LAW FIRM, P.C.

/s/ David C. O'Mara, Esq.

311 E. Liberty Street

Reno, NV 89501

775.323.1321

david@omaralaw.net

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of The O'Mara Law Firm, P.C., 311 E. Liberty Street, Reno, Nevada 89501, and on this date I served a true and correct copy of the foregoing document on all parties to this action by:

- Depositing in a sealed envelope placed for collection and mailing in the United States Mail. at Reno, Nevada. following ordinary business practices
- Personal Delivery
- Email
- Federal Express or other overnight delivery
- Messenger Service
- Certified Mail with Return Receipt Requested
- Electronically through the Court's ECF system

addressed as follows:

SILVERMAN KATTELMAN SPRINGGATE, CHTD.
Alexander C. Morey, Esq.
500 Damonte Ranch Pkwy, Ste 675
Reno, Nevada 89521

Counsel for Real Party in Interest

DATED: February 14, 2022

/s/ Bryan Snyder
BRYAN SNYDER

Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
2 John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
3 Kenton Karrasch (NSB#13515) Benjamin Albers (NSB#11895)
4 Silverman Kattelman Springgate, Chtd.
5 500 Damonte Ranch Parkway, Suite 675
6 Reno, Nevada 89521
7 Telephone: 775/322-3223
8 Facsimile: 775/322-3649
9 Attorney for John Townley

10 **IN THE FAMILY DIVISION**
11 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
12 **IN AND FOR THE COUNTY OF WASHOE**

13 JOHN TOWNLEY,

14 Plaintiff

15 Case No.

16 vs.

17 Dept.

18 ROCHELLE MEZZANO and
19 DOES I through XX,
20 to include Doe individuals,
21 corporations, limited liability companies,
22 partnerships, trusts, limited partnerships,
23 and such other individuals or entities
24 as may exist or be formed

25 Defendants.

26 **COMPLAINT FOR DIVORCE**
27 **(no children)**

28 John Townley, by and through counsel, avers as follows:

1. JURISDICTION OF THE COURT. Plaintiff is a resident of the State of Nevada. For a period of more than six weeks before commencement of this action Plaintiff has resided in the State of Nevada and now resides here. During the period of residency, Plaintiff had, and still has, the intent to make Nevada Plaintiff's home, residence, and domicile for an indefinite time.

2. DOE DEFENDANTS. The true names and capacities of the Doe Defendants are unknown to Plaintiff at this time. Plaintiff is informed and believes that each of the Doe Defendants is or has been the officer, director, partner, trustee, agent, servant, employee,

1 principal or alter ego of one or more of the other Defendants, or was a person, firm or
2 corporation which did, or participated in the acts or omissions hereinafter described; or
3 otherwise own, hold, or have possession of property and income of the community, and
4 at such time as their true names and capacities become known to Plaintiff, Plaintiff will
5 seek to amend the Complaint to insert the true names and capacities of the Doe
6 Defendants. The Doe Defendants are herewith served in all such capacities as well as
7 individually.

8 3. OTHER DEFENDANTS. All Defendants duly named are persons and entities
9 which continuously and systematically conduct business within the State of Nevada.
10 Plaintiff is informed and believes that those duly named entities and individuals hold,
11 maintain, or possess investment accounts, assets, and/or property belonging to or held in
12 the name of Plaintiff and/or Defendant, or their community estate, which property is at
13 issue in these dissolution of marriage proceedings. Said Defendants are joined to the
14 present lawsuit for the purposes of effecting a complete distribution of Plaintiff=s
15 separate and community property and interests, and for the enforcement of any financial
16 restraining orders obtained by either Plaintiff or Defendant during these proceedings. See
17 *Guerin v. Guerin*, 118 Nev. 127 (1998).

18 4. MARRIAGE. Plaintiff and Defendant married in the City of Reno, County
19 of Washoe, State of Nevada in the year 2000. Plaintiff recalls the ceremony being
20 conducted in the summer or fall of that year. Plaintiff recalls the parties obtained a
21 marriage license and participated in a ceremony with a person authorized to conduct
22 marriages and completed a marriage certificate which they intended to but never filed
23 after their honeymoon. Plaintiff and Defendant now are husband and wife.

24 5. CHILDREN. Plaintiff and Defendant have no minor children of their
25 relationship. To the best of Plaintiff's knowledge, Defendant is not pregnant.

26 6. COMMUNITY PROPERTY AND DEBTS. Community assets and liabilities
27 exist and should be awarded pursuant to law. If warranted by facts which show that
28 Defendant caused economic harm to the community estate or which show any other

1 compelling reason, (1) an unequal division of the community assets or liabilities and/or
2 reimbursement and restitution to the community, or (2) general, special, or punitive
3 damages should be made in Plaintiff's favor from Defendant's post-division property.

4 7. SEPARATE PROPERTY AND DEBTS. Separate assets and liabilities exist
5 and should be awarded pursuant to law. If warranted by facts which show that Defendant
6 caused economic harm to Plaintiff's separate estate or which show any other compelling
7 reason, (1) an unequal division of the community assets or liabilities and/or
8 reimbursement or restitution from Defendant's post-division property, or (2) general,
9 special, or punitive damages should be made in Plaintiff's favor from Defendant's post-
10 division property.

11 8. PENDING CASES. To the best of Plaintiff's knowledge, there are no
12 previous or pending cases in any court between the parties or the subject matter of this
13 dispute.

14 9. LITIGATION FEES AND COSTS. Plaintiff has retained the firm of
15 Silverman Kattelman Springgate, Chtd. to perform legal services in connection with this
16 divorce and has incurred and will incur attorney's fees and costs for those services,
17 including but not limited to this Complaint, interim motions for necessary immediate
18 relief, discovery, preparation for court appearances, and court appearances. Defendant
19 should be required to pay those fees and costs.

20 10. GROUNDS FOR DIVORCE. The parties are incompatible in marriage.

21 WHEREFORE, Plaintiff prays and demands judgment as follows:

- 22 1. That this marriage be dissolved and a decree of divorce granted to Plaintiff.
- 23 2. That community and separate property and debts be awarded pursuant to
24 law.
- 25 3. That Defendant be ordered to pay Plaintiff's litigation fees and costs.
- 26 4. For such other and further relief as this Court deems just and proper.

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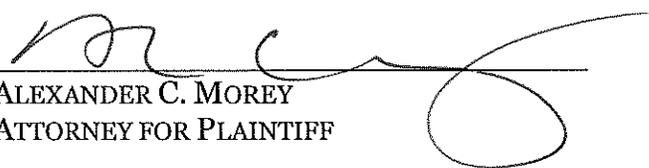
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AFFIRMATION

The undersigned affirms this Complaint for Divorce contains no social security numbers.

Dated this 24th day of September 2019.

SILVERMAN KATTELMAN SPRINGGATE, CHTD.


ALEXANDER C. MOREY
ATTORNEY FOR PLAINTIFF

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3 **VERIFICATION**

4 STATE OF NEVADA)

5 : ss

6 COUNTY OF WASHOE)

7 COMES NOW JOHN TOWNLEY, being first duly sworn under penalty of perjury
8 and deposes and says:

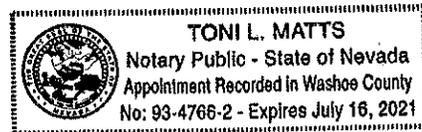
9 1. I am the Plaintiff herein.

10 2. I make this verification of my own personal knowledge, information and
11 belief.

12 3. I have read the foregoing Complaint for Divorce and know the contents
13 thereof, and the same is true of my own knowledge, except those matters therein stated
14 upon information and belief, and as to those matters I believe them to be true.

15 4. I do hereby swear under penalty of perjury that the assertions set forth in
16 this Verification are true.

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20 Subscribed and sworn to before me
21 By John Townley
22 this 24 day of Sept 2019,



Notary Public

1
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3 IN THE FAMILY DIVISION
4 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE
6

7 JOHN TOWNLEY,

8 Plaintiff

Case No. DV19-01564

9 vs.

Dept. No. 2

10 ROCHELLE MEZZANO,

11 Defendant.

12 _____ /
13 **ORDER OF RECUSAL AND RANDOM REASSIGNMENT**

14 Canon 2 of the Revised Nevada Code of Judicial Conduct provides that a “judge
15 shall perform the duties of judicial office impartially, competently, and diligently.”
16 Rule 2.11 under that Canon states that a judge “shall disqualify himself or herself in any
17 proceeding in which the judge’s impartiality might reasonably be questioned.”

18 This matter was assigned to the Honorable Dixie Grossman (“Judge Grossman”).
19 Judge Grossman has been close friends with Alexander Morey for several years and
20 frequently socializes with him. Therefore, Judge Grossman’s relationship may be
21 perceived as Judge Grossman lacking impartiality and may be questioned in this
22 matter.

23 Based on the foregoing, Judge Grossman voluntarily recuses herself from this
24 matter. This case shall be randomly reassigned. Any motion currently under
25 submission, must be resubmitted to the new department. Any hearing set in
26 Department 2 must be reset in the new department.

27 DATED this 24 day of September, 2019.

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DISTRICT JUDGE

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CODE 1312

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

JOHN TOWNLEY,

Plaintiff,

Case No: DV19-01564

vs.

Dept. No: 2

ROCHELLE MEZZANO,

Defendant.

CASE ASSIGNMENT NOTIFICATION

I hereby certify the above-entitled matter has been randomly reassigned to
Department 11, from Department 2.

Additional information:

On September 24, 2019, an **ORDER OF RECUSAL AND FOR RANDOM
REASSIGNMENT** was filed.

Dated September 25, 2019.

JACQUELINE BRYANT

Clerk of the Court

By **/s/N. Mason**

N. Mason- Deputy Clerk

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CERTIFICATE OF SERVICE

Case No. DV19-01564

I certify that I am an employee of the Second Judicial District Court; that on September 25, 2019, I electronically filed the Case Assignment Notification with the clerk of the Court System which will send a notice of electronic filing to the following:

- HONORABLE CHUCK WELLER
- KENTON CRAIG KARRASCH, ESQ for JOHN TOWNLEY
- GARY ROBERT SILVERMAN, ESQ. for JOHN TOWNLEY
- BENJAMIN ALBERS, ESQ. for JOHN TOWNLEY ALEXANDER C. MOREY, ESQ. for JOHN TOWNLEY
- JOHN P. SPRINGGATE, ESQ. for JOHN TOWNLEY
- MICHAEL V. KATTELMAN, ESQ. for JOHN TOWNLEY

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court, and that on September 25, 2019, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated September 25, 2019.

/s/N. Mason _____
N. Mason
Deputy Clerk

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3 **IN THE FAMILY DIVISION**
4 **IN THE SECOND JUDICIAL DISTRICT COURT**
5 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE**
6

7
8 **JOHN TOWNLEY,**
9 **Plaintiff,**

Case No. DV19-01564
Dept. No. 11

10 **vs.**

11 **ROCHELLE MEZZANO and**
12 **DOES 1 through XX,**
13 **Defendant.**

14 _____ /
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16 **ORDER OF RECUSAL**

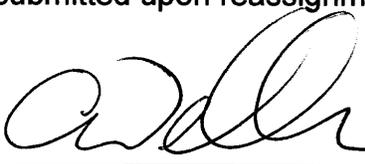
17 A partner in the law firm representing a party in this case testified at sentencing in
18 favor a man who attempted to murder the undersigned and who was convicted of that
19 crime. This is a valid reason for recusal under the Nevada Code of Judicial Conduct,
20 Canon 3(E)(1) which provides that "A judge shall disqualify himself or herself in a
21 proceeding in which the judge's impartiality might reasonably be questioned."

22 The undersigned denies any bias but actual bias is not required to necessitate
23 disqualification. The rule provides for mandatory disqualification if impartiality might be
24 reasonably challenged. Accordingly, the undersigned recuses himself from this case and
25 will recuse himself from future cases in the same circumstances.

26 Any pending motions must be resubmitted upon reassignment.

27 **IT IS SO ORDERED.**

28 Dated: September 25, 2019



District Court Judge

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CERTIFICATE OF SERVICE

I hereby certify that on 9/29/2019, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Alexander Morey, Esq.
Silverman Kattelman Springgate, Chtd.



Administrative Assistant

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CODE 1312

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

JOHN TOWNLEY,

Plaintiff,

Case No: DV19-01564

vs.

Dept. No: 11

ROCHELLE MEZZANO,

Defendant.

_____ /

CASE ASSIGNMENT NOTIFICATION

I hereby certify the above-entitled matter has been randomly reassigned to
Department 12, from Department 11.

Additional information:

On September 29, 2019, an **ORDER OF RECUSAL** was filed.

Dated September 30, 2019.

JACQUELINE BRYANT

Clerk of the Court

By _____ **/s/N. Mason**

N. Mason- Deputy Clerk

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CERTIFICATE OF SERVICE

Case No. DV19-01564

I certify that I am an employee of the Second Judicial District Court; that on September 30, 2019, I electronically filed the Case Assignment Notification with the clerk of the Court System which will send a notice of electronic filing to the following:

- HONORABLE VACANT
- KENTON CRAIG KARRASCH, ESQ for JOHN TOWNLEY
- GARY ROBERT SILVERMAN, ESQ. for JOHN TOWNLEY
- BENJAMIN ALBERS, ESQ. for JOHN TOWNLEY ALEXANDER C. MOREY, ESQ. for JOHN TOWNLEY
- JOHN P. SPRINGGATE, ESQ. for JOHN TOWNLEY
- MICHAEL V. KATTELMAN, ESQ. for JOHN TOWNLEY

Pursuant to NRCP 5 (b), I certify that I am an employee of the Second Judicial District Court, and that on September 30, 2019, I deposited in the Washoe County mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a true copy of the attached document, addressed to:

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated September 30, 2019.

/s/N. Mason _____
N. Mason
Deputy Clerk

Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
2 Kenton Karrasch (NSB#13515) Benjamin Albers (NSB#11895)
Silverman Kattelman Springgate, Chtd.
3 500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
Telephone: 775/322-3223
4 Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 JOHN TOWNLEY,

9 Plaintiff

Case No. DV19-01564

10 vs.

Dept. 12

11 ROCHELLE MEZZANO and
12 DOES I through XX,
13 to include Doe individuals,
14 corporations, limited liability companies,
15 partnerships, trusts, limited partnerships,
and such other individuals or entities
as may exist or be formed

16 Defendants.

17 _____/
18 **PEREMPTORY CHALLENGE OF JUDGE**

19 NOTICE OF PEREMPTORY CHALLENGE OF JUDGE:

20 NOTICE IS HEREBY GIVEN THAT Plaintiff, John Townley, by and through his
21 undersigned attorney, hereby perempts Dept. 12, currently vacant, in the above-captioned
22 matter.

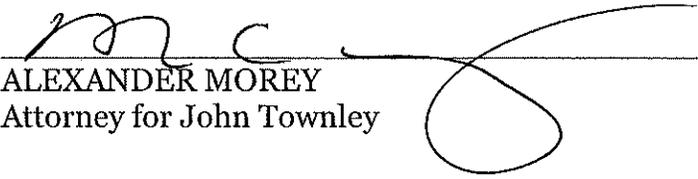
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1 Under NRS 239B.030 the undersigned affirms the preceding contains no social
2 security number.

3 Dated this 1st day of October 2019.

4 SILVERMAN KATTELMAN SPRINGGATE, CHTD.

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8 ALEXANDER MOREY
9 Attorney for John Townley
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CODE 1312

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

JOHN TOWNLEY,

Plaintiff,

Case No: DV19-01564

vs.

Dept. No: 12

ROCHELLE MEZZANO,

Defendant.

CASE ASSIGNMENT NOTIFICATION

I hereby certify the above-entitled matter has been randomly reassigned to
Department 13, from Department 12.

Additional information:

On October 1, 2019, a **PEREMPTORY CHALLENGE OF JUDGE** was filed.

Dated October 1, 2019.

JACQUELINE BRYANT

Clerk of the Court

By /s/N. Mason

N. Mason- Deputy Clerk

1 **CERTIFICATE OF SERVICE**

2 Case No. DV19-01564

3 I certify that I am an employee of the Second Judicial District Court; that on
4 October 1, 2019, I electronically filed the Case Assignment Notification with the clerk of the
5 Court System which will send a notice of electronic filing to the following:

- 6
- 7 HONORABLE BRIDGET ROBB
- 8 GARY ROBERT SILVERMAN, ESQ. for JOHN TOWNLEY
- 9 KENTON CRAIG KARRASCH, ESQ for JOHN TOWNLEY
- 10 BENJAMIN ALBERS, ESQ. for JOHN TOWNLEY
- 11 ALEXANDER C. MOREY, ESQ. for JOHN TOWNLEY
- 12 JOHN P. SPRINGGATE, ESQ. for JOHN TOWNLEY
- 13 MICHAEL V. KATTELMAN, ESQ. for JOHN TOWNLEY
- 14

15 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
16 Judicial District Court, and that on October 1, 2019, I deposited in the Washoe County
17 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a
18 true copy of the attached document, addressed to:

19
20 The undersigned does hereby affirm that the preceding document does not
21 contain the social security number of any person.

22 Dated October 1, 2019.

23
24 **/s/N. Mason** _____
25 N. Mason
26 Deputy Clerk
27
28

1 THE O'MARA LAW FIRM, P.C.
2 DAVID C. O'MARA (Nevada Bar No. 8599)
3 311 East Liberty Street
4 Reno, NV 89501
5 Telephone: 775/323-1321
6 Facsimile: 775/323-4082

7 Attorney for Ms. Rochelle Mezzano

8
9 IN THE FAMILY DIVISION
10
11 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
12
13 IN AND FOR THE COUNTY OF WASHOE

14 JOHN TOWNLEY) Case No. DV19-01564
15)
16 Plaintiff,) Dept. 13
17)
18 v.)
19) **NOTICE OF PEREMPTORY**
20) **CHALLENGE**
21)
22 ROCHELLE MEZZANO)
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29 Defendant.)

30 Defendant, by and through undersigned counsel, hereby gives notice of a peremptory
31 challenge of the Honorable Bridget E. Robb of the Second Judicial District Court, Department 13,
32 under Nevada Supreme Court Rule 48.1.

33
34 **AFFIRMATION**
35 (Pursuant to NRS 239B.030)

36 The undersigned does hereby affirm that the preceding document filed in the above
37 referenced matter does not contain the social security number of any person.

38 THE O'MARA LAW FIRM, P.C.

39 DATED: December 28, 2021.

40
41 /s/ David C. O'Mara
42 _____
43 DAVID C. O'MARA
44 311 E. Liberty Street
45 Reno, Nevada 89501
46 775.323.1321
47 david@omaralaw.net

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of The O’Mara Law Firm, P.C., 311 E. Liberty Street, Reno, Nevada 89501, and on this date I served a true and correct copy of the foregoing document on all parties to this action Electronically through the Court’s ECF system:

SILVERMAN KATTELMAN SPRINGGATE, CHTD.
Alexander C. Morey, Esq.
500 Damonte Ranch Pkwy, Ste 675
Reno, Nevada 89521

DATED: December 28, 2021

/s/ David O’Mara
DAVID O’MARA

Code:
1 Gary R. Silverman (NSB# 409) Michael V. Kattelman (NSB#6703)
John P. Springgate (NSB# 1350) Alexander C. Morey (NSB#11216)
2 Kenton Karrasch (NSB#13515) Benjamin Albers (NSB#11895)
Silverman Kattelman Springgate, Chtd.
3 500 Damonte Ranch Parkway, Suite 675
Reno, Nevada 89521
Telephone: 775/322-3223
4 Facsimile: 775/322-3649
Attorney for John Townley

5 **IN THE FAMILY DIVISION**
6 **OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 JOHN TOWNLEY,

9 Plaintiff

Case No. DV19-01564

10 vs.

Dept. 13

11
12 ROCHELLE MEZZANO and
13 DOES I through XX,
14 to include Doe individuals,
15 corporations, limited liability companies,
16 partnerships, trusts, limited partnerships,
17 and such other individuals or entities
18 as may exist or be formed
19 Defendants.

20 **OBJECTION TO INVALID PEREMPTORY CHALLENGE**

21 John Townley, through undersigned counsel, hereby objects to the invalid
22 peremptory challenge of the Honorable Bridget Robb. Supreme Court Rule 48.1(5)
23 provides that "A notice of peremptory challenge may not be filed against any judge who
24 has made any ruling on a contested matter or commenced hearing any contested matter
25 in the action." Here, Judge Robb has ruled on multiple contested motions, including Ms.
26 Mezzano's motion to set aside the decree of divorce and affirmative request for
27 attorney's fees and Mr. Townley's motions to enforce the decree of divorce.
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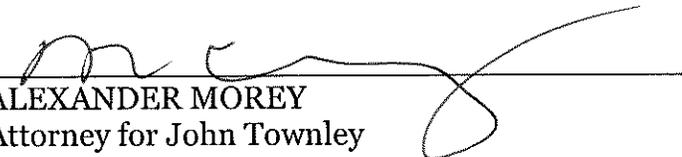
The invalid peremptory challenge must be ignored and this matter remain with the assigned Honorable Bridget Robb.

This Objection is made and based on the points and authorities herein, any attachments hereto, and the file in this matter.

This Objection contains no personal information as defined in NRS 239B.030.

Dated this 28th day of December 2021.

SILVERMAN KATTELMAN SPRINGGATE, CHTD.


ALEXANDER MOREY
Attorney for John Townley

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing Objection to Invalid Peremptory Challenge the party(ies) identified below by:

Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to

Electronically, using Second Judicial District Court's Eflex system.

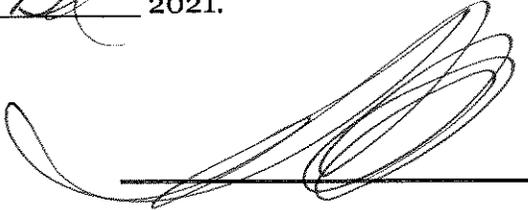
Email:

addressed to:

David O'Mara
O'Mara Law Firm PC
311 E. Liberty St.
Reno, NV 89501

Under NRS 239B.030 the undersigned affirms the preceding contains no social security number.

Dated this 10 day of Dec 2021.



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CODE 1312

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

JOHN TOWNLEY,

Plaintiff,

Case No: DV19-01564

vs.

Dept. No: 13

ROCHELLE MEZZANO,

Defendant.

_____ /

CASE ASSIGNMENT NOTIFICATION

I hereby certify that the above-entitled matter has been randomly reassigned to Department 5, from Department 13.

Additional information:

On December 28, 2021, a **NOTICE OF PEREMPTORY CHALLENGE** was filed.

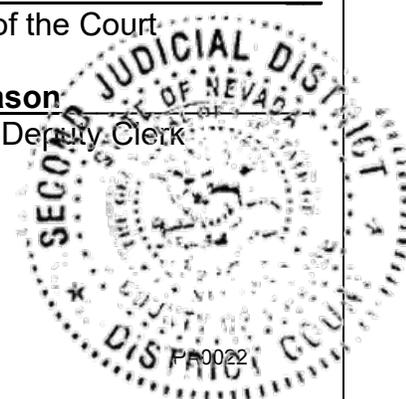
Dated January 3, 2022.

ALICIA LERUD

Clerk of the Court

By /s/N. Mason

N. Mason- Deputy Clerk



1 **CERTIFICATE OF SERVICE**

2 Case No. DV19-01564

3 I certify that I am an employee of the Second Judicial District Court; that on
4 January 3, 2022, I electronically filed the Case Assignment Notification with the clerk of the
5 Court System which will send a notice of electronic filing to the following:

6
7 HONORABLE CYNTHIA LU

8 MICHAEL V. KATTELMAN, ESQ. for JOHN TOWNLEY

9 DAVID O'MARA, ESQ. for ROCHELLE MEZZANO

10 JOHN P. SPRINGGATE, ESQ. for JOHN TOWNLEY

11 BENJAMIN ALBERS, ESQ. for JOHN TOWNLEY

12 ALEXANDER C. MOREY, ESQ. for JOHN TOWNLEY

13 GARY ROBERT SILVERMAN, ESQ. for JOHN TOWNLEY

14 KENTON CRAIG KARRASCH, ESQ for JOHN TOWNLEY

15
16
17 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
18 Judicial District Court, and that on January 3, 2022, I deposited in the Washoe County
19 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a
20 true copy of the attached document, addressed to:

21
22 The undersigned does hereby affirm that the preceding document does not
23 contain the social security number of any person.

24
25 Dated January 3, 2022.

26 **/s/N. Mason** _____

27 N. Mason

28 Deputy Clerk

1 CODE:
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6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9 JOHN TOWNLEY,

10 Plaintiff,

Case No. DV19-01564

11 VS.

Dept. No. 5

12 ROCHELLE MEZZANO,

13 Defendant.
14 _____/

15 **ORDER STRIKING PEREMPTORY CHALLENGE**

16 Plaintiff John Townley, through counsel Alex Morey, Esq., commenced this action
17 on September 24, 2019, by filing a Complaint for Divorce (no children) in Department 2.
18 The Department 2 judge recused herself. The matter was then reassigned to Department
19 11, where that judge recused himself. The matter was then reassigned to Department 12.
20 Mr. Townley then filed a peremptory challenge of Department 12. On October 1, 2019, the
21 matter was then reassigned to Department 13.

22 Over two years later, on December 28, 2021, Defendant Rochelle Mezzano, through
23 counsel David O'Mara, Esq., filed a Notice of Peremptory Challenge. On that same day, Mr.
24 Townley filed an Objection to Invalid Peremptory Challenge. On January 3, 2022, the filing
25 office filed a Case Assignment Notification randomly reassigning this matter to
26 Department 5. The Court has reviewed the record and now finds and orders as follows.

27 Supreme Court Rule (SCR) 48.1(2)(a) requires the clerk of court to randomly
28 reassign a case to another judge "[w]ithin 2 days of the notice of peremptory challenge

1 having been filed.” The Supreme Court of Nevada has held that once a case is reassigned,
2 “the challenged judge is divested of all jurisdiction, and the judge to whom the case is
3 reassigned must resolve the issue of timeliness.”¹ It is that issue that this Court now
4 undertakes.

5 Pursuant to SCR 48.1(5), “[a] notice of peremptory challenge may not be filed
6 against any judge who has made any ruling on a contested matter or commenced hearing
7 any contested matter in the action.” A review of the record clearly shows that the judge in
8 Department 13 issued several rulings on contested matters. As such, the Court finds that
9 Ms. Rochelle’s Notice of Peremptory Challenge was untimely.

10 Therefore, the Court strikes the Peremptory Challenge filed on December 28, 2021,
11 and this case shall be returned to Department 13.

12 **IT IS SO ORDERED.**

13 Dated this 5th day of January, 2022.

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15 _____
16 Cynthia Lu
17 District Court Judge
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¹ *State, Dept. of Motor Vehicles and Public Safety v. Eighth Judicial Dist. Court In and For County of Clark*,
113 Nev. 1338, 1341, 948 P.2d 261, 262.

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CODE 1312

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE**

JOHN TOWNLEY,

Plaintiff,

Case No: DV19-01564

vs.

Dept. No: 5

ROCHELLE MEZZANO,

Defendant.

_____ /

CASE ASSIGNMENT NOTIFICATION

I hereby certify that the above-entitled matter has been reassigned back to
Department 13, from Department 5.

Additional information:

On January 5, 2022, an **ORDER STRIKING PEREMPTORY CHALLENGE**
was filed.

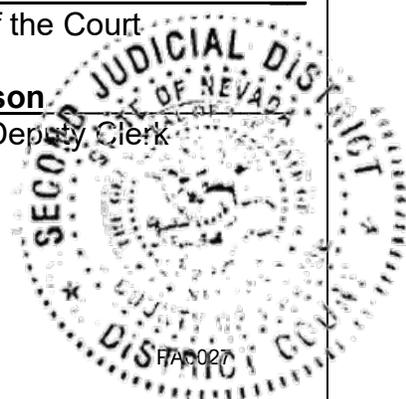
Dated January 5, 2022.

ALICIA LERUD

Clerk of the Court

By /s/N. Mason

N. Mason- Deputy Clerk



1 **CERTIFICATE OF SERVICE**

2 Case No. DV19-01564

3 I certify that I am an employee of the Second Judicial District Court; that on
4 January 5, 2022, I electronically filed the Case Assignment Notification with the clerk of the
5 Court System which will send a notice of electronic filing to the following:

6
7 HONORABLE BRIDGET ROBB

8 MICHAEL V. KATTELMAN, ESQ. for JOHN TOWNLEY

9 DAVID O'MARA, ESQ. for ROCHELLE MEZZANO

10 JOHN P. SPRINGGATE, ESQ. for JOHN TOWNLEY

11 BENJAMIN ALBERS, ESQ. for JOHN TOWNLEY

12 ALEXANDER C. MOREY, ESQ. for JOHN TOWNLEY

13 GARY ROBERT SILVERMAN, ESQ. for JOHN TOWNLEY

14 KENTON CRAIG KARRASCH, ESQ for JOHN TOWNLEY

15
16
17 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
18 Judicial District Court, and that on January 5, 2022, I deposited in the Washoe County
19 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a
20 true copy of the attached document, addressed to:

21
22 The undersigned does hereby affirm that the preceding document does not
23 contain the social security number of any person.

24
25 Dated January 5, 2022.

26 **/s/N. Mason** _____

27 N. Mason

28 Deputy Clerk

1 CODE:
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5 IN THE FAMILY DIVISION
6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 JOHN TOWNLEY,
10

11 Plaintiff,

12 vs.

13 ROCHELLE MEZZANO,
14

15 Defendant.
16

Case No. DV19-01564

Dept. No. 13

17 **ORDER GRANTING EX PARTE REQUEST FOR STATUS HEARING**

18 This Court reviewed John Townley's ("Mr. Townley") *Ex Parte Request for Status*
19 *Hearing*, submitted on December 29, 2021. It now finds and orders as follows:

20 1. Mr. Townley requests the Court set a status hearing for "determining the
21 procedural posture of this matter and the precedence of this case (or lack thereof) over the
22 2021 action, case DV21-01640, involving the same parties and controversy." Mr. Townley's
23 counsel states he provided a copy of the request to Ms. Mezzano's counsel on December 28,
24 2021.

25 2. The Court finds Mr. Townley has given Ms. Mezzano reasonable notice of his
26 request, and the circumstances justify setting a hearing to address procedural issues related
27 to this case moving forward. See WDFCR 43; see also NRCPC 1. The Court finds Ms. Mezzano
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1 CODE 1250

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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

John Townley

9

Plaintiff,

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vs.

Case No. DV19-01564

11

Rochelle Mezzano, et al

Dept. No. 13

12

Defendant.

13

APPLICATION FOR SETTING

14

TYPE OF ACTION: Divorce

15

MATTER TO BE HEARD: Status hearing

16

Date of Application: 1/20/22 Made by: Both counsel

Plaintiff or Defendant

17

COUNSEL FOR PLAINTIFF: Alexander Morley

18

COUNSEL FOR DEFENDANT: Dario O'Mara

19

Instructions: Check the appropriate box. Indicate who is requesting the jury.

20

Jury Demanded by (Name): _____

21

No Jury Demanded by (Name): _____

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Estimated Duration of Trial: _____

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mc

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per email

per email

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Attorney(s) for Plaintiff

Attorney(s) for Defendant

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Status Hearing 2:30 p.m. both
Setting at on the

April 2022
day of

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Trial - No. Setting at on the day of 20

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b), I hereby certify that I am an employee of Silverman, Kattelman Springgate, Chtd, and on the date set forth below, I served a true copy of the foregoing **Application for Setting** the party(ies) identified below by:

- Placing an original or true copy thereof in a sealed envelope, postage prepaid for collection and mailing in the United States Mail at Reno, Nevada to
- Electronically, using Second Judicial District Court's Eflex system.
- Email:

addressed to:

David O'Mara
O'Mara Law Firm PC
311 E. Liberty St.
Reno, NV 89501

Under NRS 239B.030 the undersigned affirms the preceding contains no social security number.

Dated this 21 day of Jan 2022.

