

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
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ALLA ZORIKOVA,
Appellant(s),

vs.

JULIE PYLE; TAMMY WILLET; AND
VEGAS SHEPHERD RESCUE,
Respondent(s),

Case No: A-20-821249-C

Docket No: 83478

RECORD ON APPEAL VOLUME 3

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EXHIBIT “A”

FAX COVER SHEET

TO	Laura Crane
COMPANY	
FAX NUMBER	
FROM	
DATE	2021-02-11 18:49:52 GMT
RE	Zorikova

COVER MESSAGE

Please see attached partially executed settlement agreement.

SETTLEMENT AGREEMENT AND FULL RELEASE OF ALL CLAIMS

This Settlement Agreement and Full Release of Claims (hereinafter "AGREEMENT") is entered into by and between the County of San Bernardino (referred to hereafter as "COUNTY"), on the one hand, and Alla A. Zorikova and Olivia Dae Jeong (referred to hereafter as "CLAIMANTS"), on the other hand. COUNTY and CLAIMANTS are collectively referred to herein as the "PARTIES."

A dispute has arisen between CLAIMANTS and COUNTY relating to CLAIMANTS' allegation that COUNTY employees wrongfully arrested CLAIMANTS and caused their personal property, including multiple German Shepard dogs, to be stolen in August 2020. (This is referred to hereafter as the "INCIDENT.") CLAIMANTS presented COUNTY with separate claims pursuant to Government Code section 911.2, seeking compensation for their claimed injuries and damages allegedly sustained in the INCIDENT. Alla A. Zorikova also filed a lawsuit (Case Number CIVDS2017383) in the Superior Court of California – County of San Bernardino, that names a COUNTY employee as a defendant and seeks compensation for injuries and damages allegedly sustained in the INCIDENT.

For the purposes of this AGREEMENT, the term "DISPUTE" shall include all facts and/or claims which relate in any way whatsoever to the INCIDENT, all factual and/or legal matters which relate to any claims of CLAIMANTS against COUNTY set forth in the claims and lawsuit referenced previously, and/or any claims of CLAIMANTS which could have been asserted in the claims or lawsuit whether related to the INCIDENT or not.

In order to buy peace and avoid further litigation, and in exchange for the consideration described herein, CLAIMANTS and COUNTY have agreed to settle their differences upon the following terms and conditions:

1. In consideration of the performance of this AGREEMENT by CLAIMANTS, COUNTY will pay CLAIMANTS the sum of \$325,000 ("SETTLEMENT SUM"). COUNTY shall issue a check in the sum of \$325,000 made payable to "Law Firm of Artin Sodaify" and will cause the check to be delivered to 4522 Woodman Ave #C308 Sherman Oaks, CA 91423. CLAIMANTS are solely responsible for allocation

Claimant Initials

JZ OJ

1

County Initials

JA

of the settlement proceeds and satisfaction of any liens. The SETTLEMENT SUM, however, will not be issued until each of the following conditions precedent have been satisfied:

- a. All parties, including their relevant attorneys, have signed this AGREEMENT.
- b. Alla A. Zorikova causes Angela Marie Parsons to be dismissed, with prejudice, from the lawsuit Alla A. Zorikova filed with the Superior Court of California – County of San Bernardino, resulting in Case Number CIVDS2017383.
- c. Law firm of Artin Sodaify provides counsel for COUNTY a completed W-9.

2. CLAIMANTS hereby fully and permanently release and forever discharge COUNTY and their current and former employees, servants, representatives, officers, officials, agents and departments (collectively, "COUNTY RELEASEES") from any and all claims, demands, causes of action, rights, damages, costs, and liabilities of any nature whatsoever, whether now known or unknown, latent or patent, arising now or in the future, suspected or claimed, whether anticipatory or real, which they ever had, now have, or claim to have had against COUNTY RELEASEES arising out of or related in any way to the subject matter of the DISPUTE.

3. CLAIMANTS fully understand and expressly waives their rights or benefits under California Civil Code § 1542, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY.

In addition, CLAIMANTS agree to waive all rights arising out of any law similar to California Civil Code section 1542 whether it is a local, state or federal law.

4. The PARTIES understand that COUNTY denies liability for any acts or omissions of the COUNTY and its employees, with respect to the INCIDENT and

Claimant Initials JZ DD

County, Initials JF

DISPUTE. The PARTIES agree that this AGREEMENT relates to a compromise and settlement of the various claims between the PARTIES. The PARTIES agree that this AGREEMENT shall not be admissible in any suit or action at the instance of any party hereto or any third parties to show the liability of or any admission by any party hereto.

5. CLAIMANTS represent and warrant that no portion of the DISPUTE has been assigned or transferred to any other person, entity, firm or corporation not a party to this AGREEMENT, in any manner, including by way of subrogation of operation of law or otherwise. CLAIMANTS specifically represent and warrant that there are no claims or liens by any insurance company, including but not limited to any claim by any governmental entity, including but not limited to MediCal, Medicare or Medicaid, which have paid, or may in the future pay accident, medical or health benefits for CLAIMANTS related to the DISPUTE. In the event that any claim, demand, lien, or suit is made or instituted against COUNTY because CLAIMANTS made an actual assignment or transfer or failed to disclose an actual or potential lien against the proceeds of the DISPUTE, CLAIMANTS agree to save, defend, indemnify and hold COUNTY harmless against such claim or lien, and to pay and satisfy any such claim or lien, including necessary expenses of investigation, reasonable attorneys' fees and costs. This indemnity agreement shall also include all reasonable attorney's fees, costs and expenses incurred by COUNTY in defending such a claim or lien, and in asserting a claim against CLAIMANTS for indemnity pursuant to this paragraph. **CLAIMANTS expressly agree that this paragraph contains material terms to this AGREEMENT.**

6. CLAIMANTS represent that, other than Case Number Case Number CIVDS2017383 filed in the Superior Court-County of San Bernardino (as more fully described above), CLAIMANTS have not filed lawsuits, claims or actions against COUNTY with any federal, California, or local government agency, court, arbitration agency, or arbitrator pertaining to this incident. Further, this AGREEMENT shall constitute a bar to the filing and/or further pursuit of any such claims or actions.

7. The PARTIES agree that each will bear their own attorney's fees and costs.

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8. The PARTIES agree that this AGREEMENT shall be deemed breached and a cause of action accrued thereon immediately upon the commencement by any party of any action or proceeding contrary to the terms of this AGREEMENT. In any such action or proceeding this AGREEMENT may be pleaded as a defense, or may be asserted by way of counter-claim or cross-complaint.

9. The PARTIES fully understand and declare that if the facts under which this AGREEMENT is executed are found hereafter to be different from the facts now believed by them to be true they assume the risk of such possible differences in facts and hereby agree that this AGREEMENT shall be, and will remain, effective, notwithstanding such differences in facts.

10. The PARTIES further agree that this AGREEMENT shall be binding upon the PARTIES, their employees, agents, heirs, representatives, successors, assigns, officers, officials, agents and departments. Furthermore, the benefits contained in this AGREEMENT shall inure to the benefit of the PARTIES hereto, their employees, agents, heirs, representatives, successors, assigns, officers, officials, agents and departments.

11. The PARTIES certify they have not received any representations, promises or inducement from any of the PARTIES or from their representatives other than those expressed in this AGREEMENT. The PARTIES further certify that they are each represented by counsel or have had the opportunity to obtain counsel if so desired. The PARTIES are entering into this AGREEMENT in reliance upon their knowledge and understanding of the facts, the legal implications thereof, and the liability therefore as per the advice and legal counsel of their attorneys, or with the knowing waiver of the right to obtain such advice and counsel. The PARTIES understand and agree that this AGREEMENT is intended to be and is the complete and entire agreement of the PARTIES with respect to all matters contained herein and the PARTIES hereby affirm their understanding of the terms of this AGREEMENT. The PARTIES agree that this AGREEMENT is a binding contract and not merely a recital. The PARTIES further understand and agree that this AGREEMENT may not be altered, amended, modified, or otherwise changed in any

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respect or particular whatsoever, except in writing duly executed by all PARTIES or their authorized representatives.

12. The PARTIES agree that the Court shall retain jurisdiction for purposes of enforcing this this AGREEMENT. This AGREEMENT shall be governed by and construed under and in accordance with the laws of the State of California.

13. This AGREEMENT may be signed in counterparts. Photocopied, PDF, or facsimile signatures shall be treated as originals.

IN WITNESS WHEREOF, the PARTIES sign this AGREEMENT on the respective dates indicated.

**THIS IS A FULL RELEASE OF
ALL CLAIMS THAT I AM SIGNING**

DATED: 02/09/2021


ALLA A. ZORIKOVA

DATED: 02/09/2021

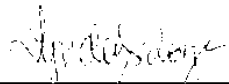

OLIVIA DAE JEONG

DATED: 2/9/2021

LAW FIRM OF ARTIN SODAIFY

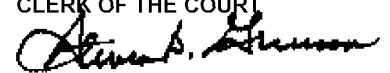
By: 
ARTIN SODAIFY
Attorneys for CLAIMANTS

DATED: 2/12/2021


LYNDEN SALONGA
San Bernardino County Claims Department
Risk Management Division

Claimant Initials AR OT

County Initials SB



Alla Zorikova

1905 Wilcox Av., #175

Los Angeles, CA 90068

3232095186

Olivia.car@mail.ru

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA, PLAINTIFF, JULIE PYLE, TAMMY WILLET, VEGAS SHEPHERD RESCUE AND DOES I THROUGH X, INDIVIDUALS, AND ROE BUSINESS ENTITIES I THROUGH X, DEFENDANTS	: A-20-821249-C PLAUNTIFF'S Motion to Set Aside Order to Dismiss with Prejudice, Memorandum of Points and Authorities, Exhibits and Declaration in Support. (Exhibits filed separately) Pursuant to NRCP 60 (b) (1) (3) (6); NRCP 4.2 (a) (2); NCPR 41(b) Department 20 HEARING REQUESTED
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COMES NOW Plaintiff, Alla Zorikova and states following:

1. The Court erroneously entered order to Dismiss the Case with Prejudice (Exhibit 1)
2. This order shall be set aside pursuant to NRCP 60 (b) (1) (3) (6).
3. It is clear that Defendants constructed an unconsonable plan and scheme, implemented with false representation of facts to the Court, false statements all over of all Defendants pleadings and filed documents, and even constantly led by Gish testimony (leading questions objections were overruled constantly) of Pyle, based on the fact that the only witness Pyle (Defendant herself) did not have personal knowledge neither objected service of documents, nor she could recognize anyone on the introduced by Defendants into evidences video.
4. Dismissal with Prejudice is allowed only for cases decided on merits, not on any technical errors, which include claimed improper service. Plaintiff belileves that the Court did NOT conspire with Defendants and therefore was defrauded and deceived by Defendants and will correct the order accordinally.

STATEMENT OF FACTS

5. Plaintiff filed complaint on September 24 of 2020 or about this date.
6. Plaintiff filed requests for Summons on Defendants Pyle, Willet and Vegas Shepherd Rescue (Exhibit _2_) in September of 2020.

7. The Court issued Summons (Exhibit 3_).

8. Plaintiff hired on October 03 of 2020 or about this date person over 18 years old and not a party of this lawsuit Olivia Jeong for service of the complaint, Summons and exhibits.

9. On November 02 of 2020, or about this date, Olivia Jeong submitted to Plaintiff signed Affidavits of Service of Summons, Complaint and Exhibits for Defendants Pyle, Willet and VSRP.

10. Plaintiff filed with this Court Proof of Service, true and correct copies of which attached as (Exhibit _3_).

11. Plaintiff does not have clear recollection how Affidavits of Service have been filed, it could be filed electronically or by mail or submitted to the Court in person.

12. Plaintiff recalls difficulties filing electronically and mailing several documents to the Court.

13. Defendants have never objected any service and instead filed other pleadings in this case displaying clearly that they have been NOTIFIED.

14. Similar Affidavits have been filed for Defendants Gregory, SNARL and others for the first filed case on the same matter with Judge Alif, which has been dismissed for the lack of payments to the Court by Plaintiff. True and correct copies of the Filed Affidavits attached as Exhibit _4_.

15. In August of 2021 Plaintiff discovered on Court's Docket that Affidavits of Service have been filed with the Court on this case for Defendants Pyle, Willet and VSRP. True and correct copy of that Affidavits attached as (Exhibit 5).

16. Plaintiff does not have any recollection of filing any Affidavits of Summons for this case in June of 2021, but does not exclude possibility of filing.

17. Plaintiff has been visited Las Vegas (but does not have any recollection of the dates); however, as claimed by Defendants one of the visits was on October 06 of 2020 (that's why Defendants falsely claimed "service" on October 06 of 2020 and Plaintiff have been referencing the same date in her pleadings relying on Defendant's true statements as to date of filing of Olivia's Jeong Affidavits of Service, instead of date of visits of Plaintiff).

18. Plaintiff does not have clear recollection of any details of Service. Plaintiff had not realized, nor had any previous experience that Defendants and THE COURT might think of an attempt to use dates, details etc in service process as a clever but fake tool to Dismiss this big on MERITS and hurtfull for stolen dogs and Plaintiff case, filed for LARCENY, emotional distress and other causes of action.

19. Plaintiff studied at Universities in CA with making President's Honor Roll in such sophisticated subjects as Computer Science, Math etc. Therefore, Plaintiff surely does not have any "recollection abilities problems"; however, it is almost a year past by from the dates of service by Olivia Jeong and Plaintiff's visits to Las Vegas. Plaintiff does not recall most of the environment where she was in Las Vegas, nor details, nor almost (would be trully to state) anything except of what it stated on written documents.

20. However, Court unfairly was upset that neither Plaintiff, nor Olivia Jeong would recall details of place where Plaintiff was as visitor and Olivia Jeong was as server.

21. To provide the Court with leverage to see credibility of witness and to clearly prove that Olivia Jeong does not need to be "led" by leading questions (designed, in my opinion, as

supporting tool for those who cannot speak truth for themselves and therefore need to be “ led” in order to answer not truthfully but "correctly").

22. It is obvious, in my opinion, that agenda of the Court was to dismiss this case no matter what before the hearing on August 18th even started.

23. First, Defendants went with attempts to “prove” that Plaintiff Alla Zorikova was impersonalizing herself as Olivia Jeong. Defendant’s bad faith's attempts failed.

24. Next, Defendant attempted to pretend that his video will prove something that Plaintiff denied.

25. There were NO need for searching any videos of plaintiff’s visit in Las Vegas based on Plaintiff’s true statement in previous pleadings (Exhibit __6__) that she was visiting most of all Nevada’s Defendants places of business and residence , as well as speaking with neighbors regarding her stolen German Shepherds.

26. Casey Gish still denying and stated during hearing on August 18 of 2020 that this is not true that he is with Board of Directors for SNARL (Exhibit _7_).

27. Olivia Jeong signed and fillied in handwriting Declaration (admitted into evidence as Exhibit 1) and is Exhibit 8 here, on which she confirmed the service she made on Defendants filed with he Court. She served according to NRCP 4.2 (a) (2).

28. Further, Defendants viciously attempted to attack Olivia’s Jeong’s signatures, which is failed as well.

29. Further more, after hours and hours of baseless “evidence such as video of Plaintiff visiting office” and hearsay’s written statements of absent T Willet, overruling each Plaintiff’s objection

during constantly leading questions “testimony” of Pyle, The Court could not find more grounds for it’s against the evidences order, but baselessly pointing on “DEMEANOR” of Olivia Jeong during her testimony’s answers and therefore finding Olivia’s and Plaintiff’s testimony as uncredible, while all Pyle’s and hearsay Willet’s statements found credible, which clearly exposed Court’s bias and unfairness toward Plaintiff.

30. Then followed threats to Plaintiff and her witness of arrests from Gish, while he, with his “license” was standing and blatantly lied and lied in the face of the Court and Plaintiff.

31. See below Gish’s fraudulent statement of false “FACTS” taken only from his single document he filed with the Court.

32. This Court clearly abuses it’s power by covering up clear falsehoods of Defendants and trying to unfairly accuse Plaintiff without any evidences nor facts using “power of Court’s Discretion and opinion”. In this country (this Court agrees or not) People has Constitution, in which their fundamental right for fair hearing cannot be abused neither by the Court, nor by anyone else.

33. Judgments and Orders based on baseless, not supported with evidences “opinions” are easily overturned.

34. One County (San Bernardino) had already attempted warrantless false arrest of Plaintiff and paid price for it (disciplinary and monetary).

35. Nevada turned much worse than California, based on Plaintiff’s personal experience.

36. Plaintiff is making sure that true facts of this case, hearing and the Court’s motivation to issue this unfair order will be exposed publically on one of the Plaintiff’s website and other

sources. (with true undisputable in it's trustworthy copies of pleadings). People are be able to respond in blog and state their experience and knowledge of Nevada's Courts.

37. Olivia Jeong's poor "demeneer" rised from her knowledge that Eric Johnson was endorsed by Animal Rights Activists Group, and most likely, big "donations" were poured in to influence his judgements.

38. Why she (as any other person would) think so? Because obviously as a proven fact all hearing was unfair and order as a result of unfair hearing is ridiculous.

39. "Animal Right Activists", called by public lately as "terrorists", while more and more exposure on their offen violent activity toward humans and animals. See <http://humanrightsvsanimalrights.org>

Almost nothing on that website (yet) written by Plaintiff, all true facts there provided by experienced credible breeders, founders, dog show judges etc, those, who work hard providing Americans with products instead of destroying businesses and people under cover up of "animals and trees cannot speak" and "people are the animals, while animals are "fur kids". In USA animals are property. Period. And People have rights to own animals. This right is undisputable. And those who destroys, steal and damage other people's property need bare bad consequences of bad actions.

40. This is USA, not communistic Cuba nor China. People fought for freedoms here and have fundamental rights in this Country for fair Hearing, Due Process and FAIR TRIAL.

41. It's totally unprecedented and unheard of dismissing very (obviously) privileged Defendants with Prejudice for such technical error as insufficient service, if even it would be found.

42. "with Prejudice" dismissal is Dismissal on Merits. Only. Did we even argued once Merits of this Case? No. What we had clearly had is obviously false facts and statements (with clear and convincing evidentiary support of it's falsity).

43. What is tyranny? Tyranny can exist when first and foremost People's rights for Due Process, fair Hearing and fair Trial - FUNDAMENTAL Constitutional rights are denied. When deputy without any warrants nor grounds can arrest people. When judges make they rulings against the evidences yet based on their "OPINION".

44. Sorry, if this Court has opinion that female cannot drive from TX to CA nonstop for 1 day (single example of many of this Court's "opinions"). As well as other "opinions".

45. I, Plaintiff, also have "opinion", in my this opinion, Judge Eric Johnson, who was endorsed by Animal Rights Activists Group and therefore had (in my opinion) received donations from that group. Why groups make donations and endorsement to judges? In my "opinion", it's a legalizid way to influence judge's decisions. Judge Eric Johnson stated that he did not ask for that endorsement; however, most likely and in my "opinion" he did not refund unwanted donation either. Regarding this case, in my "opinion" Judge Eric Johnson was influenced in his unfair, biased, against the clear evidences, decision by his endorsers or, even possibly blackmailed or bribed by Gish or by his buddies (unfortunately, so far ot's only my "opinion"). I could bring my this "opinion" in front of Federal or Nevada's [the most corrupted, small, human/child/drug/dog trafficking pod (in my opinion) and based on personal experience observation] District Attorney

or DOJ; however, I understand (and it would be fair to say) that without clear and convincing evidences (or at least some evidences), all District Attorney would say to me: "Ms Zorikova, go and put your "opinion" in your ...". And it would be totally correct, that where "opinions" belongs to vs clear (and moreover, better if convincing) evidences.

46. Yes, Courts have discretion treshhold; however, it's clearly abuse of discretion and abuse of power to make all ruling based on bare discretion, instead of facts, evidences and law.

47. My legal "practice " started about 20 years ago in Europe, when I was working with the bests of the best group of European Attorneys representing my kiled multi-millioner oligarh father and our workers. That group (as well as my father) introduced me to "insides" of how legal business is done, it was disgusting to hear all that dirty details back there. Still the same disgusting to see double standarts and unfair rullings today for me and for other American People. Why American? Because when People are leaving their tyranic and corrupted countries, they come to USA as the ONLY island of freedom, hope for justice, fair trails, fair oppotunuties and fair dealings with criminals, country, where thieves cannot steal , pay off bribes, lie, deceive, get away with crime and continue their activities, while victims of those can not be stoped from seeking justice via baseless, against the evidences, facts and law "opinions".

48. There were total 0 of evidences during the Hearing on August 18th of 2021 that would support the Court's opinion that service was not done properly. Defendant nervoniously jumped from one attempt to another, comming through Olivia's non existence and all affidavits and declarations signed by Alla Zorikova instead of her, when it did not fly, Defendants argued similarity of signatures on Affidavits of Service and Declarations, than he jumped to argument that Olivia does not have license to serve and claimed that by law (even stated NRCP 4 (b)) she

must be licensed, than he attempted to state that Olivia is not over 18 by inquiring her birthday and on and on. While Defendant (as represented by Gish) lied constantly during his turns to speak (clear and convincing evidences of "Licensed Attorney Casey Gish lying in front of Court" evidence- Gish stated \$350,000 calculated as \$10,000 plus \$325,000), (It took whole hour for us to receive Plaintiff's admission that she is on that video he presented, while Plaintiff had stated even in her pleadings weeks ago that she was visiting Defendant's residences and businesses in Las Vegas on October 6 and stated that the impossible to identify Hat with Mask on video is her, Alla Zorikova)), [Plaintiff's was cited (or similar word) with Notice (or similar word) from San Bernardirno County for illegally keeping her dogs (or similar words) while in reality that Notice (Defendant's Exhibit 4) is nothing more than 30 days notice of non primary use as for new residential construction]. Only these lies of Gish are very clear and obviously observed (yet neither NOT pointed out nor stoped by the Court even while objected by Plaintiff).

49. I had experience with Court reporters "reporting" false statemnets, however, hopefully we have unedited audio on CD that we can compare. Yes, I sometimes need my attorney with me to act as minimum as witness to defend myself from false allegations or from being groundlessly arrested as a clever way to get rid of unwanted witness.

50. I had inquired yesterday regarding amount of donations received by Eric Johnson from that Animal Rights Activists. Defendants stated that they received \$100,000 in Donations for this "defense", wonder from who? In my "opinion", without research done yet - from PETA.

51. I warned my attorneys, business partners and security team that in case anything happens to me or Olivia Jeong (such as we will be killed), all evidences and "opinions" we have will go to authorities and will be published anyway.

52. Again, all these pleadings are published for people to lean from, it will be propagated on Internet shortly. Today, we, the People, have this tool - have our own media and channels, and no need to rely on fake corrupted media. San Bernardirno County made a correct choice do not get exposed, they settled their mistakes.

53. I had "opinion" before this Hearing that Judge Eric Johnson one of the best judges in Nevada (based on my reserach), what happend to him??

54. I am filing on Monday case against Gish, Gregory, SNARL, Weeks in Federal District Texas Court with the same allegations as in this current case and it would be fair if Defendants Pyle, Willet and VSPR would join those Defendants to save taxpayers money instead of comming through Appeal and only than filing against these Defendants. I will ask for this case to be transferred to Federal District Texas Court if Supreme Court will grand the Appeal anyway. I will not proceed further with this case in Courts of Nevada (no, thank you).

56. Below Plaintiff provides not a full list of those false facts based on just a single Defendant's filings **Defendant's Opposition to Plaintiff's Ex Parte Motion for TRO:**

- A. **In Defendant's Opposition to Plaintiff's Ex Parte Motion for TRO** on page 3 line 25 Defendant states: "Plaintiff did not provide photos of her own" regarding proof of stolen dog's ownership, while in a reality, Plaintiff attached multiple pictures of herself with her dogs that are displayed as stolen on Defendant's Facebook page.
- B. On page 4 of the same , line 9 to 27 Defendants are fully defrauding the Court with paragraphs of clearly false, evasive and obviously designed to cover up the truth, statements such as: a) On line 10 Defendants falsely states that Plaintiff stated she houses 50 dogs in cages. Plaintiff had never stated so in none of her pleadings nor

motions not otherwise, because she never keeps nor kept dogs in cages. All dogs are walking free on huge acreage of her property or kept in roomy kennels with huge play zone area.

b). On line 12 Defendant falsely and baselessly without any supporting evidences states that Plaintiff was conducting business in San Bernardino County since May 2018, which is not true. C). On line 14 Defendants falsely states that Plaintiff is an established illegal operator of puppy mills throughout of USA and her dogs are kept in inhumane conditions. No one never “established” that Plaintiff is an “illegal operator” and operates “puppy mill”. Plaintiff does not run an illegal businesses nor operates any “puppy mill”.

D). On line 18 Defendants falsely and baselessly state that Plaintiff raising her dogs in inhumane and cruel conditions outside of Barstow, California, while claiming multiple times that NONE of the Defendants have ever been on Plaintiff’s property and therefore never observed, nor has personal knowledge of any conditions. However, what Defendant has certain knowledge is that Plaintiff does not run any business from December of 2020 until current in San Bernardino County, California, yet Defendants falsely states otherwise.

C. Further, on page 5 Defendants once again baselessly and falsely (while claiming they had never been on Plaintiff’s property and never saw her or her dogs while on property) state that there were no even dirt roads nor the Dogs had not have water, food, shelter in contradiction to true and credible Animal Control Report (Exhibit 1).

D. Further, on line 7 of the same Defendants (while attaching referred Notice of Violation as Exhibit and therefore, with inability to claim “innocent mistake” Defendants falsely state that “Notice of Violation was issued for operating kennel without permit” , while true

- fact is that the Notice of Violation was given for “_No Primary Use_” (Exhibit 2) regarding absence of residential construction on the property.
- E. Further, on line 20 Defendants refer to “breeder license” which are not required for Plaintiff while not operating in San Bernardinno County.
- F. On page 6 line 17, page 22 line1 Defendants state that they “found from Freedom of Information Act” settlement amount, which is falsehood based on the true fact that settlement was confidential and amount of the same cannot be disclosed. Also Defendants state wrong amount (they could not “find” the true one legally).
- G. Further, on line 20 Defendants falsely state that “Plaintiff sued various Defendants for alleged theft in multiple countries in California”, while Defendants know that Plaintiff filed lawsuit related in San Bernardinno County while San Diego’s lawsuit is against Pease as for defamation and libel.
- H. Further on page 7 line 27 Defendants state that “Deputies visited home of Pyle”, while in reality 3 different judges issued search warrants under which Deputies conducted a search.
- I. On page 11 line 9 Defendants falsely state that “litigation is ongoing regarding “false arrest” cause of Plaintiff. There is no any ongoing litigation and the “arrest” case #082001029 against plaintiff was turned down by Victorville’s District Attorney back in 2020 and closed.
- J. On page 16 line 12 to 16, page 18 line 3 Defendants falsely state that “it is UNDESPUTED that Plaintiff is currently under criminal investigation” . While the true

UNDESPUTED fact is that “arrest” case #082001029 against plaintiff was turned down by Victorville’s District Attorney back in 2020 and closed, no any charges has been filed against Plaintiff by District Attorney.

K. Further, on page 18 line 24 Defendants knowingly (by introducing the same referred exhibit “Notice of Violations”) falsely once again states that “Notice of Violation” is a “Citation for operating an illegal kennel operation”, which is indisputably not true.

MEMORANDUM OF POINTS AND AUTHORITIES.

NRCP 4.2 (a) (2)

NRCP 60 (b) (1) (3) (6);

NRCP 41 (a) and (b) contain opposite directives as to whether a dismissal without prejudice. A notice of dismissal under Rule 41 (a) is *without* prejudice stated otherwise in the notice. *Emerson v. District Ct.*, 127 Nev. Adv. Op. 61, 24, 230 n.2 (2011). in contrast, a Rule 41(b) involuntary dismissal is *with* less the dismissal is for a lack of jurisdiction, improper venue, or failure rty unfer NRCP 19.

Rule 41(b) dismissal may dismiss the entire action or discrete claims. Second, a Rule 41(b) dismissal operates as an adjudication on the merits, unless otherwise stated in the order, or if the dismissal is based on lack of jurisdiction, improper venue, or failure to join a party under Rule 19. *See Home Sav. Ass’n v. Aetna Cas. & Sur. Co.*, 109 Nev. 558, 561, 854 P.2d 851, 853 (1993); *Dubin v. Harell*, 79 Nev. 467, 471, 386 P.2d 729 731-32 (1963).

NRCP 41(b) is also different from its federal counterpart in that the Nevada rule does not take into account the plaintiff's "failure to prosecute" a case, which is specifically reserved for NRCP 41 (e)

Like its federal counterpart, NRCP 41(b) does not specifically mention lesser sanctions as an alternative to dismissal. Yet, many federal courts will consider lesser sanctions short of dismissal, including awards of fees and costs and conditional dismissal. *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). The court is not required to "exhaust every sanction short of dismissal before finally dismissing a case" but must merely "explore possible and meaningful alternatives." *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986). This approach is consistent with the Nevada Supreme Court's consideration of NRCP 37(b) sanctions in *Young v. Johnny Ribeiro Bldg., Inc.*, 106 Nev. 88, 787 P.2d 777 (1990). Although *Young* involved discovery sanctions under NRCP 37, the policies set forth in *Young* are analogies to those in Rule 41(b) and should be raised if sanctions are being considered under Rule 41(b).

NRCP 60 (b) (1) (3) (6)

WHEREFORE

Plaintiff respectfully asks this Court and Honorable Judge Eric Johnson, please list and present evidences supporting your order to Dismiss this Case WITH Prejudice or Set Aside your Order and/or issue at minimum Order of Dismissal WITHOUT Prejudice.


Respectfully,  08/22/2021

DECLARATION OF ALLA ZORIKOVA IN SUPPORT OF MOTION FOR SANCTIONS

Under penalty of perjury and law of Nevada I, Alla Zorikova, state that the foregoing is true and correct to the best of my knowledge and based on personal knowledge declare the following:

1. I am Plaintiff in this action
2. There were never any “inhumane conditions” on any of our property in regards to dogs welfare.
3. All Dogs always had food, water, shelter, were in excellent health, did not need any medical attention and never been distressed.
4. “Arrest case “ in Victorville District’s Attorney Office #082001029 against me has been turned down in 2020 and closed. NO any charges has never been filed by District Attorney and all records of that arrest will be destroyed shortly.
5. Animal Control Officers on 3 different visits found all our dogs having water, shelter, being in good health and not distressed.
6. Our top World German Shepherds are judged by world class judges and are top bloodlines, confirmation and pedigree dogs. Each dog values from \$15,000 up to \$500,000 and it is outrageous for defendants attempting to claim that these dogs are “not having water nor food”. Our Dogs fed via very selective human grade organic meat diet, puppies are fed from best of the best meat available for humans from Whole Foods Market.
7. My Dogs kept free on hundreds acres of our private property or in state of art roomy kennels with huge play zone attached to kennels, not in “cages”.

8. I am not running any business nor have any dogs in San Bernardino County, CA nor in Missouri.
9. Criminal investigation against thieves of my German Shepherds, case #082001074 in Victorville's District Attorney Office is still ongoing and special homicide unit Detectives submitted their findings on thieves to District Attorney Office couple weeks ago.
10. I hired Olivia Jeong, not party of this lawsuit and over 18 years old, to serve Summons with Complaint on Defendants.
11. I filed Affidavits of Service filled out and signed by Olivia Jeong with the Court.
12. I was not contacted by Defendants regarding any objections to/issues with the Service.
13. Defendants have been clearly notified by responding multiple times to the Plaintiff's Motions.

Respectfully,  08/22/2021

CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 08/24/2021 to Casey Gish.

Respectfully,  08/22/2021

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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
8/23/2021 4:47 PM
Steven D. Grierson
CLERK OF THE COURT



Alla Zorikova, Plaintiff(s)
vs.
Julie Pyle, Defendant(s)

Case No.: A-20-821249-C
Department 20

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion to Set Aside Order to Dismiss with Prejudice, Memorandum of Points and Authorities, Exhibits and Declaration in Support in the above-entitled matter is set for hearing as follows:

Date: September 29, 2021
Time: 10:30 AM
Location: RJC Courtroom 12A
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Imelda Murrieta
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Imelda Murrieta
Deputy Clerk of the Court



MEMO

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*Attorneys for Defendants Julie Pyle, Tammy
Willet, & Vegas Shepherd Rescue*

DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA;

Plaintiff(s),

vs.

JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X,

Defendant(s).

CASE NO. A-20-821249-C

DEPT. NO. XX

DEFENDANTS' MEMORANDUM OF COSTS AND DISBURSEMENTS

Pursuant to NRS 18.005, NRS 18.010, NAR 17(B), NRS 17.130 and *Albios v. Horizon Communities, Inc.*, 122 Nev. 409, 132 P.3d 1022 (2006), Defendants¹ hereby submits their Memorandum of Costs, Disbursements, and Interest as follows:

1. Clerk's Fees/Filing Fees (Exhibit A).....\$3.50

¹The Complaint on file herein does not name attorney Casey D. Gish as a Defendant. Plaintiff unilaterally modified the caption at some point to include him as a Defendant.



2. Reporter's Fees for Depositions including Transcripts and Video	
Conference Services	\$0.00
3. Juror's Fees/Jury Demand Fee	\$0.00
4. Witness Fees.....	\$0.00
5. Expert Witness Fees	\$0.00
6. Interpreter's Fees.....	\$0.00
7. Process Server's Fees.....	\$0.00
8. Official Reporter's Fees.....	\$0.00
9. Bond Costs.....	\$0.00
10. Bailiff Fees.....	\$0.00
11. Facsimile.....	\$0.00
12. Photocopies (statutory rate of 0.60 per page per <u>NRS 18.005(12) and NRS 18.010</u> allow a prevailing party to recover "reasonable copy costs." NRS 629.061(2) allows for a reasonable charge of .60 cents per page for copying costs for medical records. This is also the copy charge rate that the Clark County Discovery Commissioner allows to be recovered for copying charges for medical records.)	
This includes pleading documents and exhibits, correspondence, reports and documents sent via emails and attachments)	
426 pages - Ms. Weir's portion	\$255.60
1969 pages - Mr. Gish's portion.....	\$1,181.40
13. Long Distance Calls.....	\$0.00
14. Postage (Exhibit B)	\$33.19
15. Travel - Mileage & Lodging @ statutory rate of 0.575 per mile	
Casey D. Gish, Esq. – 20.8 miles (Exhibit C).....	\$11.96
16. Costs/Fees Pursuant to NRS 19.0335.....	\$0.00
17. Computerized Legal Research Fees.....	\$0.00
18. Any Other Expenses Necessary to the Subject Action.....	\$0.00
TOTAL COSTS:	<u>\$1,485.65</u>

VERIFICATION

Under penalty of perjury, the foregoing cost items are correct and have been necessarily incurred in the action or proceeding pursuant to NRS 18.020, NRS 18.010(1), *Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278, 182 P.3d 764, 768 (2008), and *Village Builders 96 v. U.S. Labs*, 121 Nev. 261, 276-277, 112 P.3d 1082, 1092 (2005).

DATED this 27th day of August, 2021.

THE LAW OFFICE OF CASEY D. GISH

/s/ Casey D. Gish

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

5940 S. Rainbow Blvd

Las Vegas, NV 89118

Casey@GishLawFirm.com

(702) 583-5883 Telephone

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Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

WEIR LAW GROUP, LLC

/s/ Shana D. Weir

SHANA D. WEIR, ESQ.

Nevada Bar No. 9468

6220 Stevenson Way

Las Vegas, NV 89120

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Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



CERTIFICATE OF SERVICE

I, Casey D. Gish, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the action within. My business address is 5940 S. Rainbow Blvd., Las Vegas, Nevada 89118.

That I served the document described as **DEFENDANTS' MEMORANDUM OF COSTS AND DISBURSEMENTS** on the parties whose address appears below:

X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve electronic filing system. I am "readily familiar" with the firm's practice of electronically serving documents.

ALLA ZORIKOVA
1905 Wilcox Ave, #175
Los Angeles, CA 90068
P: (323) 209-5186
E: stevejohn19732017@gmail.com
Plaintiff

Executed on the 27th day of August, 2021.

/s/ Casey D. Gish
An employee of THE LAW OFFICE OF
CASEY D. GISH

5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



EXHIBIT "A"

Clerk's Fees/Filing Fees Summary

Date	Document	Charge
6/18/2021	Ms. Shana Weir Notice of Association of Counsel	3.50
	Defendants' Opposition To Plaintiff's Ex Parte Application for Temporary Restraining Order from Custody of Plaintiff's Dogs and for Order to Return Plaintiff's Dogs and Plaintiff's Declaration In Support; Opposition to Plaintiff's Motion to Amend; and	
6/18/2021	Defendants Counter-Motion to Dismiss Plaintiff's Complaint	0.00 <i>Fee waived due to CDG's</i>
6/22/2021	Defendants' Opposition to Plaintiff's Motion for Default Judgment	0.00 <i>representation as pro bono</i>
7/21/2021	Defendants Reply to Plaintiffs Opposition to Defendants Counter-Motion to Dismiss Plaintiffs Complaint	0.00 <i>attorney</i>
	TOTAL	3.50

EXHIBIT “B”

Detailed receipt

The UPS Store - US

Page 1 of 1
8/16/2021
11:03 PM

Receipt number 121081603758000345
Transaction number V0375-
292108161648253625334
Date 8/16/2021
Transaction time 09:49:18 AM
Store number 0375
Register number POS0375B
Operator ID 106373
Customer account
Entry status Posted
Comment CMS: THE LAW OFFICES OF
CASEY D GISH

Product number	Product name	Price	Quantity	Cash discount amount	Net amount	VAT	Total
1005	NDA	33.19	1	0.00	33.19	0.00	33.19
Total			1.00	0.00	33.19	0.00	33.19

Card or account	Currency	Amount in transaction currency	Exchange rate	Tendered
*****5839	USD	33.19	100.00	33.19
Payment total				33.19

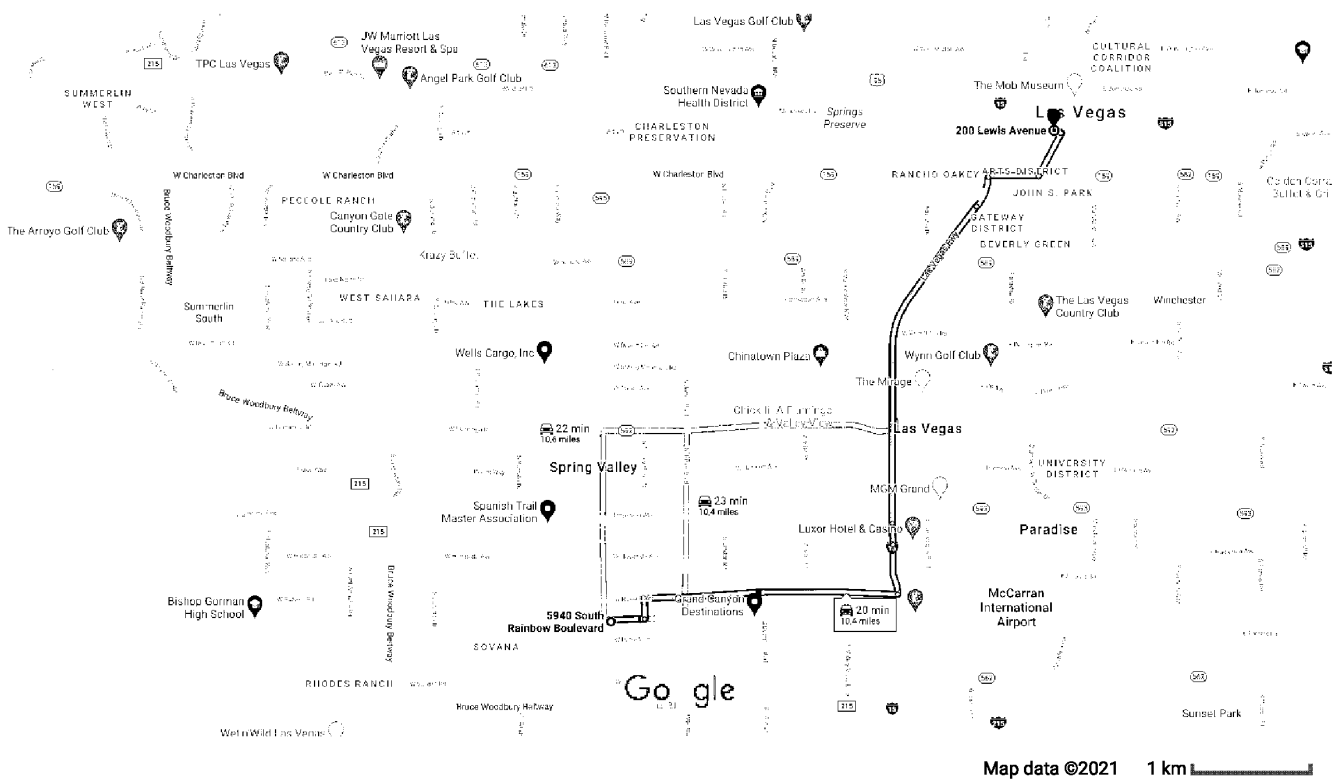
EXHIBIT “C”


Go


gle Maps

5940 S Rainbow Blvd to 200 Lewis Ave, Las Vegas,
NV 89155, USA

Drive 10.4 miles, 20 min



 via W Russell Rd and I-15 N 20 min
Fastest route, lighter traffic than usual 10.4 miles

 via NV-592/W Flamingo Rd and I-15 N 22 min
10.6 miles

 via I-15 N 23 min
10.4 miles

Explore 200 Lewis Ave



Restaurants



Hotels



Gas stations



Parking Lots



More



APPL

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

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6220 Stevenson Way

Las Vegas, NV 89120

(702) 509-4567 Telephone

Attorneys for Defendants

Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA;

CASE NO.A-20-821249-C

Plaintiff(s),

DEPT. NO. XX

vs.

JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X,

Defendant(s).

**DEFENDANTS' APPLICATION FOR FEES, COSTS,
AND DISBURSEMENTS**

COME NOW, Defendants¹ Julie Pyle, Tammy Willet, and Vegas Shepherd Rescue,
through their attorney of record, CASEY D. GISH, ESQ., of THE LAW OFFICE OF CASEY D.
GISH and SHANA D. WEIR, ESQ., of WEIR LAW GROUP, LLC, hereby requests for an award

¹The Complaint on file herein does not name attorney Casey D. Gish as a Defendant. Plaintiff unilaterally modified the caption at some point to include him as a Defendant. Mr. Gish incorporates the arguments herein.

1 of attorney's fees and costs pursuant to NRS 18.005, NRS 18.010, NRS 18.020, NRS 17.130 and
2 NRCF 68. This application is supported by the attached Points and Authorities, Defendants'
3 Memorandum of Costs and Disbursements, the pleadings and papers on file herein, and any
4 argument allowed by the court.
5

6
7 **NOTICE OF MOTION**

8 Please take notice that the following DEFENDANTS' APPLICATION FOR FEES,
9 COSTS, AND DISBURSEMENTS, is hereby set for hearing on the _____ day of
10 _____, 2021 at the hour of _____ before the Honorable Eric Johnson,
11 District Court Judge, Department XX.
12

13
14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **I.**

16 **INTRODUCTION**

17 Plaintiff, Alla Zorikova, filed her Complaint against Defendants on September 15, 2020,
18 alleging causes of action for: 1) theft under NRS 41.580, 2) civil conspiracy, 3) trespass, 4) fraud;
19 5) intentional infliction of emotional distress; and 6) property damage. The general basis of her
20 Complaint is that she owns 50 German Shepherds, of which she claims 25 were stolen from her
21 on August 8 or 9, 2020 while she and her daughter, Olivia Jeong, were in jail in San Bernardino
22 County, California for felony animal cruelty to those dogs. Plaintiff allegedly effectuated service
23 of process on Defendants on October 5, 2020, October 6, 2020, and October 9, 2020. This case
24 was stayed on December 4, 2020 after Defendants timely filed Demands for Security of Costs due
25 to Plaintiff being a California resident outside this Court's Jurisdiction.
26
27
28

1 Defendant Vegas Shepherd Rescue is a Nevada non-profit rescue group dedicated to
2 rescuing homeless, abandoned, and abused dogs. Defendants Tammy Willet and Julie Pyle are the
3 President and Director of Vegas Shepherd Rescue.

4 In the Complaint, Ms. Zorikova claims that 25 of her missing dogs were retrieved from
5 Devore Animal Shelter in San Bernardino County, California, on August 12, 2020 (*See*
6 Complaint on file herein, pp. 3, #17). She also claims that the other 25 dogs are in the possession
7 of Vegas Pet Rescue Project and/or Jamie Gregory (*See* Complaint on file herein, pp. 4, #21).
8 Neither Vegas Pet Rescue Project nor Jamie Gregory are defendants in this action.² Later, she
9 claims that 7 of the 25 German Shepherds are displayed on Vegas Shepherd Rescue's Facebook
10 page (*See* Complaint on file herein, at pp. 4, #24).

11 In support of her claim that Defendants here stole her dogs, she attached photos which
12 she alleges are screen shots of 5 dogs (Exhibits 4-8 are identified as Beacon, Berkley, Cypress,
13 Lodi, and Malibu), from a Facebook page for Defendant. (*See* Ex Parte Motion, at attachments 4-
14 8). It is unclear where the photo of the dog depicted in attachment 3 came from, or who that dog
15 is, as the photo does not identify it as being from Vegas Shepherd Rescue's Facebook page. It is
16 unclear whether the dog in attachment 9 is duplicative of other dogs or a different dog, as the
17 name is not identified therein. She does not allege the age, sex, names, dates of birth, microchip
18 information, or otherwise demonstrate any proof of ownership or suggest why she believes the
19 dogs depicted in Exhibits 3-9 are hers. She has provided no photos of her own, the names she
20 gave those dogs, identifying characteristics, their ages, sex, date of birth or microchip
21 information. There is no discussion or evidence regarding the identity of the remainder of the 16
22 dogs she alleges were stolen by Defendants, except there is also a reference to a dog called Baker
23
24
25
26
27

28 ² Vegas Pet Rescue Project and Jamie Gregory have been sued in another action that has been dismissed by Judge Nancy Alf for Plaintiff's failure to post the required security bonds demanded by the Defendants in that case, including Defendant, Casey D. Gish (Case No. A-20-820761-C)

1 in one paragraph of her Motion. *See* Motion, at pp. 6: 6-10. In sum, Plaintiff has provided no
2 evidence of identity or ownership of the dogs in Exhibits 3-9 (which constitutes 5 identified
3 dogs), plus Baker (number 6); and no evidence at all of the remaining 19 dogs.

4 Defendants are not in possession of dogs Plaintiff claims are hers because they have all
5 been adopted out nearly a year ago and were spayed/neutered in compliance with Clark County
6 criminal and civil ordinances.

7 II.

8 FACTUAL BACKGROUND

9 A. THE ARREST

10 According to the California Secretary of State, Plaintiff owns and operates a protection
11 dogs training business in Los Angeles, CA. However, as Plaintiff indicates in her Motion, she
12 actually houses upwards of 50 dogs in cages in the middle of the desert on vacant unimproved
13 land, approximately 25 miles outside of Hinkley, CA. *See* Motion on file herein, at pp. 2, #13.
14 According to property records, Plaintiff has owned this land since May 17, 2018, and likely has
15 been illegally conducting her business at this location since that time. Clearly, Plaintiff is an
16 established illegal operator of puppy mills throughout the United States, and her dogs are kept in
17 inhumane and cruel conditions that she goes to great lengths to conceal from the purchasers of her
18 dogs. Her website(s) portray her dogs as being bred and raised in luxurious surroundings in Los
19 Angeles, when in fact they are raised in horrific, cruel, and inhumane conditions in the California
20 desert outside of Barstow, California.

21 Plaintiff and her daughter were arrested for felony animal cruelty on August 8, 2020 when
22 San Bernardino Sheriff deputies became aware of approximately 50+dogs being housed on
23 unimproved land in cages in the middle of the desert approximately 2 hours outside of Barstow, in
24 the middle of the summer. The location of the property wherein the dogs were found was
25 extremely remote, approximately 24 miles into the middle of the desert, north of Hinkley,
26 California (which is outside of Barstow), on completely vacant, and unimproved, desert land.
27 There were no dirt roads, no running water, no housing structures, or electricity. There are no
28

1 neighbors or towns for miles. The dogs did not have any permanent housing or shelter from the
2 extreme elements of the blistering desert heat, food or water, which is a violation of California
3 law and San Bernardino County code.

4 Pursuant to a public records request, and only after Plaintiff's arrest, Plaintiff attempted to
5 inquire about and file for a kennel permit, which was unable to be granted to her because kennel
6 permits are not allowed on vacant unimproved land. San Bernardino issued her a violation notice
7 on October 13, 2020 for operating a kennel without a permit. The photos depicted in those records
8 show the condition of the property on August 8, 2020, when Plaintiff was arrested.

9 As the property was totally vacant and unimproved with only a small makeshift shanty or
10 shed that was filthy with garbage and raw rotting meat everywhere. The shed had no toilet, sink,
11 shower or bed. Therefore, Plaintiff could not possibly not live there and likely leaves the dogs tied
12 up and alone for long periods of time, without food, water or human interaction/companionship
13 (which is illegal under California law and under San Bernardino ordinances). The dogs most were
14 likely exposed to predatory animals due to inadequate fencing around the property and lack of
15 shelter.

16 Ms. Zorikova and Ms. Jeong represent themselves to be breeders of "protection dogs"
17 whose company is based out of Los Angeles; and whose dogs are trained to bite
18 (<http://www.vonmarkgrafgermanshepherds.us>). Screen shots of the website are attached as
19 Exhibit 6. Neither Ms. Zorikova, nor Ms. Jeong, and/or VonMarkGraf German Shepherds has a
20 breeder license, which is a violation of the California Puppy Mill Ban under California Health and
21 Safety Code Sec. 122354.5 and is also a prohibited deceptive and unfair business under the
22 California Legal Remedies Act, Civil Code Sec. 1750 et seq. Furthermore, pursuant to San
23 Bernardino County Code, it is illegal to have more than 5 dogs on the property without a breeder
24 license or kennel permit. Ms. Zorikova's property contained over 70 dogs.

25 Ms. Zorikova and Ms. Jeong remain under investigation for felony animal cruelty in
26 California according to the San Bernardino County District Attorney's Office.

27 ///

28 ///

B. THE ALLEGED “THEFT”

Plaintiff claims that Defendants went on her property and stole her dogs at some point between August 8 and 10, 2020, while she was incarcerated on felony animal cruelty charges in San Bernardino County, California. However, Defendants have never, ever, been on Plaintiff’s property, to steal her dogs or otherwise. In fact, for the last 8 years, Defendant Tammy Willet has not lived in the State of Nevada. She was not in the State of Nevada or the State of California in all of 2020. Defendant Julie Pyle lives in the State of Nevada; however, she was not in the State of California at any point in August 2020.

At no time were Defendants contacted by San Bernardino County Sheriffs or government officials, including but not limited to Deputy Parsons, about removing and/or rescuing dogs from Plaintiff’s property. Defendants were not in any way, shape or form, associated with the San Bernardino County Government Officials’ request for removal of dogs from Plaintiff’s property.

Plaintiff’s claims are self-defeating, in that she acknowledges that law enforcement officials told people (who are not Defendants) to go on the property and remove dogs. This directive by California government officials is the subject of multiple lawsuits by Ms. Zorikova against the Sheriff’s department in San Bernardino County and San Diego County, California, a portion of which recently settled to Ms. Zorikova and her daughter Olivia Jeong for \$325,000. Plaintiff has also sued various people in multiple counties in California, including rescue groups there, for the alleged theft and return of her 25 dogs.

C. VEGAS SHEPHERD RESCUE

As a rescue group, Vegas Shepherd Rescue’s singular purpose is to take in lost, found, abused, abandoned, and/or surrendered dogs – primarily German Shepherd Dogs as the name implies; obtain necessary medical attention, including spay and neuter as required by Nevada/Clark County law, and adopt them out. Vegas Shepherd Rescue also takes shepherds in

1 from kill shelters and adopts them out. Vegas Shepherd Rescue rescues and places upwards of a
2 hundred dogs a year, approximately 85% of which are German Shepherd Dogs. Vegas Shepherd
3 Rescuehasperformed this service as a non-profit corporation that exists entirely on donations
4 since its inception in 2012. When Defendants come into possession of any dog, they immediately
5 check to see if there is a microchip. When they obtain veterinary care, which they do for each dog
6 that comes into their possession, the veterinarian also checks to see if there is a microchip.
7

8 Plaintiff alleges her dogs are all microchipped. (*See* Complaint, pp. 4, #20). Defendants
9 are not, and have never been in possession of any dogs that have a microchip registered to Ms.
10 Zorikova, Ms. Jeong, and/or Von Mark Graf German Shepherds. Because Plaintiff has alleged
11 that “thieves remove microchips;” and for brevity’s sake, Defendants have never removed or
12 directed the removal of a dog’s microchip. Defendants’ veterinarians have likewise never
13 removed a microchip (and Defendants are unsure if that is even legal for veterinarians to do so).
14

15 It appears that Plaintiff simply stumbled upon a German Shepherd rescue group’s
16 Facebook and decided, without proof, to claim various dogs as hers. She actually has no idea what
17 dogs are hers. Puppy mills are like that. Take the case of Beacon, for example (Plaintiff’s Exhibit
18 4). Defendants came into possession of Beacon, on July 8, 2020, a full month before Plaintiff was
19 arrested and a full month before any of the facts that are the subject of Plaintiff’s claims. Beacon
20 was found by a trucker running alongside the highway. The trucker brought Beaconto Defendants.
21 Beacon had been shot in the face and required extensive medical care before being adopted.
22 Beacon was not microchipped.
23
24

25 After Plaintiff and her daughter were arrested for felony animal cruelty by San Bernardino
26 County Sheriff’s deputies, Plaintiff filed a police report for theft against various people, including
27 Julie Pyle. In response, San Bernardino County Sheriff’s deputiesvisitedMs. Pyle at her Las
28 Vegas home in early September 2020. There, the deputiesand Ms. Pyle talked for 40 minutes. The

1 Sheriff determined Ms. Pyle was not in possession of any of Plaintiff's German Shepherds. The
2 Sheriff did not find any reason to enter the residence of Ms. Pyle.

3 As a practical matter Baker, Berkley, Cypress, Lodi, and Malibu were adopted in August
4 and September of 2020, with the last dog being adopted on or about September 15, 2020, weeks
5 before Plaintiff served her Complaint on Defendants.
6

7 **D. DEFENDANTS' MOTION TO DISMISS**

8 On October 24, 2020, Plaintiff filed an Ex Parte Application for Temporary Restraining
9 Order from Custody of Plaintiff's Dogs and for Order to Return Plaintiff's Dogs. On June 18,
10 2021, Defendants filed their Opposition to Plaintiff's Ex Parte Application for Temporary
11 Restraining Order and filed their own Counter-Motion to Dismiss Plaintiff's Complaint under
12 NRCP 12. On June 28, 2021, Plaintiff filed her Opposition to the Counter-Motion to Dismiss and
13 filed her Reply to Defendants' Opposition to her Ex Parte Application for Temporary Restraining
14 Order. On July 21, 2021, Defendants filed their Reply to Plaintiff's Opposition to Defendants'
15 Counter-Motion to Dismiss. On August 18, 2021 at 8:30 a.m. this Court conducted an evidentiary
16 hearing on the issue of service of process of Plaintiff's Complaint. At the conclusion of the
17 hearing, which lasted over half of a day, the Court granted Defendant's Counter-Motion to
18 Dismiss and based upon Plaintiff's abuse of process in this matter, dismissed Plaintiff's
19 Complaint with Prejudice and also instructed counsel for Defendants to submit an Application for
20 their Fees and Costs, and a supporting Memorandum of Costs, in connection with the preparation
21 of the Counter-Motion to Dismiss.
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25 **II.**

26 **LEGAL ARGUMENT**

27 **A. DEFENDANTS ARE ENTITLED TO AN AWARD OF ATTORNEY'S FEES**

28

Pursuant to NRS 18.010(2)(a), the court may make an allowance for attorney's fees "when the prevailing party has not recovered more than \$20,000.00." Thus, while the district court has virtually no discretion to deny a fee award to a prevailing party, the court has discretion in determining the amount of said award, which "is tempered only by reason and fairness." *University of Nevada, Las Vegas v. Tarkanian*, 110 Nev. 581,590-591,879 P.2d 1180,1186 (1994).

Accordingly, in Nevada, this "analysis may begin with any method rationally designed to calculate a reasonable amount, including those based on a 'lodestar' amount or a contingency fee." *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 48-49 (2005), (citing *Herbst v. Humana Health Ins. of Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989), *Lealao v. Beneficial California, Inc.*, 82 Cal.App.4th 19, 97 Cal. Rptr. 2d 797, 821 (2000) and *Glendora Com. Redevek Agency v. Demeter*, 155 Cal.App.3d 465, 202 Cal.Rptr. 389 (1984).

B. THE ATTORNEYS' FEES REQUESTED ARE REASONABLE UNDER NEVADA LAW

In Nevada, the court must also consider the factors laid out in *Brunzell v. Golden Gate National Bank*, 95 Nev. 345, 349, 455 P.2d 31 (1969) in determining a reasonable award of attorney's fees. *See Shuette*, 121 Nev. at 865. In doing so, the award will be reasonable "as long as the Court provides sufficient reasoning and findings in support of its ultimate determination," *Id.*

The Nevada Supreme Court clarified the four *Brunzell* factors in *Schouweiler v. Yancey Co.*, 101 Nev. 827,712 P.2d 786 (1985) as follows:

- (1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill;
- (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;

1 (3) the work actually performed by the lawyer; the skill, time and attention given to
2 the work; and

3 (4) the result: whether the attorney was successful and what benefits were derived.

4 101 Nev. at 833-834, 712 P.2d at 790.

5 Here, as detailed below, all four of the *Brunzell* factors are satisfied.

6 First, Defendants were represented by attorney CASEY D. GISH and SHANA WEIR.

7
8 Mr. Gish has been a practicing attorney in the State of Nevada and California for over 22 years
9 with no record of discipline in either state. Ms. Weir has been a practicing attorney in the State of
10 Nevada for over 15 years with no record of discipline.

11
12 Mr. Gish began his legal career in Nevada in 1997 when he served as an extern to the
13 Nevada Supreme Court. He was then appointed as the Law Clerk to the Honorable David Huff,
14 State of Nevada Third Judicial District Court, from 1998 to 1999. Prior to opening THE LAW
15 OFFICE OF CASEY D. GISH in 2015 as the firm's managing member, CASEY D. GISH tried
16 multiple jury trials and bench trials in Las Vegas, Reno, Orange County, and Los Angeles
17 County. He has litigated cases throughout Nevada and California in both state court and federal
18 court. He has won multiple appeals to the Nevada Supreme Court, and was successful in a
19 published opinion from the Nevada Supreme Court (*Vega vs. Eastern Courtyard Associates*, 24
20 P.3d 219 (Nev. 2001)). His cases have ranged from small cases to cases in excess of \$90 million
21 dollars. He has previously and currently worked for law firms such as Parker, Nelson &
22 Associates; Cisneros & Associates; and Cisneros & Marias, etc. All of these firms are well
23 known in the Las Vegas legal community with a reputation for experienced and professional
24 attorneys.
25
26

27 While working for Cisneros & Marias, Mr. Gish was the handling attorney for all of the
28 firm's veterinary malpractice cases and represented veterinarians in more than 10 trials, all of

1 which resulted in a verdict in favor of his clients. Just prior to opening his own firm, Mr. Gish
2 was the senior trial attorney for two (2) years at the firm of Ferris and Associates. Mr. Gish has
3 also been appointed as an Arbitrator on hundreds of cases for the Clark County Mandatory
4 Arbitration Program.

5 Prior to opening THE WEIR LAW GROUP in 2019, the firm's managing member
6 SHANA WEIR, has tried multiple jury trials and bench trials throughout the State of Nevada.
7 Her cases have ranged from small cases to the 2 largest class action cases in the history of the
8 State of Nevada with multiple billions of dollars in potential damages at issue. She has previously
9 worked for law firms such as Springel & Fink, and Parker, Nelson & Associates. Prior to opening
10 her own firm, she was the Supervising Partner at Parker, Nelson & Associates. All of these firms
11 are well known in the Las Vegas legal community with a reputation for experienced and
12 professional attorneys.
13

14 Both Mr. Gish and Ms. Weir are well known in the Las Vegas community for practicing
15 in the area of animal rights and for donating their time and resources in animal cruelty cases. Due
16 to their extensive experience in this area of law, they have both become experts in their fields of
17 practice. Based upon their expertise, experience, and specialized knowledge of animal cruelty
18 cases, a rate of \$500/hour is justified in this matter. In addition, the number of hours spent by
19 counsel for the Defendants in preparing the extensive Counter-Motion to Dismiss (15 pages, plus
20 hundreds of pages of exhibits) and Reply to the Opposition to the Counter-Motion to Dismiss (24
21 pages, plus additional voluminous exhibits). The amount of attorney time required just to prepare
22 these papers was enormous, and the amount of attorney time required to research and review the
23 facts and documents underlying and supporting these papers was even more extensive.
24

25 Second, animal cruelty cases are very specialized and difficult by nature. They are
26 factually and legally intensive. While there may be more technically complex matters, animal
27
28

1 cruelty cases clearly require attention to detail and an understanding of the presentation of
2 defenses to complex veterinary evidence in order to establish damages and defenses. Animal
3 cruelty cases often times require several different veterinary disciplines and legal disciplines to
4 understand and present to enable a claimant or a defendant to achieve the best results. Counsel's
5 understanding of the various issues that are needed to successfully present, or defend, a case
6 supports the conclusion that the attorney's fees were earned and are fair and reasonable. At the
7 end of the day, Defendants' attorneys diligently and successfully represented them in this case
8 through the Motion to Dismiss, achieving a dismissal of Plaintiff's claims after an extensive
9 evidentiary hearing.

11 Third, counsel's skill, time, and attention given to this case were above average. The
12 preparation was thorough and complete. Counsel for Plaintiff spent numerous hours reviewing
13 voluminous filings from Plaintiff, reviewing documents, reviewing potential testimony and
14 potential discovery, drafting and repeatedly revising the Defendants' Motion to Dismiss, meeting
15 with clients, conducting teleconferences with clients, and preparing this case for the evidentiary
16 hearing on their Motion to Dismiss, and then attending a lengthy evidentiary hearing. In fact, the
17 Court specifically stated that Defendant's witness at the evidentiary hearing, Ms. Julie Pyle, was
18 credible. Counsel spent considerable time preparing Ms. Pyle for her testimony at the evidentiary
19 hearing conducted by this Court. Considering the amount of time and effort exerted by
20 Defendants' counsel, and both attorneys' considerable expertise in this area of practice, the fees
21 are clearly substantiated. Based upon their expertise, experience, and specialized knowledge of
22 animal cruelty cases, a rate of \$500/hour is justified in this matter. In addition, the number of
23 hours spent by counsel for the Defendants in preparing the extensive Counter-Motion to Dismiss
24 (15 pages, plus hundreds of pages of exhibits) and Reply to the Opposition to the Counter-Motion
25 to Dismiss (24 pages, plus additional voluminous exhibits) and preparation for and attendance at
26
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1 the evidentiary hearing on the Counter-Motion which lasted in excess of 5 hours. The amount of
2 attorney time required just to prepare these papers was enormous, and the amount of attorney time
3 required to research and review the facts and documents underlying and supporting these papers
4 was even more extensive. Therefore, Defendants request that all of their attorneys' fees incurred
5 by each of their counsel pertaining to the Counter-Motion to Dismiss, in the total amount of 74.8
6 hours (46.4 hours billed by Gish – 28.4 hours billed by Weir) at the rate of \$500/hr, for the total
7 amount of \$37,400 (\$23,200 billed by Gish - \$14,200 billed by Weir), be awarded to Defendants
8 from Plaintiff. *Please see Gish billing statement attached hereto as "Exhibit 2" and Weir billing*
9 *statement attached hereto as "Exhibit 3".*

11 Fourth, the result speaks for itself. The favorable award of dismissal of Plaintiff's
12 Complaint against Defendants is attributable in substantial part to the diligence, determination,
13 hard work, expertise, and skill of Defendants' counsel, who developed, litigated, and obtained this
14 favorable result. Defendants achieved the objective they sought, dismissal of Plaintiff's case.
15 Although the Court has the final decision on the matter, counsel respectfully submits the quality
16 of its work product reflects the hours spent on the case.

18 **C. DEFENDANTS' COSTS ARE RECOVERABLE AS A MATTER OF RIGHT**

19 Under NRS 18.010(1), a prevailing party claiming costs can serve and file a verified
20 memorandum of costs before entry of judgment. *Las Vegas Fetish & Fantasy Halloween Ball,*
21 *Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278, 182 P.3d 764, 768 (2008). A prevailing party is
22 required to file a verified memorandum of costs within 5 days after entry of judgment, or such
23 further time as the court or judge may grant, stating under oath that the cost items are correct and
24 "have been necessarily incurred in the action or proceeding." *Village Builders 96 v. U.S. Labs,*
25 121 Nev. 261, 276-277, 112 P.3d 1082, 1092 (2005).
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Pursuant to NRS 18.020, Defendants are entitled to an award of costs. Pursuant to NRS 18.005, Defendant's recoverable costs and interest in this matter are \$1,485.65. Please see Plaintiff's Memorandum of Costs and Disbursements attached hereto as "Exhibit 1."

D. PLAINTIFF'S COST BONDS ALLEGEDLY DEPOSITED WITH THE COURT

As this Court knows, the issue of whether Plaintiff deposited out-of-state security of costs bonds was heavily contested in this matter. Plaintiff claims to have posted \$1,500 in security with this Court pursuant to NRS 18.130, but it is undisputed that Plaintiff never filed the required Notice of Posting of the Bond as per NRS 18.130(1). In the event Plaintiff did actually post \$1,500 in security with this Court, and in the event this Application is Granted, Defendants respectfully request that the posted security funds be immediately released to Defendants' counsel for disbursement.

III.

CONCLUSION

Based upon the foregoing, Defendants respectfully request that their Application for Fees, Costs, and Disbursements be GRANTED in the amount of \$1,485.65 for costs/disbursements, and \$37,400 for attorney's fees for a total amount of \$38,88.65. It is further requested that any security funds that were deposited by Plaintiff with this Court for security of costs pursuant to NRS 18.130, be immediately released by the Court to counsel for the Defendants.

DATED this 27th day of August, 2021.

THE LAW OFFICE OF CASEY D. GISH

/s/ Casey D. Gish

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

5940 S. Rainbow Blvd

Las Vegas, NV 89118

Casey@GishLawFirm.com

(702) 583-5883 Telephone

(702) 483-4608 Facsimile
Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

WEIR LAW GROUP, LLC

/s/ Shana D. Weir

SHANA D. WEIR, ESQ.
Nevada Bar No. 9468
6220 Stevenson Way
Las Vegas, NV 89120
sweir@weirlawgroup.com
(702) 509-4567 Telephone
Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

CERTIFICATE OF SERVICE

I, Casey D. Gish, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the action within. My business address is 5940 S. Rainbow Blvd., Las Vegas, Nevada 89118.

That I served the document described as **DEFENDANTS' APPLICATION FOR FEES, COSTS, AND DISBURSEMENTS** on the parties whose address appears below:

 VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Postal Service at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business.

 X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve electronic filing system. I am "readily familiar" with the firm's practice of electronically serving documents.

1 _____ VIA EMAIL: in accordance to the Consent of Service by Electronic Means on file herein.
2 Via email by transmitting through an email service maintained by the person on whom it is served
3 at the email address provided by that person. The copy of the document served by email bears a
4 notation of the date and time of transmission and the email address to which transmitted.

5 ALLA ZORIKOVA
6 1905 Wilcox Ave, #175
7 Los Angeles. CA 90068
8 P: (323) 209-5186
9 E: stevejohn19732017@gmail.com
10 *Plaintiff*

11 Executed on the 27th day of August, 2021.

12 /s/ Casey D. Gish
13 An employee of THE LAW OFFICE OF
14 CASEY D. GISH
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EXHIBIT “1”



MEMO

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

THE LAW OFFICE OF CASEY D. GISH

5940 S. Rainbow Blvd

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Las Vegas, NV 89120

sweir@weirlawgroup.com

(702) 509-4567 Telephone

Attorneys for Defendants Julie Pyle, Tammy

Willet, & Vegas Shepherd Rescue

DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA;

Plaintiff(s),

vs.

JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X,

Defendant(s).

CASE NO. A-20-821249-C

DEPT. NO. XX

DEFENDANTS' MEMORANDUM OF COSTS AND DISBURSEMENTS

Pursuant to NRS 18.005, NRS 18.010, NAR 17(B), NRS 17.130 and *Albios v. Horizon Communities, Inc.*, 122 Nev. 409, 132 P.3d 1022 (2006), Defendants¹ hereby submits their Memorandum of Costs, Disbursements, and Interest as follows:

1. Clerk's Fees/Filing Fees (Exhibit A).....\$3.50

¹The Complaint on file herein does not name attorney Casey D. Gish as a Defendant. Plaintiff unilaterally modified the caption at some point to include him as a Defendant.



2. Reporter's Fees for Depositions including Transcripts and Video	
Conference Services	\$0.00
3. Juror's Fees/Jury Demand Fee	\$0.00
4. Witness Fees.....	\$0.00
5. Expert Witness Fees	\$0.00
6. Interpreter's Fees.....	\$0.00
7. Process Server's Fees.....	\$0.00
8. Official Reporter's Fees.....	\$0.00
9. Bond Costs.....	\$0.00
10. Bailiff Fees.....	\$0.00
11. Facsimile.....	\$0.00
12. Photocopies (statutory rate of 0.60 per page per <u>NRS 18.005(12) and NRS 18.010 allow a prevailing party to recover "reasonable copy costs."</u> NRS 629.061(2) allows for a reasonable charge of .60 cents per page for copying costs for medical records. This is also the copy charge rate that the Clark County Discovery Commissioner allows to be recovered for copying charges for medical records.)	
This includes pleading documents and exhibits, correspondence, reports and documents sent via emails and attachments)	
426 pages - Ms. Weir's portion	\$255.60
1969 pages - Mr. Gish's portion.....	\$1,181.40
13. Long Distance Calls.....	\$0.00
14. Postage (Exhibit B)	\$33.19
15. Travel - Mileage & Lodging @ statutory rate of 0.575 per mile	
Casey D. Gish, Esq. – 20.8 miles (Exhibit C).....	\$11.96
16. Costs/Fees Pursuant to NRS 19.0335.....	\$0.00
17. Computerized Legal Research Fees.....	\$0.00
18. Any Other Expenses Necessary to the Subject Action.....	\$0.00
TOTAL COSTS:	<u>\$1,485.65</u>

VERIFICATION

Under penalty of perjury, the foregoing cost items are correct and have been necessarily incurred in the action or proceeding pursuant to NRS 18.020, NRS 18.010(1), *Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278, 182 P.3d 764, 768 (2008), and *Village Builders 96 v. U.S. Labs*, 121 Nev. 261, 276-277, 112 P.3d 1082, 1092 (2005).

DATED this 27th day of August, 2021.

THE LAW OFFICE OF CASEY D. GISH

/s/ Casey D. Gish

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

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Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

WEIR LAW GROUP, LLC

/s/ Shana D. Weir

SHANA D. WEIR, ESQ.

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5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



CERTIFICATE OF SERVICE

I, Casey D. Gish, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the action within. My business address is 5940 S. Rainbow Blvd., Las Vegas, Nevada 89118.

That I served the document described as **DEFENDANTS' MEMORANDUM OF COSTS AND DISBURSEMENTS** on the parties whose address appears below:

X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve electronic filing system. I am "readily familiar" with the firm's practice of electronically serving documents.

ALLA ZORIKOVA
1905 Wilcox Ave, #175
Los Angeles, CA 90068
P: (323) 209-5186
E: stevejohn19732017@gmail.com
Plaintiff

Executed on the 27th day of August, 2021.

/s/ Casey D. Gish
An employee of THE LAW OFFICE OF
CASEY D. GISH

5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



EXHIBIT "A"

Clerk's Fees/Filing Fees Summary

Date	Document	Charge
6/18/2021	Ms. Shana Weir Notice of Association of Counsel	3.50
	Defendants' Opposition To Plaintiff's Ex Parte Application for Temporary Restraining Order from Custody of Plaintiff's Dogs and for Order to Return Plaintiff's Dogs and Plaintiff's Declaration In Support; Opposition to Plaintiff's Motion to Amend; and	
6/18/2021	Defendants Counter-Motion to Dismiss Plaintiff's Complaint	0.00 <i>Fee waived due to CDG's</i>
6/22/2021	Defendants' Opposition to Plaintiff's Motion for Default Judgment	0.00 <i>representation as pro bono</i>
7/21/2021	Defendants Reply to Plaintiffs Opposition to Defendants Counter-Motion to Dismiss Plaintiffs Complaint	0.00 <i>attorney</i>
	TOTAL	3.50

EXHIBIT “B”

Detailed receipt

The UPS Store - US

Receipt number 121081603758000345
Transaction number V0375-292108161648253625334
Date 8/16/2021
Transaction time 09:49:18 AM
Store number 0375
Register number POS0375B
Operator ID 106373
Customer account
Entry status Posted
Comment CMS: THE LAW OFFICES OF
CASEY D GISH

Product number	Product name	Price	Quantity	Cash discount amount	Net amount	VAT	Total
1005	NDA	33.19	1	0.00	33.19	0.00	33.19
Total			1.00	0.00	33.19	0.00	33.19

Card or account	Currency	Amount in transaction currency	Exchange rate	Tendered
*****5839	USD	33.19	100.00	33.19
Payment total				33.19

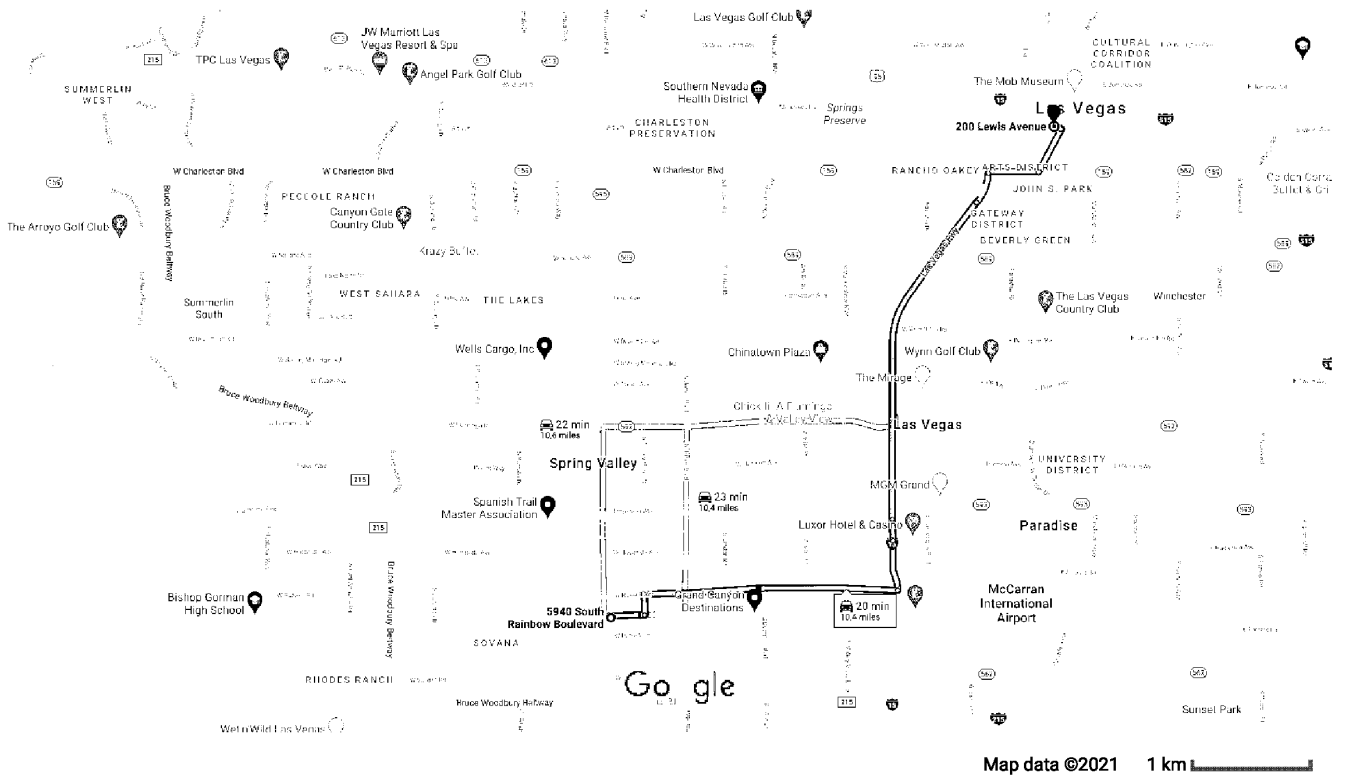
EXHIBIT “C”


Go

gle Maps

5940 S Rainbow Blvd to 200 Lewis Ave, Las Vegas,
NV 89155, USA

Drive 10.4 miles, 20 min






via W Russell Rd and I-15 N

Fastest route, lighter traffic than usual

20 min

10.4 miles



via NV-592/W Flamingo Rd and I-15 N

22 min

10.6 miles





via I-15 N


23 min


10.4 miles


Explore 200 Lewis Ave

- 

Restaurants
- 

Hotels
- 

Gas stations
- 

Parking Lots
- 

More

EXHIBIT “2”



— THE LAW OFFICE OF —
CASEY D. GISH

p: 702 - 583 - 5883

f: 1 - 702 - 483 - 4068

e: info@GishLawFirm.com

5940 S. Rainbow Blvd., Las Vegas, NV 89118

August 27, 2021

INVOICE NUMBER: 001

Client: Vegas Shepherd Rescue/Pyle/Willet
Matter: Alla Zorikova

DATE	TASK	TIME	AMOUNT (\$500/hr)
05/02/21	Review and analyze Plaintiff's Complaint, Plaintiff's Amended Complaint, and all exhibits thereto re: causes of action alleged in each (and compare same) to determine claims that can be challenged in Motion to Dismiss	5.3	\$2,650
06/5/21	Conduct Legal research regarding Motion to Dismiss including required elements of claims alleged under Nevada statutory law and Nevada case-law	1.8	\$900
06/11/21	Begin drafting motion to dismiss re: legal standard and legal argument	4.9	\$2,450
06/16/21	Telephone call with clients re: procedural posture and facts regarding case.	.7	\$350
06/18/21	Continue drafting Motion to Dismiss re: legal standard and legal argument	1.9	\$950
06/18/21	Exchange multiple emails with clients and co-counsel re: declarations.	.9	\$450
06/20/21	Review, revise, and finalize legal standard and legal arguments section of Motion to Dismiss and review and organize exhibits thereto	1.8	\$900
06/21/21	Receipt and review of 4 emails from Plaintiff re: filings	.4	\$200
06/29/21	Receipt and Review of Plaintiff's Opposition to Motion to dismiss, including attached declarations and exhibits	1.9	\$950
06/29/21	Exchange of multiple emails with clients re: defense strategy	.4	\$200
07/16/21	Review settlement agreement between Plaintiff, daughter Olivia Jeong, and San Bernardino County to be used in support of Reply in support of Motion to Dismiss relative to Plaintiff's in forma pauperis status	.5	\$250
07/22/21	Begin drafting, revising, finalizing, and filing Reply in support of Motion to Dismiss, including compiling and organizing exhibits to Reply	6.8	\$3,400



— THE LAW OFFICE OF —
CASEY D. GISH

p: 702 - 583 - 5883

f: 1 - 702 - 483 - 4068

e: info@GishLawFirm.com

5940 S. Rainbow Blvd., Las Vegas, NV 89118

08/17/21	Exchange emails with clients re: surveillance video, and strategy for attendance at hearing, and service of process	.9	\$450
08/17/21	Prepare for hearing on Defendants' Motion to Dismiss by reviewing all pleadings and exhibits regarding same and preparing outline of direct testimony questions of Julie Pyle, preparing outline of cross-examination questions of Plaintiff and Olivia Jeong, and preparing outline of Opening Statement, and preparing outline of Closing Statement	5.7	\$2,850
08/17/21	Telephone call with co-counsel and client Julie Pyle re: preparation for hearing on Defendants' Motion to Dismiss	2.4	\$1,200
08/17/21	Travel to and Attend evidentiary hearing on Defendants' Motion to Dismiss	5.9	\$2,950
08/19/21	Prepare and file Defendants' Supplement to Reply to Opposition to Motion to Dismiss	2.0	\$1000
08/23/21	Revise and finalize proposed Order regarding evidentiary hearing on Motion to Dismiss and prepare letter to Plaintiff regarding proposed Order	1.9	\$950
8/27/2021	Prepare email to Court regarding proposed Order on Motion to Dismiss	.3	\$150
TOTAL:			\$23,200

EXHIBIT “3”

DATE: 08/24/21

INVOICE NUMBER: 001

Client: Vegas Shepherd Rescue/Pyle/Willet
Matter: AllaZorikova

DATE	TASK	TIME	AMOUNT (\$500/hr)
06/09/21	Review and analyze Plaintiff's Complaint, Plaintiff's Amended Complaint, and all exhibits thereto re: causes of action alleged in each (and compare same) to determine claims that can be brought in Motion to Dismiss	3.7	\$1,850
06/10/21	Legal research regarding motion to dismiss including elements of claims alleged in Nevada pattern jury instructions.	2.9	\$1,450
06/10/21	Begin drafting motion to dismiss re: statement of facts	3.8	\$1,900
06/15/21	Exchange emails with clients re: conference call and association of counsel.	.4	\$200
06/16/21	Telephone call with clients re: procedural posture and facts regarding case.	.7	\$350
06/16/21	Drafted and revised declarations of 1) Tammy Willet and 2) Julie Pyle regarding facts of case.	1.4	\$700
06/18/21	Exchange several emails with clients re: declarations.	.9	\$450
06/18/21	Review, revise and finalize motion to dismiss.	1.1	\$550
06/19/21	Reviewed 4 emails from Plaintiff re: filings.	.4	\$200
06/28/21	Reviewed Plaintiff's Opposition to Motion to dismiss, including attached declarations and exhibits.	1.4	\$700
06/29/21	Exchange emails with clients re: defense strategy.	.4	\$200
07/15/21	Review settlement agreement between Plaintiff and San Bernardino to be used in support of reply in support of motion to dismiss relative to Plaintiff's in forma pauperis status.	.3	\$150
07/21/21	Begin drafting and revising reply in support of motion to dismiss.	2.3	\$1,150
08/17/21	Exchange emails with clients re: surveillance video, and strategy for attendance at hearing, and service of process.	.9	\$450
08/17/21	Review surveillance video.	.2	\$100
08/17/21	Preparation for hearing on Defendants' Motion to Dismiss by reviewing all pleadings and exhibits regarding same.	.5	\$250
08/17/21	Telephone call with co-counsel and Julie Pyle re: preparation for hearing.	.6	\$300

08/17/21	Attended hearing on Defendant's motion to dismiss.	4.4	\$2,200
08/18/21	Begin drafting and revising proposed order regarding hearing on motion to dismiss.	2.1	\$1,050
Total		28.4	\$14,200

1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 ALLA ZORIKOVA;

5 Plaintiff(s),

6 vs.

7 JULIE PYLE, TAMMY WILLET, VEGAS
8 SHEPHERD RESCUE AND DOES I
9 THROUGH X, INDIVIDUALS, AND ROE
10 BUSINESS ENTITIES I THROUGH X,

11 Defendant(s).

CASE NO. A-20-821249-C

DEPT. NO. XX

Hearing Date: 8/18/2021

Hearing Time: 9:15 a.m.

12 **ORDER**

13 THIS MATTER having come on for hearing on the 18th day of August, 2021 at 9:15 a.m.
14 before the HONORABLE ERIC JOHNSON; Plaintiff ALLA ZORIKOVA appearing Pro Se;
15 Defendants, JULIE PYLE and VEGAS SHEPHERD RESCUE appearing in person and by and
16 through their counsel, CASEY D. GISH, ESQ. of THE LAW OFFICE OF CASEY D. GISH, and
17 SHANA D. WEIR, ESQ. of WEIR LAW GROUP; Defendant TAMMY WILLET, appearing by
18 and through her counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH,
19 and SHANA D. WEIR, ESQ. of WEIR LAW GROUP; the Court having set an evidentiary hearing
20 to consider whether Plaintiff properly effected service of the summons and complaints under Rules
21 4 and 4.2 of the Nevada Rules of Civil Procedure. The Court having considered the papers and
22 pleadings on file, the oral arguments of counsel, testimony of witnesses, and evidence entered
23 therein, makes the following findings of fact and conclusions of law:
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1 1) The Complaint is dismissed as to Defendants, Julie Pyle, Tammy Willet and Casey
2 Gish¹ because service was not proper under NRCP 4.2(a) as to the individuals. Service was not
3 made personally, or to the individuals' dwellings or abodes, or to any agent authorized to accept
4 service of process. The location of alleged service was a mail drop area of a business located at
5 2620 Regatta Drive, Las Vegas, Nevada.

6
7 2) The Complaint is dismissed as to Defendant Vegas Shepherd Rescue because service
8 was not proper under NRCP 4.2(c). Service was not made on the registered agent, an officer or
9 director, or any other agent authorized to receive process.

10 3) The Complaint is likewise dismissed as to Defendants because the affidavits of service
11 were not timely filed pursuant to NRCP 4(d). Plaintiff claims to have effectuated service of process
12 on October 5, 2020; and again on October 9, 2020. However, Plaintiff did not file any affidavits
13 of service until June 8, 2021 which was well past the due date imposed by NRCP 4(d), requiring
14 affidavits of service to be filed within the time for filing an answer or responsive pleading.

15
16 4) At the evidentiary hearing on August 18, 2021, the Court sought to determine if service
17 of the summons and complaint on Defendants was accomplished by Plaintiff's daughter, Olivia
18 Jeong, as claimed by Plaintiff and indicated in her June 8, 2021 affidavits of service. Defendants
19 contended that to the extent any service was attempted, it was done by Plaintiff herself, an
20 unqualified person under NRCP 4(c)(3).

21
22 Plaintiff called Ms Jeong as a witness. Ms. Jeong testified that she served packages of
23 materials for Plaintiff at 2620 Regatta Drive, Las Vegas, Nevada on October 5 and October 9,
24 2020. When pressed how she came to Las Vegas from her home in Barstow, California, to deliver
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¹Mr. Gish was not named as a Defendant in Plaintiff's Complaint filed on September 15, 2020 or
in the Complaint filed on September 24, 2020. However, at some point, Plaintiff unilaterally
altered the caption to include him as a Defendant.

1 the packets on the two different dates, Ms. Jeong stated she paid an unknown middle age male to
2 take her from Barstow in a truck to the 2620 Regatta Drive address. The Court finds Ms. Jeong's
3 testimony to be not credible and Plaintiff knowingly proffered this false testimony to the Court.
4 The Court reaches this conclusion based on Ms. Jeong's demeanor, her refusal and/or inability to
5 answer basic questions, her long delays in responding to basic questions, and her inconsistent and
6 often evasive answers and other responses. Her testimony was also not consistent with the
7 testimony of Julie Pyle, which is discussed below and which the Court finds credible.
8

9 5) Plaintiff also testified at the hearing. She claimed while she delivered a package of
10 materials on October 6, 2020 to 2620 Regatta Drive, including the summons and the complaint,
11 she had sent her daughter into the address on both October 5 and October 9, 2020 to formally
12 affect service of the documents. The Court does not find Plaintiff's testimony to be credible and
13 believes Plaintiff testified falsely at the hearing. The Court's conclusion is based, in part, upon
14 the Plaintiff's statements in her pleadings and papers, the testimony presented at the hearing, the
15 demeanor of the Plaintiff's in presenting her testimony at the hearing and her evasive and
16 contradictory answers. Her testimony was not consistent with the testimony of Julie Pyle, which
17 is discussed below and which the Court finds credible. During her testimony, Plaintiff also gave
18 answers regarding her alleged inability to remember her current business/residence address, or
19 even the county in Texas in which her current business/residence is situated. She then later
20 admitted to the Court these were false answers and she was actually trying to conceal the location
21 of her current business/residence in Texas because she did not want to reveal that location to the
22 Defendants due to supposed safety concerns and ongoing litigation in other jurisdictions.
23

24 6) Defendants called Julie Pyle, who is a director of Defendant Vegas Shepherd Rescue.
25 Ms. Pyle testified that she picks up the mail for Vegas Shepherd Rescue from its mail drop at 2620
26 Regatta Drive, Las Vegas, Nevada. She explained she and Tammy Willet are the only two
27
28

1 individuals authorized to pick up the mail and effectively it is only her as Ms. Willet lives out of
2 state. Ms. Pyle testified Ms. Willet called her on October 6, 2020, and indicated she had received
3 a call from the receptionist at 2620 Regatta Drive who told her an individual who identified herself
4 as “Alla” had left a packet of legal materials with the receptionist. Ms. Willet asked Ms. Pyle to
5 pick up the packet. Ms. Pyle went to the address and received the packet which she presented in
6 Court and was admitted as an exhibit. She testified that she was not contacted on either October
7 5 or October 9 about Ms. Jeong’s supposed service of the summons and complaint on those dates.
8 She stated the only packet of litigation materials she picked up at the 2620 Regatta Drive address
9 was the one packet she picked up October 6 which was left by someone named “Alla.” She did
10 not receive the packets Ms. Jeong supposedly delivered to 2620 Regatta Drive on October 5 and
11 October 9, 2020.
12

13
14 7) Defendants introduced a video of the lobby area at the 2620 Regatta Drive address into
15 evidence. It showed a woman entering the lobby on October 6, 2020, speaking with the
16 receptionist and leaving a packet of papers which were later picked up by Ms. Pyle. Plaintiff
17 admitted in her testimony the woman in the video was her.
18

19 8) Based on the evidence presented, the Court concludes the only effort at service of the
20 summons and complaint at the 2620 Regatta Drive address was accomplished by Plaintiff herself
21 on October 6, 2020. Ms. Jeong did not ride in a truck driven by an unknown middle age male
22 from Barstow, California on October 5 and October 9, 2020 to the 2620 Regatta Drive address in
23 Las Vegas, Nevada and deliver two separate packets of legal documents. The Court finds Plaintiff
24 and Ms. Jeong presented false testimony at the hearing to attempt to establish service of the
25 summons and complaint on defendants. The complaint is dismissed as to Defendants as any
26 service of the summons and complaint which was attempted, was done by Plaintiff, an unqualified
27 person under NRCP 4(c)(3).
28

1 9) Plaintiff has abused the judicial process, including having presented false and
2 misleading testimony to the Court, and having prepared and filed false and misleading documents
3 with the Court. As a general proposition, the trial court has the inherent power to dismiss a
4 plaintiff's action to protect the integrity of the judicial process and to sanction a party's failure to
5 comply with the rules of procedure or any order of the court. See NRCP 41(b). *Cf. Meeker v.*
6 *Rizley*, 324 F.2d 269, 271 (10th Cir. 1963). The Court finds Plaintiff's false testimony and
7 presenting of false testimony at the August 18, 2021 hearing was willful and in bad faith, and not
8 from any confusion or inability to comply with the rules concerning service of summons and
9 complaint. Plaintiff may have been confused in October 2020 as a pro per party as to how to
10 properly effect service. However, when Plaintiff discovered her personal service of process was
11 not proper, she did not attempt to correct her actions under the rules or refile her complaint.
12 Instead, Plaintiff decided to falsely represent she had properly served the defendants, claiming her
13 daughter served the papers and then filing false affidavits of service with the Court. Plaintiff gave
14 false testimony at the hearing and drew her daughter into her improper conduct by calling the
15 daughter to give false testimony. See *Batson v. Neal Spelce Associates*, 765 F.2d 511, 514 (5th
16 Cir.1985)
17

18
19
20 The Court has considered whether a less drastic sanction than dismissal with prejudice may
21 be appropriate. In the instant matter, to simply dismiss the case without prejudice and allowing
22 the Plaintiff to refile would virtually allow the plaintiff to get away with giving false testimony
23 under oath without a meaningful penalty. *Id.* While Plaintiff possibly could be cross-examined
24 at trial on her false testimony at the hearing, it would require extensive development of a collateral
25 matter to the litigation. Additionally, to the extent such cross-examination or impeachment would
26 be proper, such examination would already be available to Defendants and Plaintiff would suffer
27 no additional penalty. See *Pierce v. Heritage Properties, Inc.*, 688 So.2d 1385, 1390 (Miss. 1997).
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1 As discussed below, the Court is also sanctioning Plaintiff for attorney fees and costs Defendants
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3 person and in preparing and presenting the hearing. The Court considered whether this monetary
4 sanction alone would be a sufficient penalty for Plaintiff's presentation of false testimony. The
5 Court believes at this early stage of the litigation, the fees and costs would not be great enough to
6 sufficiently sanction Plaintiff and discourage her and others from similar conduct. The Court is
7 also concerned as to Defendants' ability to collect such fees and costs from Plaintiff.
8

9 The Court has considered whether Plaintiff's conduct caused Defendants to suffer any
10 prejudice as to their preparation for trial if Plaintiff was allowed to refile her complaint. While
11 Plaintiff's conduct has not impacted Defendants' ability to develop the merits of the case if it was
12 to ultimately go to trial, Plaintiff's conduct was substantially prejudicial to Defendants as it sought
13 to cause defendants to defend a lawsuit not properly served upon them. Additionally, as noted
14 above, Plaintiff is acting as her own attorney and is not blameless. While she may not have
15 understood the procedure for proper service of process, she understood she was providing false
16 testimony to dupe the Court and the parties into believing that she properly served the summons
17 and complaint. Plaintiff did not act negligently, but willfully and in bad faith. *See Batson*, 765
18 F.2d at 514. The Court finds dismissal with prejudice is appropriate in the instant case not just to
19 penalize Plaintiff whose conduct "warrants such a sanction, but to deter those who might be
20 tempted to engage in such conduct in the absence of a deterrent." *Nat'l Hockey League v. Metro.*
21 *Hockey Club, Inc.*, 427 U.S. 639, 643 (1976).
22
23
24

25 IT IS ORDERED, ADJUDGED AND DECREED, this Court's dismissal of Plaintiff's
26 Complaint against Defendants is with prejudice as a sanction for Plaintiff's abuse of the judicial
27 process.
28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' counsel,
2 Casey D. Gish, Esq. and Shana D. Weir, Esq., shall be awarded attorney's fees for having to
3 unnecessarily litigate the propriety of Plaintiff's service of the summons and complaint.
4 Defendant's counsel shall be awarded reasonable fees and cost for the preparation of the portion
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6 person and for their preparation for, and attendance at, the hearing on August 18,
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8 required under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 346, 455 P.2d 31, 31 (1969), by
9 August 27, 2021. Plaintiff shall file any responsive pleading by September 10, 2021. Defendants
10 shall file any reply thereto by September 17, 2021.
11
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13 IT IS FURTHER ADJUDGED AND DECREED that the remaining motions set for
14 hearing on August 18, 2021, to wit 1) Plaintiff's Motion for Default Judgment, 2) Plaintiff's Ex
15 Parte Application for Temporary Restraining Order From Custody of Plaintiff's Dogs and for
16 Order to Return Plaintiff's Dogs and Plaintiff's Declaration in Support, and 3) Plaintiff's Motion
17 for Leave of Court to Amend Complaint by Adding Defendants, are denied as moot.
18

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
20 Sanctions set for hearing on September 15, 2021, shall be vacated.
21
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23
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall file a
2 supplement to their Motion to Dismiss by August 19, 2021, to include a copy of the settlement
3 agreement between Plaintiff, Ms. Jeong, and San Bernardino County in the amount of \$325,000
4 that supports Defendants' argument to decertify Plaintiff's In Forma Pauperis status. Plaintiff shall
5 file any responsive pleading by August 27, 2021.
6

7 Dated this __ day of __, 2021

Dated this 2nd day of September, 2021

8
9 
10 _____
DISTRICT COURT JUDGE

11 **EAB 33D 383C 575F**
12 **Eric Johnson**
13 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Alla Zorikova, Plaintiff(s) CASE NO: A-20-821249-C
7 vs. DEPT. NO. Department 20
8 Julie Pyle, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/2/2021

15 Casey Gish, Esq. casey@gishlawfirm.com
16 Shana Weir sweir@weirlawgroup.com
17 Alla Zorikova stevejohn19732017@gmail.com
18 Alla Zorikova olivia.car@mail.ru
19

20 If indicated below, a copy of the above mentioned filings were also served by mail
21 via United States Postal Service, postage prepaid, to the parties listed below at their last
22 known addresses on 9/3/2021

23 Casey Gish Van Law Firm
24 Attn: Casey D. Gish
25 5940 S. Rainbow Blvd.
26 Las Vegas, NV, 89118
27
28

Electronically
9/4/2021 5:00
Steven D. Gri
C:\FRK\OFFICE

Dept. No.²⁰ Steven D. Gri...

[Signature]

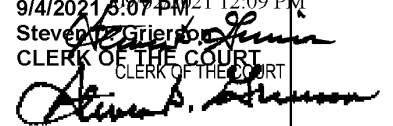
ALA ZORIKOVA
JULIE PYLY ET AL.

Notice is hereby given that C. D., plaintiff above named, hereby appeals to the Supreme Court of Nevada from the order dismissing complaint with prejudice entered in this action on the 02 day of SEPTEMBER, 20 21.

ALLA ZORIKOVA/PLAINTIFF PROSE
Attorney for C.D.
1905 WILCOX 175, L.A. CA 90068

Case Number: A-20-821249-Address

Electronically Filed
9/4/2021 8:07 PM
Steven Z. Grier
CLERK OF THE COURT



1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 ALLA ZORIKOVA;

CASE NO. A-20-821249-C

DEPT. NO. XX

5 Plaintiff(s),

6 vs.

Hearing Date: 8/18/2021

Hearing Time: 9:15 a.m.

7 JULIE PYLE, TAMMY WILLET, VEGAS
8 SHEPHERD RESCUE AND DOES I
9 THROUGH X, INDIVIDUALS, AND ROE
10 BUSINESS ENTITIES I THROUGH X,

11 Defendant(s).

12 **ORDER**

13 THIS MATTER having come on for hearing on the 18th day of August, 2021 at 9:15 a.m.
14 before the HONORABLE ERIC JOHNSON; Plaintiff ALLA ZORIKOVA appearing Pro Se;
15 Defendants, JULIE PYLE and VEGAS SHEPHERD RESCUE appearing in person and by and
16 through their counsel, CASEY D. GISH, ESQ. of THE LAW OFFICE OF CASEY D. GISH, and
17 SHANA D. WEIR, ESQ. of WEIR LAW GROUP; Defendant TAMMY WILLET, appearing by
18 and through her counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH,
19 and SHANA D. WEIR, ESQ. of WEIR LAW GROUP; the Court having set an evidentiary hearing
20 to consider whether Plaintiff properly effected service of the summons and complaints under Rules
21 4 and 4.2 of the Nevada Rules of Civil Procedure. The Court having considered the papers and
22 pleadings on file, the oral arguments of counsel, testimony of witnesses, and evidence entered
23 therein, makes the following findings of fact and conclusions of law:
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1 1) The Complaint is dismissed as to Defendants, Julie Pyle, Tammy Willet and Casey
2 Gish¹ because service was not proper under NRCP 4.2(a) as to the individuals. Service was not
3 made personally, or to the individuals' dwellings or abodes, or to any agent authorized to accept
4 service of process. The location of alleged service was a mail drop area of a business located at
5 2620 Regatta Drive, Las Vegas, Nevada.

6
7 2) The Complaint is dismissed as to Defendant Vegas Shepherd Rescue because service
8 was not proper under NRCP 4.2(c). Service was not made on the registered agent, an officer or
9 director, or any other agent authorized to receive process.

10 3) The Complaint is likewise dismissed as to Defendants because the affidavits of service
11 were not timely filed pursuant to NRCP 4(d). Plaintiff claims to have effectuated service of process
12 on October 5, 2020; and again on October 9, 2020. However, Plaintiff did not file any affidavits
13 of service until June 8, 2021 which was well past the due date imposed by NRCP 4(d), requiring
14 affidavits of service to be filed within the time for filing an answer or responsive pleading.

15
16 4) At the evidentiary hearing on August 18, 2021, the Court sought to determine if service
17 of the summons and complaint on Defendants was accomplished by Plaintiff's daughter, Olivia
18 Jeong, as claimed by Plaintiff and indicated in her June 8, 2021 affidavits of service. Defendants
19 contended that to the extent any service was attempted, it was done by Plaintiff herself, an
20 unqualified person under NRCP 4(c)(3).

21
22 Plaintiff called Ms Jeong as a witness. Ms. Jeong testified that she served packages of
23 materials for Plaintiff at 2620 Regatta Drive, Las Vegas, Nevada on October 5 and October 9,
24 2020. When pressed how she came to Las Vegas from her home in Barstow, California, to deliver
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¹Mr. Gish was not named as a Defendant in Plaintiff's Complaint filed on September 15, 2020 or
in the Complaint filed on September 24, 2020. However, at some point, Plaintiff unilaterally
altered the caption to include him as a Defendant.

1 the packets on the two different dates, Ms. Jeong stated she paid an unknown middle age male to
2 take her from Barstow in a truck to the 2620 Regatta Drive address. The Court finds Ms. Jeong's
3 testimony to be not credible and Plaintiff knowingly proffered this false testimony to the Court.
4 The Court reaches this conclusion based on Ms. Jeong's demeanor, her refusal and/or inability to
5 answer basic questions, her long delays in responding to basic questions, and her inconsistent and
6 often evasive answers and other responses. Her testimony was also not consistent with the
7 testimony of Julie Pyle, which is discussed below and which the Court finds credible.
8

9 5) Plaintiff also testified at the hearing. She claimed while she delivered a package of
10 materials on October 6, 2020 to 2620 Regatta Drive, including the summons and the complaint,
11 she had sent her daughter into the address on both October 5 and October 9, 2020 to formally
12 affect service of the documents. The Court does not find Plaintiff's testimony to be credible and
13 believes Plaintiff testified falsely at the hearing. The Court's conclusion is based, in part, upon
14 the Plaintiff's statements in her pleadings and papers, the testimony presented at the hearing, the
15 demeanor of the Plaintiff's in presenting her testimony at the hearing and her evasive and
16 contradictory answers. Her testimony was not consistent with the testimony of Julie Pyle, which
17 is discussed below and which the Court finds credible. During her testimony, Plaintiff also gave
18 answers regarding her alleged inability to remember her current business/residence address, or
19 even the county in Texas in which her current business/residence is situated. She then later
20 admitted to the Court these were false answers and she was actually trying to conceal the location
21 of her current business/residence in Texas because she did not want to reveal that location to the
22 Defendants due to supposed safety concerns and ongoing litigation in other jurisdictions.
23

24 6) Defendants called Julie Pyle, who is a director of Defendant Vegas Shepherd Rescue.
25 Ms. Pyle testified that she picks up the mail for Vegas Shepherd Rescue from its mail drop at 2620
26 Regatta Drive, Las Vegas, Nevada. She explained she and Tammy Willet are the only two
27
28

1 individuals authorized to pick up the mail and effectively it is only her as Ms. Willet lives out of
2 state. Ms. Pyle testified Ms. Willet called her on October 6, 2020, and indicated she had received
3 a call from the receptionist at 2620 Regatta Drive who told her an individual who identified herself
4 as “Alla” had left a packet of legal materials with the receptionist. Ms. Willet asked Ms. Pyle to
5 pick up the packet. Ms. Pyle went to the address and received the packet which she presented in
6 Court and was admitted as an exhibit. She testified that she was not contacted on either October
7 5 or October 9 about Ms. Jeong’s supposed service of the summons and complaint on those dates.
8 She stated the only packet of litigation materials she picked up at the 2620 Regatta Drive address
9 was the one packet she picked up October 6 which was left by someone named “Alla.” She did
10 not receive the packets Ms. Jeong supposedly delivered to 2620 Regatta Drive on October 5 and
11 October 9, 2020.
12
13

14 7) Defendants introduced a video of the lobby area at the 2620 Regatta Drive address into
15 evidence. It showed a woman entering the lobby on October 6, 2020, speaking with the
16 receptionist and leaving a packet of papers which were later picked up by Ms. Pyle. Plaintiff
17 admitted in her testimony the woman in the video was her.
18

19 8) Based on the evidence presented, the Court concludes the only effort at service of the
20 summons and complaint at the 2620 Regatta Drive address was accomplished by Plaintiff herself
21 on October 6, 2020. Ms. Jeong did not ride in a truck driven by an unknown middle age male
22 from Barstow, California on October 5 and October 9, 2020 to the 2620 Regatta Drive address in
23 Las Vegas, Nevada and deliver two separate packets of legal documents. The Court finds Plaintiff
24 and Ms. Jeong presented false testimony at the hearing to attempt to establish service of the
25 summons and complaint on defendants. The complaint is dismissed as to Defendants as any
26 service of the summons and complaint which was attempted, was done by Plaintiff, an unqualified
27 person under NRCP 4(c)(3).
28

1 9) Plaintiff has abused the judicial process, including having presented false and
2 misleading testimony to the Court, and having prepared and filed false and misleading documents
3 with the Court. As a general proposition, the trial court has the inherent power to dismiss a
4 plaintiff's action to protect the integrity of the judicial process and to sanction a party's failure to
5 comply with the rules of procedure or any order of the court. See NRCP 41(b). *Cf. Meeker v.*
6 *Rizley*, 324 F.2d 269, 271 (10th Cir. 1963). The Court finds Plaintiff's false testimony and
7 presenting of false testimony at the August 18, 2021 hearing was willful and in bad faith, and not
8 from any confusion or inability to comply with the rules concerning service of summons and
9 complaint. Plaintiff may have been confused in October 2020 as a pro per party as to how to
10 properly effect service. However, when Plaintiff discovered her personal service of process was
11 not proper, she did not attempt to correct her actions under the rules or refile her complaint.
12 Instead, Plaintiff decided to falsely represent she had properly served the defendants, claiming her
13 daughter served the papers and then filing false affidavits of service with the Court. Plaintiff gave
14 false testimony at the hearing and drew her daughter into her improper conduct by calling the
15 daughter to give false testimony. See *Batson v. Neal Spelce Associates*, 765 F.2d 511, 514 (5th
16 Cir.1985)
17

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19
20 The Court has considered whether a less drastic sanction than dismissal with prejudice may
21 be appropriate. In the instant matter, to simply dismiss the case without prejudice and allowing
22 the Plaintiff to refile would virtually allow the plaintiff to get away with giving false testimony
23 under oath without a meaningful penalty. *Id.* While Plaintiff possibly could be cross-examined
24 at trial on her false testimony at the hearing, it would require extensive development of a collateral
25 matter to the litigation. Additionally, to the extent such cross-examination or impeachment would
26 be proper, such examination would already be available to Defendants and Plaintiff would suffer
27 no additional penalty. See *Pierce v. Heritage Properties, Inc.*, 688 So.2d 1385, 1390 (Miss. 1997).
28

1 As discussed below, the Court is also sanctioning Plaintiff for attorney fees and costs Defendants
2 incurred in preparing the portion of their motion to dismiss concerning service by an unqualified
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4 sanction alone would be a sufficient penalty for Plaintiff's presentation of false testimony. The
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10 prejudice as to their preparation for trial if Plaintiff was allowed to refile her complaint. While
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12 to ultimately go to trial, Plaintiff's conduct was substantially prejudicial to Defendants as it sought
13 to cause defendants to defend a lawsuit not properly served upon them. Additionally, as noted
14 above, Plaintiff is acting as her own attorney and is not blameless. While she may not have
15 understood the procedure for proper service of process, she understood she was providing false
16 testimony to dupe the Court and the parties into believing that she properly served the summons
17 and complaint. Plaintiff did not act negligently, but willfully and in bad faith. *See Batson*, 765
18 F.2d at 514. The Court finds dismissal with prejudice is appropriate in the instant case not just to
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20 tempted to engage in such conduct in the absence of a deterrent." *Nat'l Hockey League v. Metro.*
21 *Hockey Club, Inc.*, 427 U.S. 639, 643 (1976).
22
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25 IT IS ORDERED, ADJUDGED AND DECREED, this Court's dismissal of Plaintiff's
26 Complaint against Defendants is with prejudice as a sanction for Plaintiff's abuse of the judicial
27 process.
28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' counsel,
2 Casey D. Gish, Esq. and Shana D. Weir, Esq., shall be awarded attorney's fees for having to
3 unnecessarily litigate the propriety of Plaintiff's service of the summons and complaint.
4 Defendant's counsel shall be awarded reasonable fees and cost for the preparation of the portion
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15 Parte Application for Temporary Restraining Order From Custody of Plaintiff's Dogs and for
16 Order to Return Plaintiff's Dogs and Plaintiff's Declaration in Support, and 3) Plaintiff's Motion
17 for Leave of Court to Amend Complaint by Adding Defendants, are denied as moot.
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19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
20 Sanctions set for hearing on September 15, 2021, shall be vacated.
21
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall file a
2 supplement to their Motion to Dismiss by August 19, 2021, to include a copy of the settlement
3 agreement between Plaintiff, Ms. Jeong, and San Bernardino County in the amount of \$325,000
4 that supports Defendants' argument to decertify Plaintiff's In Forma Pauperis status. Plaintiff shall
5 file any responsive pleading by August 27, 2021.
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7 Dated this __ day of __, 2021

Dated this 2nd day of September, 2021

8
9 
10 _____
DISTRICT COURT JUDGE

11 **EAB 33D 383C 575F**
12 **Eric Johnson**
13 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Alla Zorikova, Plaintiff(s) CASE NO: A-20-821249-C
7 vs. DEPT. NO. Department 20
8 Julie Pyle, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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12 Court. The foregoing Order was served via the court's electronic eFile system to all
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15 Casey Gish, Esq. casey@gishlawfirm.com
16 Shana Weir sweir@weirlawgroup.com
17 Alla Zorikova stevejohn19732017@gmail.com
18 Alla Zorikova olivia.car@mail.ru
19

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known addresses on 9/3/2021

22 Casey Gish Van Law Firm
23 Attn: Casey D. Gish
24 5940 S. Rainbow Blvd.
Las Vegas, NV, 89118
25
26
27
28



OPPS

CASEY D. GISH, ESQ.
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(702) 509-4567 Telephone

Attorneys for Defendants
Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA;

Plaintiff(s),

vs.

CASE NO.A-20-821249-C

DEPT. NO. XX

JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X,

Defendant(s).

DEFENDANTS' OPPOSITION TO MOTION TO SET ASIDE
ORDER TO DISMISS WITH PREJUDICE

COME NOW, Defendants¹ Julie Pyle, Tammy Willet, and Vegas Shepherd Rescue,
through their attorney of record, CASEY D. GISH, ESQ., of THE LAW OFFICE OF CASEY D.

¹The Complaint on file herein does not name attorney Casey D. Gish as a Defendant. Plaintiff unilaterally modified the caption at some point to include him as a Defendant. Mr. Gish incorporates the arguments herein.

1 GISH and SHANA D. WEIR, ESQ., of WEIR LAW GROUP, LLC, hereby opposes to Plaintiff's
2 Motion to Set Aside this Court's Order To Dismiss with Prejudice. This Opposition is supported
3 by the attached Points and Authorities, the pleadings and papers on file herein, and any argument
4 allowed by the court.

5
6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I.**

8 **INTRODUCTION**

9 Plaintiff, Alla Zorikova, filed her Complaint against Defendants on September 15, 2020,
10 alleging causes of action for: 1) theft under NRS 41.580, 2) civil conspiracy, 3) trespass, 4) fraud;
11 5) intentional infliction of emotional distress; and 6) property damage. The general basis of her
12 Complaint is that she owns 50 German Shepherds, of which she claims 25 were stolen from her
13 on August 8 or 9, 2020 while she and her daughter, Olivia Jeong, were in jail in San Bernardino
14 County, California for felony animal cruelty to those dogs. Plaintiff allegedly effectuated service
15 of process on Defendants on October 5, 2020 and again on October 9, 2020. This case was stayed
16 on December 4, 2020 after Defendants timely filed Demands for Security of Costs due to Plaintiff
17 being a California resident outside this Court's Jurisdiction. Plaintiff allegedly filed bonds in or
18 around April 2021.²

19
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21 On October 24, 2020, Plaintiff filed an Ex Parte Application for Temporary Restraining
22 Order from Custody of Plaintiff's Dogs and for Order to Return Plaintiff's Dogs. On June 18,
23 2021, Defendants filed an Opposition to Plaintiff's Ex Parte Application for Temporary
24 Restraining Order; and Counter-Motion to Dismiss Plaintiff's Complaint pursuant to NRCP
25 12(b). On June 28, 2021, Plaintiff filed her Opposition to the Counter-Motion to Dismiss. On
26 July 21, 2021, Defendants filed their Reply in support of their Motion to Dismiss.
27
28

²The docket does not reflect the date of filing of the bonds.

1 On August 18, 2021, the Court conducted an evidentiary hearing on the issue of service of
2 process of Plaintiff's Complaint. The Court granted Defendant's Counter-Motion to Dismiss,
3 finding service of process was ineffective, and dismissed Plaintiff's Complaint with prejudice for
4 abuse of process in this matter (see order filed September 2, 2021, attached hereto as Exhibit A).

5 Prior to the September 2, 2021 Order being filed, on August 23, 2021, Plaintiff filed the
6 instant Motion to Set Aside Order To Dismiss With Prejudice. The Motion itself essentially
7 reiterates Plaintiff's position that the summons and Complaint were properly served on all
8 Defendants. Because Plaintiff does not like the outcome of the Motion to Dismiss, she alleges that
9 Judge Johnson has been bribed by counsel and/or influenced by donations from "animal rights
10 activists," and she intends to sue all Defendants for the same causes of action in Texas.³ And
11 finally, Plaintiff provides a statement of fraudulent statements she claims were made by counsel
12 that are not germane to a finding of inadequate service of process, of which the Court took no
13 evidence or testimony (*see Motion* at pp. 11-14, which are summarized as follows: 1) no evidence
14 of ownership of dogs; 2) housing dogs in cages; 3) illegal business/conduct; 4) property
15 conditions; 5) animal neglect; 6) County violations; 7) business licensing; 8) settlement with San
16 Bernardino; 9) other lawsuits; 10) search warrants; 11) Plaintiff's arrest; 12) Plaintiff's criminal
17 investigation; and 13) County violations.

18 For reasons discussed herein, the motion is untimely, and without merit; and therefore,
19 must be denied.
20

21 II.

22 POINTS AND AUTHORITIES

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³Plaintiff's proposed claims will be barred res judicata and Defendants will seek fees and costs associated with defending those claims as well.

1 Plaintiff's motion seeks to set aside the court's order, and cites to NRCP 60(b)(1), NRCP
2 60(b)(3), and NRCP 60(b)(6) in support of the same. NRCP 60(b) states:

3 Grounds for Relief From a Final Judgment, Order, or Proceeding. On motion and just
4 terms, the court may relieve a party or its legal representative from a final judgment, order,
5 proceeding for the following reasons:

6 (1) mistake, inadvertence, surprise or excusable neglect;

7

8 (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or
9 misconduct by an opposing party;

10 . . .

11 (6) any other reason that justifies relief.

12 **A. Plaintiff's Motion to Set Aside is Untimely and Should Be Denied**

13 Plaintiff filed her motion on August 23, 2021, which was 11 days before the September 2,
14 2021 Order disposing of her claims was filed by this Court. Thus, at the time Plaintiff filed her
15 motion, there was no order that could have been construed by anyone to be final that was in place
16 for the Court to set aside. Therefore, Plaintiff's motion should be denied as untimely.

17 **B. Alternatively, Plaintiff's Motion to Set Aside Should Be Denied On The
18 Merits**

19 The district court has wide discretion in deciding whether to grant or deny a motion to set
20 aside a judgment under NRCP 60(b). *See, e.g., Union Petrochemical Co. v. Scott*, 96 Nev. 337,
21 609 P.2d 323 (1980). Here, the Court took over a half day of live testimony, evidence and
22 argument from Plaintiff, Plaintiff's daughter, and Defendants regarding the issue of service of
23 process. The court provided its own well-reasoned and thought-out nine-page Order in support of
24 its findings that Plaintiff abused the judicial process by presenting false and misleading testimony,
25 and having prepared and filed false and misleading documents with the Court. (*See Order* dated
26 September 2, 2021 attached hereto as Exhibit A, at pp. 5: 1-3). Any additional testimony and
27 evidence used to set aside this Court's order is likely to be false and misleading as well.
28

As discussed above, the alleged “fraud” Plaintiff claims in support of setting aside the Court’s order summarized in 13 separate paragraphs that have nothing to do with the issue of service of process. Thus, additional testimony or evidence on those topics does not change the fact that Plaintiff failed to effectuate service of process under the Nevada Rules of Civil Procedure.

1. The Court Was Well Within Its Right to Dismiss Plaintiff’s Case for Abuse of Process, and Presenting False and Misleading Testimony and Evidence

NRCP 41(b) states:

Involuntary Dismissal: Effect. If the plaintiff fails to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against the defendant. Unless the dismissal order or an applicable statute provides otherwise, a dismissal under Rule 41(b) and any dismissal not under this rule — except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19 — operates as an adjudication on the merits.

Defendants generally agree with Plaintiff’s copy/paste of the 2016 Nevada Practice Manual that was posted on the law firm of Holland & Hart’s website wherein she provides that NRCP 41(b) dismissal does not specifically mention lesser sanctions as an alternative to dismissal. *See Motion* at pp. 15 (there are no numerical lines or paragraph numbers contained in the motion to provide a specific citation.) *See also Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).

As the Court herein noted, “[a]s a general proposition, the trial court has the inherent power to dismiss a plaintiff’s action to protect the integrity of the judicial process and to sanction a party’s failure to comply with the rules of procedure or any order of the court. *See NRCP 41(b). Cf. Meeker v. Rizley*, 324 F.2d 269, 271 (10th Cir. 1963). *See Order* dated September 2, 2021 at pp. 5: 3-7 attached hereto as Exhibit A. Here, not only did Plaintiff fail to follow the rules of civil procedure, she failed to follow the most basic rules of fundamental fairness, honesty and integrity which are the underpinnings of the adversarial American judicial system. Her conduct in this

1 matter, by her presentation of blatantly obvious perjurious testimony, filing of false documents
2 with the Court, and her refusal to follow the most basic of the rules of civil procedure constituted
3 an attempted Fraud on the Court. This type of behavior by a litigant, especially one who claims
4 to be an attorney from one of the best law schools in Europe, cannot and should not be permitted
5 by any Court because it undermines the entire judicial process and the undermines the integrity of
6 the judicial process as a whole.
7

8 When such egregious behavior takes place by a party, especially one that has supposedly
9 had legal training from one of the best law schools in Europe, the Courts must issue sanctions
10 which not only punish the behavior of the party, but serve to deter others in the future from
11 engaging in such conduct. Plaintiffs' conduct in attempting to commit a Fraud on this Court by
12 presenting perjurious testimony and filing falsified documents was not only sanctionable, it was
13 criminal. NRCP 41(b) dismissal does not specifically mention or require lesser sanctions as an
14 alternative to dismissal and therefore, dismissal with prejudice was not only proper, it was
15 essential.
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5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



III.

CONCLUSION

Based upon the foregoing, Defendants respectfully request that Plaintiff's Motion to Set Aside Order To Dismiss With Prejudice, be denied.

DATED this 7th day of September, 2021.

THE LAW OFFICE OF CASEY D. GISH

/s/ Casey D. Gish

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

5940 S. Rainbow Blvd

Las Vegas, NV 89118

Casey@GishLawFirm.com

Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

WEIR LAW GROUP, LLC

/s/ Shana D. Weir

SHANA D. WEIR, ESQ.

Nevada Bar No. 9468

6220 Stevenson Way

Las Vegas, NV 89120

Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

CERTIFICATE OF SERVICE

I, Casey D. Gish, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the action within. My business address is 5940 S. Rainbow Blvd., Las Vegas, Nevada 89118.

That I served the document described as **DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO SET ASIDE ORDER** on the parties whose address appears below:

X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve electronic filing system. I am "readily familiar" with the firm's practice of electronically serving documents.

ALLA ZORIKOVA
1905 Wilcox Ave, #175
Los Angeles. CA 90068
P: (323) 209-5186
E: stevejohn19732017@gmail.com
Plaintiff

Executed on the 7th day of September, 2021.

/s/ Casey D. Gish
An employee of THE LAW OFFICE OF
CASEY D. GISH

5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



EXHIBIT “A”

1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 ALLA ZORIKOVA;

5 Plaintiff(s),

6 vs.

7 JULIE PYLE, TAMMY WILLET, VEGAS
8 SHEPHERD RESCUE AND DOES I
9 THROUGH X, INDIVIDUALS, AND ROE
10 BUSINESS ENTITIES I THROUGH X,

11 Defendant(s).

CASE NO. A-20-821249-C

DEPT. NO. XX

Hearing Date: 8/18/2021

Hearing Time: 9:15 a.m.

12 **ORDER**

13 THIS MATTER having come on for hearing on the 18th day of August, 2021 at 9:15 a.m.
14 before the HONORABLE ERIC JOHNSON; Plaintiff ALLA ZORIKOVA appearing Pro Se;
15 Defendants, JULIE PYLE and VEGAS SHEPHERD RESCUE appearing in person and by and
16 through their counsel, CASEY D. GISH, ESQ. of THE LAW OFFICE OF CASEY D. GISH, and
17 SHANA D. WEIR, ESQ. of WEIR LAW GROUP; Defendant TAMMY WILLET, appearing by
18 and through her counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH,
19 and SHANA D. WEIR, ESQ. of WEIR LAW GROUP; the Court having set an evidentiary hearing
20 to consider whether Plaintiff properly effected service of the summons and complaints under Rules
21 4 and 4.2 of the Nevada Rules of Civil Procedure. The Court having considered the papers and
22 pleadings on file, the oral arguments of counsel, testimony of witnesses, and evidence entered
23 therein, makes the following findings of fact and conclusions of law:
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1 1) The Complaint is dismissed as to Defendants, Julie Pyle, Tammy Willet and Casey
2 Gish¹ because service was not proper under NRCP 4.2(a) as to the individuals. Service was not
3 made personally, or to the individuals' dwellings or abodes, or to any agent authorized to accept
4 service of process. The location of alleged service was a mail drop area of a business located at
5 2620 Regatta Drive, Las Vegas, Nevada.

6
7 2) The Complaint is dismissed as to Defendant Vegas Shepherd Rescue because service
8 was not proper under NRCP 4.2(c). Service was not made on the registered agent, an officer or
9 director, or any other agent authorized to receive process.

10 3) The Complaint is likewise dismissed as to Defendants because the affidavits of service
11 were not timely filed pursuant to NRCP 4(d). Plaintiff claims to have effectuated service of process
12 on October 5, 2020; and again on October 9, 2020. However, Plaintiff did not file any affidavits
13 of service until June 8, 2021 which was well past the due date imposed by NRCP 4(d), requiring
14 affidavits of service to be filed within the time for filing an answer or responsive pleading.

15
16 4) At the evidentiary hearing on August 18, 2021, the Court sought to determine if service
17 of the summons and complaint on Defendants was accomplished by Plaintiff's daughter, Olivia
18 Jeong, as claimed by Plaintiff and indicated in her June 8, 2021 affidavits of service. Defendants
19 contended that to the extent any service was attempted, it was done by Plaintiff herself, an
20 unqualified person under NRCP 4(c)(3).

21
22 Plaintiff called Ms Jeong as a witness. Ms. Jeong testified that she served packages of
23 materials for Plaintiff at 2620 Regatta Drive, Las Vegas, Nevada on October 5 and October 9,
24 2020. When pressed how she came to Las Vegas from her home in Barstow, California, to deliver
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¹Mr. Gish was not named as a Defendant in Plaintiff's Complaint filed on September 15, 2020 or
in the Complaint filed on September 24, 2020. However, at some point, Plaintiff unilaterally
altered the caption to include him as a Defendant.

1 the packets on the two different dates, Ms. Jeong stated she paid an unknown middle age male to
2 take her from Barstow in a truck to the 2620 Regatta Drive address. The Court finds Ms. Jeong's
3 testimony to be not credible and Plaintiff knowingly proffered this false testimony to the Court.
4 The Court reaches this conclusion based on Ms. Jeong's demeanor, her refusal and/or inability to
5 answer basic questions, her long delays in responding to basic questions, and her inconsistent and
6 often evasive answers and other responses. Her testimony was also not consistent with the
7 testimony of Julie Pyle, which is discussed below and which the Court finds credible.
8

9 5) Plaintiff also testified at the hearing. She claimed while she delivered a package of
10 materials on October 6, 2020 to 2620 Regatta Drive, including the summons and the complaint,
11 she had sent her daughter into the address on both October 5 and October 9, 2020 to formally
12 affect service of the documents. The Court does not find Plaintiff's testimony to be credible and
13 believes Plaintiff testified falsely at the hearing. The Court's conclusion is based, in part, upon
14 the Plaintiff's statements in her pleadings and papers, the testimony presented at the hearing, the
15 demeanor of the Plaintiff's in presenting her testimony at the hearing and her evasive and
16 contradictory answers. Her testimony was not consistent with the testimony of Julie Pyle, which
17 is discussed below and which the Court finds credible. During her testimony, Plaintiff also gave
18 answers regarding her alleged inability to remember her current business/residence address, or
19 even the county in Texas in which her current business/residence is situated. She then later
20 admitted to the Court these were false answers and she was actually trying to conceal the location
21 of her current business/residence in Texas because she did not want to reveal that location to the
22 Defendants due to supposed safety concerns and ongoing litigation in other jurisdictions.
23

24 6) Defendants called Julie Pyle, who is a director of Defendant Vegas Shepherd Rescue.
25 Ms. Pyle testified that she picks up the mail for Vegas Shepherd Rescue from its mail drop at 2620
26 Regatta Drive, Las Vegas, Nevada. She explained she and Tammy Willet are the only two
27
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1 individuals authorized to pick up the mail and effectively it is only her as Ms. Willet lives out of
2 state. Ms. Pyle testified Ms. Willet called her on October 6, 2020, and indicated she had received
3 a call from the receptionist at 2620 Regatta Drive who told her an individual who identified herself
4 as “Alla” had left a packet of legal materials with the receptionist. Ms. Willet asked Ms. Pyle to
5 pick up the packet. Ms. Pyle went to the address and received the packet which she presented in
6 Court and was admitted as an exhibit. She testified that she was not contacted on either October
7 5 or October 9 about Ms. Jeong’s supposed service of the summons and complaint on those dates.
8 She stated the only packet of litigation materials she picked up at the 2620 Regatta Drive address
9 was the one packet she picked up October 6 which was left by someone named “Alla.” She did
10 not receive the packets Ms. Jeong supposedly delivered to 2620 Regatta Drive on October 5 and
11 October 9, 2020.
12
13

14 7) Defendants introduced a video of the lobby area at the 2620 Regatta Drive address into
15 evidence. It showed a woman entering the lobby on October 6, 2020, speaking with the
16 receptionist and leaving a packet of papers which were later picked up by Ms. Pyle. Plaintiff
17 admitted in her testimony the woman in the video was her.
18

19 8) Based on the evidence presented, the Court concludes the only effort at service of the
20 summons and complaint at the 2620 Regatta Drive address was accomplished by Plaintiff herself
21 on October 6, 2020. Ms. Jeong did not ride in a truck driven by an unknown middle age male
22 from Barstow, California on October 5 and October 9, 2020 to the 2620 Regatta Drive address in
23 Las Vegas, Nevada and deliver two separate packets of legal documents. The Court finds Plaintiff
24 and Ms. Jeong presented false testimony at the hearing to attempt to establish service of the
25 summons and complaint on defendants. The complaint is dismissed as to Defendants as any
26 service of the summons and complaint which was attempted, was done by Plaintiff, an unqualified
27 person under NRCP 4(c)(3).
28

1 9) Plaintiff has abused the judicial process, including having presented false and
2 misleading testimony to the Court, and having prepared and filed false and misleading documents
3 with the Court. As a general proposition, the trial court has the inherent power to dismiss a
4 plaintiff's action to protect the integrity of the judicial process and to sanction a party's failure to
5 comply with the rules of procedure or any order of the court. See NRCP 41(b). *Cf. Meeker v.*
6 *Rizley*, 324 F.2d 269, 271 (10th Cir. 1963). The Court finds Plaintiff's false testimony and
7 presenting of false testimony at the August 18, 2021 hearing was willful and in bad faith, and not
8 from any confusion or inability to comply with the rules concerning service of summons and
9 complaint. Plaintiff may have been confused in October 2020 as a pro per party as to how to
10 properly effect service. However, when Plaintiff discovered her personal service of process was
11 not proper, she did not attempt to correct her actions under the rules or refile her complaint.
12 Instead, Plaintiff decided to falsely represent she had properly served the defendants, claiming her
13 daughter served the papers and then filing false affidavits of service with the Court. Plaintiff gave
14 false testimony at the hearing and drew her daughter into her improper conduct by calling the
15 daughter to give false testimony. See *Batson v. Neal Spelce Associates*, 765 F.2d 511, 514 (5th
16 Cir.1985)
17

18 The Court has considered whether a less drastic sanction than dismissal with prejudice may
19 be appropriate. In the instant matter, to simply dismiss the case without prejudice and allowing
20 the Plaintiff to refile would virtually allow the plaintiff to get away with giving false testimony
21 under oath without a meaningful penalty. *Id.* While Plaintiff possibly could be cross-examined
22 at trial on her false testimony at the hearing, it would require extensive development of a collateral
23 matter to the litigation. Additionally, to the extent such cross-examination or impeachment would
24 be proper, such examination would already be available to Defendants and Plaintiff would suffer
25 no additional penalty. See *Pierce v. Heritage Properties, Inc.*, 688 So.2d 1385, 1390 (Miss. 1997).
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1 As discussed below, the Court is also sanctioning Plaintiff for attorney fees and costs Defendants
2 incurred in preparing the portion of their motion to dismiss concerning service by an unqualified
3 person and in preparing and presenting the hearing. The Court considered whether this monetary
4 sanction alone would be a sufficient penalty for Plaintiff's presentation of false testimony. The
5 Court believes at this early stage of the litigation, the fees and costs would not be great enough to
6 sufficiently sanction Plaintiff and discourage her and others from similar conduct. The Court is
7 also concerned as to Defendants' ability to collect such fees and costs from Plaintiff.
8

9 The Court has considered whether Plaintiff's conduct caused Defendants to suffer any
10 prejudice as to their preparation for trial if Plaintiff was allowed to refile her complaint. While
11 Plaintiff's conduct has not impacted Defendants' ability to develop the merits of the case if it was
12 to ultimately go to trial, Plaintiff's conduct was substantially prejudicial to Defendants as it sought
13 to cause defendants to defend a lawsuit not properly served upon them. Additionally, as noted
14 above, Plaintiff is acting as her own attorney and is not blameless. While she may not have
15 understood the procedure for proper service of process, she understood she was providing false
16 testimony to dupe the Court and the parties into believing that she properly served the summons
17 and complaint. Plaintiff did not act negligently, but willfully and in bad faith. *See Batson*, 765
18 F.2d at 514. The Court finds dismissal with prejudice is appropriate in the instant case not just to
19 penalize Plaintiff whose conduct "warrants such a sanction, but to deter those who might be
20 tempted to engage in such conduct in the absence of a deterrent." *Nat'l Hockey League v. Metro.*
21 *Hockey Club, Inc.*, 427 U.S. 639, 643 (1976).
22
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24

25 IT IS ORDERED, ADJUDGED AND DECREED, this Court's dismissal of Plaintiff's
26 Complaint against Defendants is with prejudice as a sanction for Plaintiff's abuse of the judicial
27 process.
28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' counsel,
2 Casey D. Gish, Esq. and Shana D. Weir, Esq., shall be awarded attorney's fees for having to
3 unnecessarily litigate the propriety of Plaintiff's service of the summons and complaint.
4 Defendant's counsel shall be awarded reasonable fees and cost for the preparation of the portion
5 of the motion to dismiss and reply concerning improper service of summons by an unqualified
6 person and for their preparation for, and attendance at, the hearing on August 18,
7 2021. Defendants' Counsel shall submit billings and a memorandum regarding the factors
8 required under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 346, 455 P.2d 31, 31 (1969), by
9 August 27, 2021. Plaintiff shall file any responsive pleading by September 10, 2021. Defendants
10 shall file any reply thereto by September 17, 2021.
11
12

13 IT IS FURTHER ADJUDGED AND DECREED that the remaining motions set for
14 hearing on August 18, 2021, to wit 1) Plaintiff's Motion for Default Judgment, 2) Plaintiff's Ex
15 Parte Application for Temporary Restraining Order From Custody of Plaintiff's Dogs and for
16 Order to Return Plaintiff's Dogs and Plaintiff's Declaration in Support, and 3) Plaintiff's Motion
17 for Leave of Court to Amend Complaint by Adding Defendants, are denied as moot.
18

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
20 Sanctions set for hearing on September 15, 2021, shall be vacated.
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall file a
2 supplement to their Motion to Dismiss by August 19, 2021, to include a copy of the settlement
3 agreement between Plaintiff, Ms. Jeong, and San Bernardino County in the amount of \$325,000
4 that supports Defendants' argument to decertify Plaintiff's In Forma Pauperis status. Plaintiff shall
5 file any responsive pleading by August 27, 2021.
6

7 Dated this __ day of __, 2021

Dated this 2nd day of September, 2021

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9 
10 _____
DISTRICT COURT JUDGE

11 **EAB 33D 383C 575F**
12 **Eric Johnson**
13 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Alla Zorikova, Plaintiff(s) CASE NO: A-20-821249-C
7 vs. DEPT. NO. Department 20
8 Julie Pyle, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/2/2021

15 Casey Gish, Esq. casey@gishlawfirm.com
16 Shana Weir sweir@weirlawgroup.com
17 Alla Zorikova stevejohn19732017@gmail.com
18 Alla Zorikova olivia.car@mail.ru
19

20 If indicated below, a copy of the above mentioned filings were also served by mail
21 via United States Postal Service, postage prepaid, to the parties listed below at their last
22 known addresses on 9/3/2021

23 Casey Gish Van Law Firm
24 Attn: Casey D. Gish
25 5940 S. Rainbow Blvd.
26 Las Vegas, NV, 89118
27
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**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

ALLA ZORIKOVA,

Plaintiff(s),

vs.

JULIE PYLE; TAMMY WILLET; VEGAS
SHEPHERD RESCUE,

Defendant(s),

Case No: A-20-821249-C

Dept No: XX

CASE APPEAL STATEMENT

1. Appellant(s): Alla Zorikova

2. Judge: Eric Johnson

3. Appellant(s): Alla Zorikova

Counsel:

Alla Zorikova
1905 Wilcox, #175
Los Angeles, CA 90068

4. Respondent (s): Julie Pyle; Tammy Willet; Vegas Shepherd Rescue

Counsel:

Casey D. Gish, Esq.
5940 S. Rainbow Blvd.

A-20-821249-C

-1-

Las Vegas, NV 89118

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

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

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, September 25, 2020
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: September 15, 2020

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

Type of Judgment or Order Being Appealed: Dismissal

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 7 day of September 2021.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Alla Zorikova



NEOJ

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

THE LAW OFFICE OF CASEY D. GISH

5940 S. Rainbow Blvd

Las Vegas, NV 89118

Casey@GishLawFirm.com

(702) 583-5883 Telephone

(702) 483-4608 Facsimile

SHANA D. WEIR, ESQ.

Nevada Bar No. 9468

WEIR LAW GROUP, LLC

6220 Stevenson Way

Las Vegas, NV 89120

(702) 509-4567 Telephone

Attorneys for Defendants

Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA;

Plaintiff(s),

vs.

CASE NO.A-20-821249-C

DEPT. NO. XX

JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X,

Defendant(s).

**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION
TO DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE**

TO: ALLA ZORIKOVA; Plaintiff appearing Pro Se

PLEASE TAKE NOTICE that the following ORDER was entered in the above captioned
matter on September 2, 2021.

A true and correct copy of the order is attached hereto.

1 DATED this 7th day of September, 2021.

2 **THE LAW OFFICE OF CASEY D. GISH**

3 /s/ Casey D. Gish

4 CASEY D. GISH, ESQ.

5 Nevada Bar No. 006657

6 5940 S. Rainbow Blvd

7 Las Vegas, NV 89118

8 Casey@GishLawFirm.com

9 *Co-counsel for Defendants Julie Pyle, Tammy*
10 *Willet, & Vegas Shepherd Rescue*

11 **WEIR LAW GROUP, LLC**

12 /s/ Shana D. Weir

13 SHANA D. WEIR, ESQ.

14 Nevada Bar No. 9468

15 6220 Stevenson Way

16 Las Vegas, NV 89120

17 *Co-counsel for Defendants Julie Pyle, Tammy*
18 *Willet, & Vegas Shepherd Rescue*

5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



THE LAW OFFICE OF
CASEY D. GISH

CERTIFICATE OF SERVICE

I, Casey D. Gish, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the action within. My business address is 5940 S. Rainbow Blvd., Las Vegas, Nevada 89118.

That I served the document described as **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE** on the parties whose address appears below:

 X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve electronic filing system. I am "readily familiar" with the firm's practice of electronically serving documents.

ALLA ZORIKOVA
1905 Wilcox Ave, #175
Los Angeles. CA 90068
P: (323) 209-5186
E: stevejohn19732017@gmail.com
Plaintiff

Executed on the 7th day of September, 2021.

/s/ Casey D. Gish
An employee of THE LAW OFFICE OF
CASEY D. GISH

1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 ALLA ZORIKOVA;

CASE NO. A-20-821249-C

DEPT. NO. XX

5 Plaintiff(s),

6 vs.

Hearing Date: 8/18/2021

Hearing Time: 9:15 a.m.

7 JULIE PYLE, TAMMY WILLET, VEGAS
8 SHEPHERD RESCUE AND DOES I
9 THROUGH X, INDIVIDUALS, AND ROE
10 BUSINESS ENTITIES I THROUGH X,

11 Defendant(s).

12 **ORDER**

13 THIS MATTER having come on for hearing on the 18th day of August, 2021 at 9:15 a.m.
14 before the HONORABLE ERIC JOHNSON; Plaintiff ALLA ZORIKOVA appearing Pro Se;
15 Defendants, JULIE PYLE and VEGAS SHEPHERD RESCUE appearing in person and by and
16 through their counsel, CASEY D. GISH, ESQ. of THE LAW OFFICE OF CASEY D. GISH, and
17 SHANA D. WEIR, ESQ. of WEIR LAW GROUP; Defendant TAMMY WILLET, appearing by
18 and through her counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH,
19 and SHANA D. WEIR, ESQ. of WEIR LAW GROUP; the Court having set an evidentiary hearing
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1 1) The Complaint is dismissed as to Defendants, Julie Pyle, Tammy Willet and Casey
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5 2620 Regatta Drive, Las Vegas, Nevada.

6
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15
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21
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23 materials for Plaintiff at 2620 Regatta Drive, Las Vegas, Nevada on October 5 and October 9,
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altered the caption to include him as a Defendant.

1 the packets on the two different dates, Ms. Jeong stated she paid an unknown middle age male to
2 take her from Barstow in a truck to the 2620 Regatta Drive address. The Court finds Ms. Jeong's
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4 The Court reaches this conclusion based on Ms. Jeong's demeanor, her refusal and/or inability to
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8

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13 believes Plaintiff testified falsely at the hearing. The Court's conclusion is based, in part, upon
14 the Plaintiff's statements in her pleadings and papers, the testimony presented at the hearing, the
15 demeanor of the Plaintiff's in presenting her testimony at the hearing and her evasive and
16 contradictory answers. Her testimony was not consistent with the testimony of Julie Pyle, which
17 is discussed below and which the Court finds credible. During her testimony, Plaintiff also gave
18 answers regarding her alleged inability to remember her current business/residence address, or
19 even the county in Texas in which her current business/residence is situated. She then later
20 admitted to the Court these were false answers and she was actually trying to conceal the location
21 of her current business/residence in Texas because she did not want to reveal that location to the
22 Defendants due to supposed safety concerns and ongoing litigation in other jurisdictions.
23

24 6) Defendants called Julie Pyle, who is a director of Defendant Vegas Shepherd Rescue.
25 Ms. Pyle testified that she picks up the mail for Vegas Shepherd Rescue from its mail drop at 2620
26 Regatta Drive, Las Vegas, Nevada. She explained she and Tammy Willet are the only two
27
28

1 individuals authorized to pick up the mail and effectively it is only her as Ms. Willet lives out of
2 state. Ms. Pyle testified Ms. Willet called her on October 6, 2020, and indicated she had received
3 a call from the receptionist at 2620 Regatta Drive who told her an individual who identified herself
4 as “Alla” had left a packet of legal materials with the receptionist. Ms. Willet asked Ms. Pyle to
5 pick up the packet. Ms. Pyle went to the address and received the packet which she presented in
6 Court and was admitted as an exhibit. She testified that she was not contacted on either October
7 5 or October 9 about Ms. Jeong’s supposed service of the summons and complaint on those dates.
8 She stated the only packet of litigation materials she picked up at the 2620 Regatta Drive address
9 was the one packet she picked up October 6 which was left by someone named “Alla.” She did
10 not receive the packets Ms. Jeong supposedly delivered to 2620 Regatta Drive on October 5 and
11 October 9, 2020.
12
13

14 7) Defendants introduced a video of the lobby area at the 2620 Regatta Drive address into
15 evidence. It showed a woman entering the lobby on October 6, 2020, speaking with the
16 receptionist and leaving a packet of papers which were later picked up by Ms. Pyle. Plaintiff
17 admitted in her testimony the woman in the video was her.
18

19 8) Based on the evidence presented, the Court concludes the only effort at service of the
20 summons and complaint at the 2620 Regatta Drive address was accomplished by Plaintiff herself
21 on October 6, 2020. Ms. Jeong did not ride in a truck driven by an unknown middle age male
22 from Barstow, California on October 5 and October 9, 2020 to the 2620 Regatta Drive address in
23 Las Vegas, Nevada and deliver two separate packets of legal documents. The Court finds Plaintiff
24 and Ms. Jeong presented false testimony at the hearing to attempt to establish service of the
25 summons and complaint on defendants. The complaint is dismissed as to Defendants as any
26 service of the summons and complaint which was attempted, was done by Plaintiff, an unqualified
27 person under NRCP 4(c)(3).
28

1 9) Plaintiff has abused the judicial process, including having presented false and
2 misleading testimony to the Court, and having prepared and filed false and misleading documents
3 with the Court. As a general proposition, the trial court has the inherent power to dismiss a
4 plaintiff's action to protect the integrity of the judicial process and to sanction a party's failure to
5 comply with the rules of procedure or any order of the court. See NRCP 41(b). *Cf. Meeker v.*
6 *Rizley*, 324 F.2d 269, 271 (10th Cir. 1963). The Court finds Plaintiff's false testimony and
7 presenting of false testimony at the August 18, 2021 hearing was willful and in bad faith, and not
8 from any confusion or inability to comply with the rules concerning service of summons and
9 complaint. Plaintiff may have been confused in October 2020 as a pro per party as to how to
10 properly effect service. However, when Plaintiff discovered her personal service of process was
11 not proper, she did not attempt to correct her actions under the rules or refile her complaint.
12 Instead, Plaintiff decided to falsely represent she had properly served the defendants, claiming her
13 daughter served the papers and then filing false affidavits of service with the Court. Plaintiff gave
14 false testimony at the hearing and drew her daughter into her improper conduct by calling the
15 daughter to give false testimony. See *Batson v. Neal Spelce Associates*, 765 F.2d 511, 514 (5th
16 Cir.1985)
17

18
19
20 The Court has considered whether a less drastic sanction than dismissal with prejudice may
21 be appropriate. In the instant matter, to simply dismiss the case without prejudice and allowing
22 the Plaintiff to refile would virtually allow the plaintiff to get away with giving false testimony
23 under oath without a meaningful penalty. *Id.* While Plaintiff possibly could be cross-examined
24 at trial on her false testimony at the hearing, it would require extensive development of a collateral
25 matter to the litigation. Additionally, to the extent such cross-examination or impeachment would
26 be proper, such examination would already be available to Defendants and Plaintiff would suffer
27 no additional penalty. See *Pierce v. Heritage Properties, Inc.*, 688 So.2d 1385, 1390 (Miss. 1997).
28

1 As discussed below, the Court is also sanctioning Plaintiff for attorney fees and costs Defendants
2 incurred in preparing the portion of their motion to dismiss concerning service by an unqualified
3 person and in preparing and presenting the hearing. The Court considered whether this monetary
4 sanction alone would be a sufficient penalty for Plaintiff's presentation of false testimony. The
5 Court believes at this early stage of the litigation, the fees and costs would not be great enough to
6 sufficiently sanction Plaintiff and discourage her and others from similar conduct. The Court is
7 also concerned as to Defendants' ability to collect such fees and costs from Plaintiff.
8

9 The Court has considered whether Plaintiff's conduct caused Defendants to suffer any
10 prejudice as to their preparation for trial if Plaintiff was allowed to refile her complaint. While
11 Plaintiff's conduct has not impacted Defendants' ability to develop the merits of the case if it was
12 to ultimately go to trial, Plaintiff's conduct was substantially prejudicial to Defendants as it sought
13 to cause defendants to defend a lawsuit not properly served upon them. Additionally, as noted
14 above, Plaintiff is acting as her own attorney and is not blameless. While she may not have
15 understood the procedure for proper service of process, she understood she was providing false
16 testimony to dupe the Court and the parties into believing that she properly served the summons
17 and complaint. Plaintiff did not act negligently, but willfully and in bad faith. *See Batson*, 765
18 F.2d at 514. The Court finds dismissal with prejudice is appropriate in the instant case not just to
19 penalize Plaintiff whose conduct "warrants such a sanction, but to deter those who might be
20 tempted to engage in such conduct in the absence of a deterrent." *Nat'l Hockey League v. Metro.*
21 *Hockey Club, Inc.*, 427 U.S. 639, 643 (1976).
22
23
24

25 IT IS ORDERED, ADJUDGED AND DECREED, this Court's dismissal of Plaintiff's
26 Complaint against Defendants is with prejudice as a sanction for Plaintiff's abuse of the judicial
27 process.
28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' counsel,
2 Casey D. Gish, Esq. and Shana D. Weir, Esq., shall be awarded attorney's fees for having to
3 unnecessarily litigate the propriety of Plaintiff's service of the summons and complaint.
4 Defendant's counsel shall be awarded reasonable fees and cost for the preparation of the portion
5 of the motion to dismiss and reply concerning improper service of summons by an unqualified
6 person and for their preparation for, and attendance at, the hearing on August 18,
7 2021. Defendants' Counsel shall submit billings and a memorandum regarding the factors
8 required under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 346, 455 P.2d 31, 31 (1969), by
9 August 27, 2021. Plaintiff shall file any responsive pleading by September 10, 2021. Defendants
10 shall file any reply thereto by September 17, 2021.
11
12

13 IT IS FURTHER ADJUDGED AND DECREED that the remaining motions set for
14 hearing on August 18, 2021, to wit 1) Plaintiff's Motion for Default Judgment, 2) Plaintiff's Ex
15 Parte Application for Temporary Restraining Order From Custody of Plaintiff's Dogs and for
16 Order to Return Plaintiff's Dogs and Plaintiff's Declaration in Support, and 3) Plaintiff's Motion
17 for Leave of Court to Amend Complaint by Adding Defendants, are denied as moot.
18

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
20 Sanctions set for hearing on September 15, 2021, shall be vacated.
21
22
23
24
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27 ///

28 ///

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall file a
2 supplement to their Motion to Dismiss by August 19, 2021, to include a copy of the settlement
3 agreement between Plaintiff, Ms. Jeong, and San Bernardino County in the amount of \$325,000
4 that supports Defendants' argument to decertify Plaintiff's In Forma Pauperis status. Plaintiff shall
5 file any responsive pleading by August 27, 2021.
6

7 Dated this __ day of __, 2021

Dated this 2nd day of September, 2021

8
9 
10 _____
DISTRICT COURT JUDGE

11 **EAB 33D 383C 575F**
12 **Eric Johnson**
13 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Alla Zorikova, Plaintiff(s) CASE NO: A-20-821249-C
7 vs. DEPT. NO. Department 20
8 Julie Pyle, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/2/2021

15 Casey Gish, Esq. casey@gishlawfirm.com
16 Shana Weir sweir@weirlawgroup.com
17 Alla Zorikova stevejohn19732017@gmail.com
18 Alla Zorikova olivia.car@mail.ru
19

20 If indicated below, a copy of the above mentioned filings were also served by mail
21 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 9/3/2021

22 Casey Gish Van Law Firm
23 Attn: Casey D. Gish
24 5940 S. Rainbow Blvd.
Las Vegas, NV, 89118
25
26
27
28

NEVADA
Department 20
CASE # A-20-821249-C

From: Alla Zorikova
1905 Wilcox Ave., #175
Los Angeles, CA 90068
323-209-5186
E-mail: olivia.ciu@mail.ru

AFFIDAVIT OF PREJUDICE

STATE OF TEXAS

PERSONALLY came and appeared before me, the undersigned Notary, the within named ALLA ZORIKOVA, who is a resident of State of TEXAS, and makes this her statement and Affidavit upon oath and affirmation of belief and personal knowledge that the following matter, facts and things set forth are true and correct to the best of her knowledge:

1. I, Alla Zorikova, declare under penalty of perjury and law of Nevada that I have been prejudiced by Judge Eric Johnson, department 20, and this Judge denied my constitutional right for fair and impartial Hearing.

2. Plaintiff's Motion to Set Aside will be heard on September 29, 2021. Plaintiff is entitled to impartial, unbiased, fair and without prejudice Hearing.

3. Pursuant to Nevada Code TITLE 1 CHAPTER 1 NRS 1.235 Alla Zorikova, Plaintiff, states that she observed bias and prejudice from Animal Rights Activists Endorse Judge Foster (Dep 20) based on Plaintiff's action as ProSe in this litigation, her gender, her Russian nationality as Judge Foster assumes that Russian people, even though they are American Citizens are not capable of comprehensible written English and is not capable to read statutes so that Defendants can state any false statement he desires on any topic including statutes interpretation and "noone has rights to object, as well Plaintiff to be a female and a dog breeder, while Animal Rights Activists are destroying pet breeders, farmers, zoos, horse shows, meat restaurants, butchers etc in



America.

4. USA Constitutional Amendments 5th and 14th are twice implying fundamental right of not being deprived from private property without a due process and fair proceedings must be applied to USA Citizens, which are LEGAL OBLIGATIONS OF ALL STATES.

5. On August 18th of 2021 Hearing Judge Johnson stated that he was endorsed by Animal Rights Activists Group. Attorney Gish and Wu (as she confirmed her affiliation with Animal Rights Activists during the hearing as well) for Defendants in this case are both Animal Rights Activists, who is acting ProBono to fight against Pet Breeders, Pet Stores, Zoos, Horse Shows, Farmers, Butchers, Meat Restaurants and other American Businesses, majority of donations to which Gish admitted receiving \$100,000 in donations toward legal defense in this case) is sourced (in my opinion based on observed facts) from Rockefeller's family through FETA (see facts and details at <http://humanrightsforall.com>).

6. The Hearing constituted of constant flow of evasive facts and statements by Casey Gish, which Judge Johnson simply ignored even Plaintiff Zorikova was pointing out falsity (confirmed by clear facts) of those statements all the time. Judge Foster showed that he does not believe that female Zorikova can drive non stop one day from TX to CA. Judge Johnson allowed leading by Gish testimony of his witness and overruled all objections of Plaintiff. Judge Johnson pretended that he is "looking for evidences of Zorikova's appearance at Defendant's office", while Plaintiff stated the same in her previous pleadings. Judge Johnson had consulted Gish multiple times if it is ok with him for one or another issue. Whole Hearing was felt as a circus, in which Defendants, represented by attorney/Defendant on the same issue in Federal Court that Plaintiff is filing shortly, Casey Gish, who stole Plaintiff's Dogs with clear in this case evidences and yet, who has been blocked by Judge Johnson from being said by Plaintiff.

7. Therefore, Judge Johnson is clearly biased, politically involved and prejudicial toward Russian/German Female, Trump Supporter, Dog Breeder, ProSe Plaintiff Alla Zorikova and instead of serving American People in his public office (that based on the published facts he possibly occupied with failure to disclose the facts of twice being investigated for corruption (see <http://humanrightsforall.com>)). Judge Johnson believes that he is on a power trip to disregard my and all constitutional rights of Plaintiff and to cover up Defendant's false statements to the Court, while protecting them from being held accountable for its malicious actions committed toward Plaintiff.

DATED This the 8 day of September, 2021

signature of Affiant

2



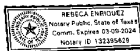
SWORN to subscribed before me,

This the 8 day of September, 2021

NOTARY PUBLIC

My Commission Expires

03/09/2024





Alla Zorikova

1905 Wilcox Av., #175

Los Angeles, CA 90068

3232095186

Olivia.car@mail.ru

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA, PLAINTIFF, JULIE PYLE, TAMMY WILLET, VEGAS SHEPHERD RESCUE AND DOES I THROUGH X, INDIVIDUALS, AND ROE BUSINESS ENTITIES I THROUGH X, DEFENDANTS	: A-20-821249-C PLAUNTIFF'S Opposition to Defendants Costs and fees Department 20
--	--

COMES NOW Plaintiff, Alla Zorikova and states following:

1. The Settlement between San Bernardirno County and Plaintiff is CONFIDENTIAL. The Settlement must be sealed if Courts will receive the Copy of this Settlement.
2. Plaintiff requests Settlement's copy between San Bernardirno County and any and all references to it be sealed.

3. Plaintiff is clearly prejudiced and filed Affidavit of Prejudice with the Court. American People has rights protected by 5th and 14th Amendments to Constitution as to Due Process, fair and impartial Hearings and Trials. While Nevada Judges additionally boundared in its actions by NEVADA CODE OF JUDICIAL CONDUCT. It appears that while United States Attorney Eric Johnson, who was twice investigated in strip club case and forced tp step down from this case (source: _veteranpolitics.org nevadaappeal.com) yet failed to disclose these facts while applying on this position for Judge believes that he is allowed to act as he wish instead of serving people and executing his duties in this office with impartial, unbiased, based on facts and law judgment.

4. Further, (source: nevadaappeal.com/news) "Michael Galardi, (owner of te strip clubs) during plea negotiations, told authorities that Eric Johnson, a federal prosecutor in the two-year probe, was a patron at his topless clubs. Galardi later said the claim was not true. Johnson has declined comment, but left the case. Former County Commissioner Lance Malone, who worked as a lobbyist for Galardi, has been indicted in San Diego on public Corruption charges." The facts are that both Defendants/Attorneys on the same or similar causes to Plaintiff 1- Gish is in Las Vegas, Nevada and 2- Bryan Pease (second "probono attorney" from Animal Rights Activists cabal) is in San Diego, CA, coinsidence?

5. Plaintiff is not afraid even Gish was impose baseless threats on her constantly as to "I will get you on Attorney Fees, I will conduct investigations and complain and complain and complain (which he did) to any and all officials and guess what, I will get away with anything" . Plaintiff will stand up for her stolen dogs, for truth and justice even while Judge harasses Plaintiff and/or threatens her with arrest, charges her with other side's lying constantly attorney his attorney's fees and costs, impose santions etc. Judges must obey NEVADA CODE OF JUDICIAL CONDUCT, they oath they took to serve people in this public office. People have

Constitutionally granted right for fair trial and hearing and right to be heard by juries (Plaintiff had requested trial by JURIES), not by abusing court's discretion and judicial power judges alone.

6. Defendants stated during hearing that he received \$100,000 in donations to cover legal fees for this case. People, who is donating money will not be able to receive any "refunds"; however, Defendant will be unjust enriched if he receives AND DONATIONS AND will get paid from Plaintiff's expenses.

7. Hourly rate in Nevada for legal services is about \$150/hr. Gush did not spend 1/10 of the amount he claims he spent.

6. My dogs have been stolen and destroyed based on undeniable facts in this case, Defendant was brought to this Court to be hold accountable for his maliciopus action, not to be rewarded.

7. Defendant does not have any legal rights for his "costs and expenses", the all Hearing on the August 18th was nothing more than setted up circus with several surprises to Defendant, such as life call from Olivia Jenog, who he desired to find "not exsisted" and her appearance via phone messed up Defendant's plans.

8. NRCP 4.2 (a)(2) clearly states that NO personal service ever required on Defendant as falsely stated in Order to Dismiss.

9. In its order, the Court baselessly, solely on it's "opinion" instead of facts refers to "finding" Plaintiff's and her witness Olivia Jeong not credible, while Defefendant's hearsay and led answers testimony fully credible without justifying facts nor evidences.

9. The Court refers to "abuse of judicial process", which is malicious prosecution and it's totally inappropriate trying to apply "abuse of judicial process" to service deficiencies even if the same would exist.

10. What is clearly exists is the pages and pages of undeniable falsehood propounded by Defendants though Gish (see facts based on only one pleading below).

11. The Courts descriminate Plaintiff reffering to her as "Pro Per" person, who must be (because ProPer in Court's opinion cannot find Rule 4.2 nor can understand Englishand are not familiar with Rule 4.2 and therefore does not know how to serve properly.) Defendant, who manufactured this order to be signed by judge, perfectly aware that Plaintiff filed 3 cases in different jurisdictions on similar causes from the same event, that are ongoing with exception of Nevada's case, and in which "unknowledgable" Plaintiff (because in Court's OPINION ALL ProPer people cannot read nor write and are incompetent while attorneys have "LICENSE to LIE" and "Courts have power to threaten and to harass) succesfully and properly served through appropriate service process numerous Defendants, and while Plaintiff served dozens Defendants during her ProPer practice and NEVER had neither complaints nor issues with service.

12. ProPer Plaintiff knows rules for service process and cites it below for all readers of the same to read ininstead of listening lies of Defendant (through Gish and Weir placed under Court's signature) that are refering to numbers suggesting that people canot understand what it said. Here it is:

" 4.2 (a)(2)

4.2(c)(1)(B)

Rule 4.2. Service Within Nevada

(a) **Serving an Individual.** Unless otherwise provided by these rules, service may be made on an individual:

(1) by delivering a copy of the summons and complaint to the individual personally;

(2) by leaving a copy of the summons and complaint at the individual's dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein and is not an adverse party to the individual being served; or

(3) by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.

(c) **Serving Entities and Associations.**

(1) **Entities and Associations in Nevada.**

(A) An entity or association that is formed under the laws of this state, is registered to do business in this state, or has appointed a registered agent in this state, may be served by delivering a copy of the summons and complaint to:

- (i) the registered agent of the entity or association;
- (ii) any officer or director of a corporation;
- (iii) any partner of a general partnership;
- (iv) any general partner of a limited partnership;
- (v) any member of a member managed limited-liability company

(vi) any manager of a manager-managed limited-liability company;

(vii) any trustee of a business trust;

(viii) any officer or director of a miscellaneous organization mentioned in

(ix) any managing or general agent of any entity or association; or

(x) any other agent authorized by statute and the statute so requires, a

copy of the summons and complaint must also be mailed to the defendant entity or association at its last known address.

13. The Court in its order posted on September 02 of 2021 referring to "abuse of judicial process", which is malicious prosecution in bad faith, elements of which are:

" An abuse of process claim consists of two elements: (1) an ulterior purpose other than resolving a legal dispute, and (2) **a willful act in the use of process not proper in the regular conduct of the proceeding**. ...An "ulterior purpose" includes any "improper motive" underlying the issuance of legal process.

Dutt v. Kremp ::1995 ::Supreme Court of Nevada Decisions

and has nothing to do with any (if any) errors of service.

14. Plaintiff testified regarding service of Summons and Complaint that she hired and paid for service to Olivia Jeong, who is over 18 years old and not a party of the lawsuit. Plaintiff testified that she filed with the Court affidavits of service signed by Olivia Jeong. There were NONE of any evidences presented that this is not true facts, and it's minimum inappropriate for Court make false allegations toward Plaintiff that Court "finds" it to be not true statements.

15. Plaintiff testified that she visited all places of Defendant's (in all Nevada cases) and submitted where she preferred court's papers. This is NOT illegal. Plaintiff has rights to visit people's places and submit them all she wants at any time, people can refuse to take it, which they have rights to as well. It does not interfere with any other service of Summons and Complaints conducted by paid server or sheriff.

16. Olivia Jeong is NOT Plaintiff, nor she is party of this lawsuit and even if Court finds her testimony insufficient, Plaintiff does not have responsibility for her witness's testimony as Plaintiff relies on it and does not have personal knowledge regarding details that her witness refers in her testimony.

17. Plaintiff's stolen dogs were found in Defendant's possession, Defendants admitted having them, admitted that no one authorized taking them from Plaintiff, and yet, this Court dares to state that Plaintiff is acting in "bad faith" while lying on almost each page of its pleadings Defendant, who clearly had stolen Plaintiff's dogs are a "good" person, has a "good faith" and may continue their dirty business because always there will be judges (investigated previously twice for corruption) who will protect them from claims and moreover, will make sure Defendant's are getting paid, as they need funds in addition to those hundreds of thousands of dollars that they are already received. Donations of PETA in majority comes from Rockefeller's family (in case the Court is not aware where it comes from and believes that some sentimental grandmothers donating).

A. **In Defendant's Opposition to Plaintiff's Ex Parte Motion for TRO** on page 3 line 25

Defendant states: "Plaintiff did not provide photos of her own" regarding proof of stolen

dog's ownership, while in a reality, Plaintiff attached multiple pictures of herself with her dogs that are displayed as stolen on Defendant's Facebook page.

- B. On page 4 of the same , line 9 to 27 Defendants are fully defrauding the Court with paragraphs of clearly false, evasive and obviously designed to cover up the truth, statements such as: a) On line 10 Defendants falsely states that Plaintiff stated she houses 50 dogs in cages. Plaintiff had never stated so in none of her pleadings nor motions not otherwise, because she never keeps nor kept dogs in cages. All dogs are walking free on huge acreage of her property or kept in roomy kennels with huge play zone area.
- b). On line 12 Defendant falsely and baselessly without any supporting evidences states that Plaintiff was conducting business in San Bernardirno County since May 2018, which is not true. C). On line 14 Defendants falsely states that Plaintiff is an established illegal operator of puppy mills throughout of USA and her dogs are kept in inhumane conditions. No one never "established" that Plaintiff is an "illegal operator" and operates "puppy mill". Plaintiff does not run an illegal businesses nor operates any "puppy mill".
- D). On line 18 Defendants falsely and baselessly state that Plaintiff raising her dogs in inhumane and cruel conditions outside of Barstow, California, while claiming multiple times that NONE of the Defendants have ever been on Plaintiff's property and therefore never observed, nor has personal knowledge of any conditions. However, what Defendant has certain knowledge is that Plaintiff does not run any business from December of 2020 until current in San Bernardirno County, California, yet Defendants falsely states otherwise.

- C. Further, on page 5 Defendants once again baselessly and falsely (while claiming they had never been on Plaintiff's property and never saw her or her dogs while on property) state that there were no even dirt roads nor the Dogs had not have water, food, shelter in contradiction to true and credible Animal Control Report (Exhibit 1).
- D. Further, on line 7 of the same Defendants (while attaching referred Notice of Violation as Exhibit and therefore, with inability to claim "innocent mistake" Defendants falsely state that "Notice of Violation was issued for operating kennel without permit" , while true fact is that the Notice of Violation was given for " _No Primary Use_ " (Exhibit 2) regarding absence of residential construction on the property.
- E. Further, on line 20 Defendants refer to "breeder license" which are not required for Plaintiff while not operating in San Bernardirno County.
- F. On page 6 line 17, page 22 line1 Defendants state that they "found from Freedom of Information Act" settlement amount, which is falsehood based on the true fact that settlement was confidential and amount of the same cannot be disclosed. Also Defendants state wrong amount (they could not "find" the true one legally).
- G. Further, on line 20 Defendants falsely state that "Plaintiff sued various Defendants for alleged theft in multiple countries in California", while Defendants know that Plaintiff filed lawsuit related in San Bernardirno County while San Diego's lawsuit is against Pease as for defamation and libel.
- H. Further on page 7 line 27 Defendants state that "Deputies visited home of Pyle", while in reality 3 different judges issued search warrants under which Deputies conducted a search.

- I. On page 11 line 9 Defendants falsely state that “litigation is ongoing regarding “false arrest” cause of Plaintiff. There is no any ongoing litigation and the “arrest” case #082001029 against plaintiff was turned down by Victorville’s District Attorney back in 2020 and closed.
- J. On page 16 line 12 to 16, page 18 line 3 Defendants falsely state that “it is UNDESPUTED that Plaintiff is currently under criminal investigation” . While the true UNDESPUTED fact is that “arrest” case #082001029 against plaintiff was turned down by Victorville’s District Attorney back in 2020 and closed, no any charges has been filed against Plaintiff by District Attorney.
- K. Further, on page 18 line 24 Defendants knowingly (by introducing the same referred exhibit “Notice of Violations”) falsely once again states that “Notice of Violation” is a “Citation for operating an illegal kennel operation”, which is indisputably not true.

All Defendant's costs and expenses shall be DENIED.

Alla Zorikova

Alla Zorikova

09/04/2021

. 

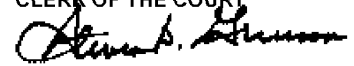
- CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 09/08/2021 to Casey Gish.

Alla Zorikova

09/04/2021

A handwritten signature in black ink, appearing to be 'AZ' or similar initials, written in a cursive style.



Alla Zorikova

1905 Wilcox Av., #175

Los Angeles, CA 90068

3232095186

Olivia.car@mail.ru

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA,	: A-20-821249-C
PLAINTIFF,	PLAINTIFF'S MOTION FOR NEW TRIAL,
	Affidavit of Prejudice, Memorandum of
	Points and Authorities
JULIE PYLE, TAMMY WILLET, VEGAS	Pursuant NRCPP 59(a) (A)(B)(F)(G)
SHEPHERD RESCUE AND DOES I	
THROUGH X, INDIVIDUALS, AND ROE	Department 20
BUSINESS ENTITIES I THROUGH X,	
DEFENDANTS	HEARING REQUESTED

COMES NOW Plaintiff, Alla Zorikova and states following:

1. Pursuant NRCPP 59(a) (A)(B)(F)(G) Plaintiff asks this Court for a new Trial/Hearing based on misconduct of Defendant's Attorneys Gish and Weir, fact of Judge Johnson being twice investigated in public corruption case, his endorsement by Animal Rights Activists and clear

prejudice toward Plaintiff Alla Zorikova, in particularly for a Trial as this Court entered final judgment against the facts, evidences and law denied Plaintiff's rights for a Trial.

2. Plaintiff, while writing Affidavit for Prejudice regarding prejudice on her by Judge Eric Johnson, discovered outrageous facts of Judge Johnson's failure to disclose him being uninvestigated twice in connection with Las Vegas Strip Club's owner and by this owner's testimony Judge Johnson being a patron for this club is **OUTRAGEOUS AND DISGUSTING**. How this person can be possibly serving as judge and claim his status as "impartial, fair and unbiased Judge"? He can not. Moreover, if one reads pleadings of this case, listens audio recording from hearing and looks at the facts, it will appear clearly that this Judge is NOT impartial nor unbiased, which confirms his damaged reputation through involvement in Strip Club's Public Corruption Case, while most likely teaming up with undeniable liar in front of Court Casey Gish. I have constitutional rights to be heard by juries and NOT by involved in corruption judges.

3. Plaintiff is clearly prejudiced and filed Affidavit of Prejudice with the Court. American People has rights protected by 5th and 14th Amendments to Constitution as to Due Process, fair and impartial Hearings and Trials. While Nevada Judges additionally boundared in its actions by NEVADA CODE OF JUDICIAL CONDUCT. It appears that while United States Attorney Eric Johnson, who was twice investigated in strip club case and forced tp step down from this case (source: _veteranpolitics.org nevadaappeal.com) yet failed to disclose these facts while applying on this position for Judge believes that he is allowed to act as he wish instead of serving people and executing his duties in this office with impartial, unbiased, based on facts and law judgment.

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(iii) any partner of a general partnership;
(iv) any general partner of a limited partnership;
(v) any member of a member managed limited-liability company;
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(ix) any managing or general agent of any entity or association; or

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19. This Court shall grant a new hearing/trial.

20. It is clear that Defendants constructed an unconscionable plan and scheme, implemented with false representation of facts to the Court, false statements all over of all Defendants pleadings and filed documents, and even constantly led by Gish testimony (leading questions objections were overruled constantly) of Pyle, based on the fact that the only witness Pyle (Defendant herself) did not have personal knowledge neither objected service of documents, nor she could recognize anyone on the introduced by Defendants into evidence's video.

21. Dismissal with Prejudice is allowed only for cases decided on merits, not on any technical errors, which include claimed improper service. Plaintiff believes that the Court did NOT conspire with Defendants and therefore was defrauded and deceived by Defendants and will correct the order accordingly.

22. Plaintiff filed complaint on September 24 of 2020 or about this date.

23. Plaintiff filed requests for Summons on Defendants Pyle, Willet and Vegas Shepherd Rescue (Exhibit _2_) in September of 2020.

24. The Court issued Summons (Exhibit 3_) .

25. Plaintiff hired on October 03 of 2020 or about this date person over 18 years old and not a party of this lawsuit Olivia Jeong for service of the complaint, Summons and exhibits.

26. On November 02 of 2020, or about this date, Olivia Jeong submitted to Plaintiff signed Affidavits of Service of Summons, Complaint and Exhibits for Defendants Pyle, Willet and VSRP.

27. Plaintiff filed with this Court Proof of Service, true and correct copies of which attached as (Exhibit _3_).

28. Plaintiff does not have clear recollection how Affidavits of Service have been filed, it could be filed electronically or by mail or submitted to the Court in person.

29. Plaintiff recalls difficulties filing electronically and mailing several documents to the Court.

30. Defendants have never objected any service and instead filed other pleadings in this case displaying clearly that they have been NOTIFIED.

31. Similar Affidavits have been filed for Defendants Gregory, SNARL and others for the first filed case on the same matter with Judge Alif, which has been dismissed for the lack of payments to the Court by Plaintiff. True and correct copies of the Filed Affidavits attached as Exhibit _4_.

32. In August of 2021 Plaintiff discovered on Court's Docket that Affidavits of Service have been filed with the Court on this case for Defendants Pyle, Willet and VSRP. True and correct copy of that Affidavits attached as (Exhibit 5).

33. Plaintiff does not have any recollection of filing any Affidavits of Summons for this case in June of 2021, but does not exclude possibility of filing.

34. Plaintiff has been visited Las Vegas (but does not have any recollection of the dates); however, as claimed by Defendants one of the visits was on October 06 of 2020 (that's why Defendants falsely claimed "service" on October 06 of 2020 and Plaintiff have been referencing the same date in her pleadings relying on Defendant's true statements as to date of filing of Olivia's Jeong Affidavits of Service, instead of date of visits of Plaintiff).

35. Plaintiff does not have clear recollection of any details of Service. Plaintiff had not realized, nor had any previous experience that Defendants and THE COURT might think of an attempt to use dates, details etc in service process as a clever but fake tool to Dismiss this big on MERITS and hurtful for stolen dogs and Plaintiff case, filed for LARCENY, emotional distress and other causes of action.

36. Plaintiff studied at Universities in CA with making President's Honor Roll in such sophisticated subjects as Computer Science, Math etc. Therefore, Plaintiff surely does not have any "recollection abilities problems"; however, it is almost a year past by from the dates of service by Olivia Jeong and Plaintiff's visits to Las Vegas. Plaintiff does not recall most of the environment where she was in Las Vegas, nor details, nor almost (would be trully to state) anything except of what it stated on written documents.

37. However, Court unfairly was upset that neither Plaintiff, nor Olivia Jeong would recall details of place where Plaintiff was as visitor and Olivia Jeong was as server.

38. To provide the Court with leverage to see credibility of witness and to clearly prove that Olivia Jeong does not need to be "led" by leading questions (designed, in my opinion, as supporting tool for those who cannot speak truth for themselves and therefore need to be "led" in order to answer not truthfully but "correctly").

39. It is obvious, in my opinion, that agenda of the Court was to dismiss this case no matter what before the hearing on August 18th even started.

40. First, Defendants went with attempts to “prove” that Plaintiff Alla Zorikova was impersonalizing herself as Olivia Jeong. Defendant’s bad faith’s attempts failed.

41. Next, Defendant attempted to pretend that his video will prove something that Plaintiff denied.

42. There were NO need for searching any videos of plaintiff’s visit in Las Vegas based on Plaintiff’s true statement in previous pleadings (Exhibit __6__) that she was visiting most of all Nevada’s Defendants places of business and residence , as well as speaking with neighbors regarding her stolen German Shepherds.

43. Casey Gish still denying and stated during hearing on August 18 of 2020 that this is not true that he is with Board of Directors for SNARL (Exhibit __7__).

44. Olivia Jeong signed and filled in handwriting Declaration (admitted into evidence as Exhibit 1) and is Exhibit 8 here, on which she confirmed the service she made on Defendants filed with he Court. She served according to NRCP 4.2 (a) (2).

45. Further, Defendants viciously attempted to attack Olivia’s Jeong’s signatures, which is failed as well.

46. Further more, after hours and hours of baseless “evidence such as video of Plaintiff visiting office” and hearsay’s written statements of absent T Willet, overruling each Plaintiff’s objection during constantly leading questions “testimony” of Pyle, The Court could not find more grounds for it’s agaisnst the evidences order, but baselesely pointing on “DEMEANOR” of Olivia Jeong during her testimony’s answers and therefore finding Olivia’s and Plaintiff’s testimone as uncredible, while all Pyle’s and hearsay Willet’s

statements found credible, which clearly exposed Court's bias and unfairness toward Plaintiff.

47. Then followed threats to Plaintiff and her witness of arrests from Gish, while he, with his "license" was standing and blatantly lied and lied in the face of the Court and Plaintiff.

48. See below Gish's fraudulent statement of false "FACTS" taken only from his single document he filed with the Court.

49. This Court clearly abuses its power by covering up clear falsehoods of Defendants and trying to unfairly accuse Plaintiff without any evidences nor facts using "power of Court's Discretion and opinion". In this country (this Court agrees or not) People has Constitution, in which their fundamental right for fair hearing cannot be abused neither by the Court, nor by anyone else.

50. Judgments and Orders based on baseless, not supported with evidences "opinions" are easily overturned.

51. One County (San Bernardino) had already attempted warrantless false arrest of Plaintiff and paid price for it (disciplinary and monetary).

52. Nevada turned much worse than California, based on Plaintiff's personal experience.

53. Plaintiff is making sure that true facts of this case, hearing and the Court's motivation to issue this unfair order will be exposed publically on one of the Plaintiff's website and other sources. (with true undisputable in its trustworthy copies of pleadings). People are be able to respond in blog and state their experience and knowledge of Nevada's Courts.

54. Olivia Jeong's poor "demeanor" rised from her knowledge that Eric Johnson was endorsed by Animal Rights Activists Group, and most likely, big "donations" were poured in to influence his judgements.

55. Why she (as any other person would) think so? Because obviously as a proven fact all hearing was unfair and order as a result of unfair hearing is ridiculous.

56. "Animal Right Activists", called by public lately as "terrorists", while more and more exposure on their offen violent activity toward humans and animals. See <http://humanrightsvsanimalrights.org>

Almost nothing on that website (yet) written by Plaintiff, all true facts there provided by experienced credible breeders, founders, dog show judges etc, those, who work hard providing Americans with products instead of destroying businesses and people under cover up of "animals and trees cannot speak" and "people are the animals, while animals are "fur kids". In USA animals are property. Period. And People have rights to own animals. This right is undisputable. And those who destroys, steal and damage other people's property need bare bad consequences of bad actions.

A. **In Defendant's Opposition to Plaintiff's Ex Parte Motion for TRO** (Exhibit 10)on page 3 line 25 Defendant states: "Plaintiff did not provide photos of her own" regarding proof of stolen dog's ownership, while in a reality, Plaintiff attached multiple pictures of herself with her dogs that are displayed as stolen on Defendant's Facebook page.

B. On page 4 of the same , line 9 to 27 Defendants are fully defrauding the Court with paragraphs of clearly false, evasive and obviously designed to cover up the truth, statements such as: a) On line 10 Defendants falsely states that Plaintiff stated she

houses 50 dogs in cages. Plaintiff had never stated so in none of her pleadings nor motions not otherwise, because she never keeps nor kept dogs in cages. All dogs are walking free on huge acreage of her property or kept in roomy kennels with huge play zone area.

- b). On line 12 Defendant falsely and baselessly without any supporting evidences states that Plaintiff was conducting business in San Bernardino County since May 2018, which is not true. C). On line 14 Defendants falsely states that Plaintiff is an established illegal operator of puppy mills throughout of USA and her dogs are kept in inhumane conditions. No one never “established” that Plaintiff is an “illegal operator” and operates “puppy mill”. Plaintiff does not run an illegal businesses nor operates any “puppy mill”. D). On line 18 Defendants falsely and baselessly state that Plaintiff raising her dogs in inhumane and cruel conditions outside of Barstow, California, while claiming multiple times that NONE of the Defendants have ever been on Plaintiff’s property and therefore never observed, nor has personal knowledge of any conditions. However, what Defendant has certain knowledge is that Plaintiff does not run any business from December of 2020 until current in San Bernardino County, California, yet Defendants falsely states otherwise.
- C. Further, on page 5 Defendants once again baselessly and falsely (while claiming they had never been on Plaintiff’s property and never saw her or her dogs while on property) state that there were no even dirt roads nor the Dogs had not have water, food, shelter in contradiction to true and credible Animal Control Report (Exhibit 11).
- D. Further, on line 7 of the same Defendants (while attaching referred Notice of Violation as Exhibit and therefore, with inability to claim “innocent mistake” Defendants falsely state that “Notice of Violation was issued for operating kennel without permit” , while true fact is that the Notice of Violation was given for “_No

Primary Use_” (Exhibit 12) regarding absence of residential construction on the property.

- E. Further, on line 20 Defendants refer to “breeder license” which are not required for Plaintiff while not operating in San Bernardino County.
- F. On page 6 line 17, page 22 line 1 Defendants state that they “found from Freedom of Information Act” settlement amount, which is falsehood based on the true fact that settlement was confidential and amount of the same cannot be disclosed. Also Defendants state wrong amount (they could not “find” the true one legally).
- G. Further, on line 20 Defendants falsely state that “Plaintiff sued various Defendants for alleged theft in multiple countries in California”, while Defendants know that Plaintiff filed lawsuit related in San Bernardino County while San Diego’s lawsuit is against Pease as for defamation and libel.
- H. Further on page 7 line 27 Defendants state that “Deputies visited home of Pyle”, while in reality 3 different judges issued search warrants under which Deputies conducted a search.
- I. On page 11 line 9 Defendants falsely state that “litigation is ongoing regarding “false arrest” cause of Plaintiff. There is no any ongoing litigation and the “arrest” case #082001029 against plaintiff was turned down by Victorville’s District Attorney back in 2020 and closed.
- J. On page 16 line 12 to 16, page 18 line 3 Defendants falsely state that “it is UNDESPUTED that Plaintiff is currently under criminal investigation”. While the true UNDESPUTED fact is that “arrest” case #082001029 against plaintiff was turned

down by Victorville's District Attorney back in 2020 and closed, no any charges has been filed against Plaintiff by District Attorney.

K. Further, on page 18 line 24 Defendants knowingly (by introducing the same referred exhibit "Notice of Violations") falsely once again states that "Notice of Violation" is a "Citation for operating an illegal kennel operation", which is indisputably not true.

LEGAL STANDARDS

NRCP 59(a) (A)(B)(F)(G)

NRCP 4.2 (a)(2)

4.2(c)(1)(B)

USA Constitutional Amendments V, XIV

Dutt v. Kremp ::1995 ::Supreme Court of Nevada Decisions

United Air Lines, Inc v. Wiener 335 F. 2d 379 (9th Cir.1964)

Lioce v. Cohen 124 Nev.1 2008 . (In this case Motion for a new Trial based on attorney misconduct was granted and attorney's misconduct facts have been referred to Nevada Disciplinary Committee).

WHEREFORE, Plaintiff respectfully asks this Court to grant her Motion for a new Trial/Hearing and for other relief Court finds deemed and proper. Plaintiff requests statement of reasoning denying or granting this motion.

Sincerely,

Alla Zorikova

09/04/2021

• 

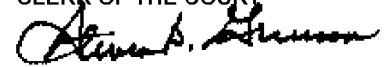
• CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 09/12/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

09/11/2021





Alla Zorikova

1905 Wilcox Av., #175

Los Angeles, CA 90068

3232095186

Olivia.car@mail.ru

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA, PLAINTIFF, JULIE PYLE, TAMMY WILLET, VEGAS SHEPHERD RESCUE AND DOES I THROUGH X, INDIVIDUALS, AND ROE BUSINESS ENTITIES I THROUGH X, DEFENDANTS	: A-20-821249-C PLAINTIFF'S MOTION FOR RELIEF FROM FINAL ORDER, Affidavit of Prejudice, Memorandum of Points and Authorities Pursuant NRCP 60 (b)(1)(3)(6) Department 20 HEARING REQUESTED
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COMES NOW Plaintiff, Alla Zorikova and states following:

1. Pursuant NRCP 60 (b)(1)(3)(6) Plaintiff asks this Court for relief from final order to Dismiss this Case with Prejudice as this order denies Plaintiff's Constitutional rights to fair, unbiased, impartial judgment .

2. Plaintiff, while writing Affidavit for Prejudice regarding prejudice on her by Judge Eric Johnson, discovered outrageous facts of Judge Johnson's failure to disclose him being uninvestigated twice in connection with Las Vegas Strip Club's owner and by this owner's testimony Judge Johnson being a patron for this club is **OUTRAGEOUS AND DISGUSTING**. How this person can be possibly serving as judge and claim his status as "impartial, fair and unbiased Judge"? He can not. Moreover, if one reads pleadings of this case, listens audio recording from hearing and looks at the facts, it will appear clearly that this Judge is NOT impartial nor unbiased, which confirms his damaged reputation through involvement in Strip Club's Public Corruption Case, while most likely teaming up with undeniable liar in front of Court Casey Gish. I have constitutional rights to be heard by juries and NOT by involved in corruption judges.

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19. This Court shall grant a new hearing/trial.

20. It is clear that Defendants constructed an unconscionable plan and scheme, implemented with false representation of facts to the Court, false statements all over of all Defendants' pleadings and filed documents, and even constantly led by Gish testimony (leading questions objections were overruled constantly) of Pyle, based on the fact that the only witness Pyle (Defendant herself) did not have personal knowledge, neither objected to service of documents, nor she could recognize anyone introduced by Defendants in the evidence video.

21. Dismissal with Prejudice is allowed only for cases decided on merits, not on any technical errors, which include claimed improper service. Plaintiff believes that the Court did NOT

conspire with Defendants and therefore was defrauded and deceived by Defendants and will correct the order accordinally.

22. Plaintiff filed complaint on September 24 of 2020 or about this date.

23. Plaintiff filed requests for Summons on Defendants Pyle, Willet and Vegas Shepherd Rescue (Exhibit _2_) in September of 2020.

24. The Court issued Summons (Exhibit 3_) .

25. Plaintiff hired on October 03 of 2020 or about this date person over 18 years old and not a party of this lawsuit Olivia Jeong for service of the complaint, Summons and exhibits.

26. On November 02 of 2020, or about this date, Olivia Jeong submitted to Plaintiff signed Affidavits of Service of Summons, Complaint and Exhibits for Defendants Pyle, Willet and VSRP.

27. Plaintiff filed with this Court Proof of Service, true and correct copies of which attached as (Exhibit _3_).

28. Plaintiff does not have clear recollection how Affidavits of Service have been filed, it could be filed electronically or by mail or submitted to the Court in person.

29. Plaintiff recalls difficulties filing electronically and mailing several documents to the Court.

30. Defendants have never objected any service and instead filed other pleadings in this case displaying clearly that they have been NOTIFIED.

31. Similar Affidavits have been filed for Defendants Gregory, SNARL and others for the first filed case on the same matter with Judge Alif, which has been dismissed for the lack of payments to the Court by Plaintiff. True and correct copies of the Filed Affidavits attached as Exhibit _4_.

32. In August of 2021 Plaintiff discovered on Court's Docket that Affidavits of Service have been filed with the Court on this case for Defendants Pyle, Willet and VSRP. True and correct copy of that Affidavits attached as (Exhibit 5).

33. Plaintiff does not have any recollection of filing any Affidavits of Summons for this case in June of 2021, but does not exclude possibility of filing.

34. Plaintiff has been visited Las Vegas (but does not have any recollection of the dates); however, as claimed by Defendants one of the visits was on October 06 of 2020 (that's why Defendants falsely claimed "service" on October 06 of 2020 and Plaintiff have been referencing the same date in her pleadings relying on Defendant's true statements as to date of filing of Olivia's Jeong Affidavits of Service, instead of date of visits of Plaintiff).

35. Plaintiff does not have clear recollection of any details of Service. Plaintiff had not realized, nor had any previous experience that Defendants and THE COURT might think of an attempt to use dates, details etc in service process as a clever but fake tool to Dismiss this big on MERITS and hurtfull for stolen dogs and Plaintiff case, filed for LARCENY, emotional distress and other causes of action.

36. Plaintiff studied at Universities in CA with making President's Honor Roll in such sophisticated subjects as Computer Science, Math etc. Therefore, Plaintiff surely does not have any "recollection abilities problems"; however, it is almost a year past by from the dates of service by Olivia Jeong and Plaintiff's visits to Las Vegas. Plaintiff does not recall most of the

environment where she was in Las Vegas, nor details, nor almost (would be trully to state) anything except of what it stated on written documents.

37. However, Court unfairly was upset that neither Plaintiff, nor Olivia Jeong would recall details of place where Plaintiff was as visitor and Olivia Jeong was as server.

38. To provide the Court with leverage to see credibility of witness and to clearly prove that Olivia Jeong does not need to be “led” by leading questions (designed, in my opinion, as supporting tool for those who cannot speak truth for themselves and therefore need to be “ led” in order to answer not truthfully but "correctly").

39. It is obvious, in my opinion, that agenda of the Court was to dismiss this case no matter what before the hearing on August 18th even started.

40. First, Defendants went with attempts to “prove” that Plaintiff Alla Zorikova was impersonalizing herself as Olivia Jeong. Defendant’s bad faith's attempts failed.

41. Next, Defendant attempted to pretend that his video will prove something that Plaintiff denied.

42. There were NO need for searching any videos of plaintiff’s visit in Las Vegas based on Plaintiff’s true statement in previous pleadings (Exhibit __6__) that she was visiting most of all Nevada’s Defendants places of business and residence , as well as speaking with neighbors regarding her stolen German Shepherds.

43. Casey Gish still denying and stated during hearing on August 18 of 2020 that this is not true that he is with Board of Directors for SNARL (Exhibit _7_).

44. Olivia Jeong signed and filled in handwriting Declaration (admitted into evidence as Exhibit 1) and is Exhibit 8 here, on which she confirmed the service she made on Defendants filed with the Court. She served according to NRCp 4.2 (a) (2).

45. Further, Defendants viciously attempted to attack Olivia's Jeong's signatures, which is failed as well.

46. Further more, after hours and hours of baseless "evidence such as video of Plaintiff visiting office" and hearsay's written statements of absent T Willet, overruling each Plaintiff's objection during constantly leading questions "testimony" of Pyle, The Court could not find more grounds for it's against the evidences order, but baselessly pointing on "DEMEANOR" of Olivia Jeong during her testimony's answers and therefore finding Olivia's and Plaintiff's testimony as uncredible, while all Pyle's and hearsay Willet's statements found credible, which clearly exposed Court's bias and unfairness toward Plaintiff.

47. Then followed threats to Plaintiff and her witness of arrests from Gish, while he, with his "license" was standing and blatantly lied and lied in the face of the Court and Plaintiff.

48. See below Gish's fraudulent statement of false "FACTS" taken only from his single document he filed with the Court.

49. This Court clearly abuses its power by covering up clear falsehoods of Defendants and trying to unfairly accuse Plaintiff without any evidences nor facts using "power of Court's Discretion and opinion". In this country (this Court agrees or not) People has Constitution, in which their fundamental right for fair hearing cannot be abused neither by the Court, nor by anyone else.

50. Judgments and Orders based on baseless, not supported with evidences “opinions” are easily overturned.

51. One County (San Bernardino) had already attempted warrantless false arrest of Plaintiff and paid price for it (disciplinary and monetary).

52. Nevada turned much worse than California, based on Plaintiff’s personal experience.

53. Plaintiff is making sure that true facts of this case, hearing and the Court’s motivation to issue this unfair order will be exposed publically on one of the Plaintiff’s website and other sources. (with true undisputable in it's trustworthy copies of pleadings). People are be able to respond in blog and state their experience and knowledge of Nevada's Courts.

54. Olivia Jeong’s poor “demeneer” rised from her knowledge that Eric Johnson was endorsed by Animal Rights Activists Group, and most likely, big “donations” were poured in to influence his judgements.

55. Why she (as any other person would) think so? Because obviously as a proven fact all hearing was unfair and order as a result of unfair hearing is ridiculous.

56. “Animal Right Activists”, called by public lately as “terrorists”, while more and more exposure on their offen violent activity toward humans and animals. See

<http://humanrightsvsanimalrights.org>

Almost nothing on that website (yet) written by Plaintiff, all true facts there provided by experienced credible breeders, founders, dog show judges etc, those, who work hard providing Americans with products instead of destroying businesses and people under cover up of "animals and trees cannot speak" and "people are the animals, while animals are "fur kids". In USA

animals are property. Period. And People have rights to own animals. This right is undisputable. And those who destroys, steal and damage other people's property need bare bad consequences of bad actions.

- A. **In Defendant's Opposition to Plaintiff's Ex Parte Motion for TRO** (Exhibit 10) on page 3 line 25 Defendant states: "Plaintiff did not provide photos of her own" regarding proof of stolen dog's ownership, while in a reality, Plaintiff attached multiple pictures of herself with her dogs that are displayed as stolen on Defendant's Facebook page.
- B. On page 4 of the same , line 9 to 27 Defendants are fully defrauding the Court with paragraphs of clearly false, evasive and obviously designed to cover up the truth, statements such as: a) On line 10 Defendants falsely states that Plaintiff stated she houses 50 dogs in cages. Plaintiff had never stated so in none of her pleadings nor motions not otherwise, because she never keeps nor kept dogs in cages. All dogs are walking free on huge acreage of her property or kept in roomy kennels with huge play zone area.
- b). On line 12 Defendant falsely and baselessly without any supporting evidences states that Plaintiff was conducting business in San Bernardino County since May 2018, which is not true. C). On line 14 Defendants falsely states that Plaintiff is an established illegal operator of puppy mills throughout of USA and her dogs are kept in inhumane conditions. No one never "established" that Plaintiff is an "illegal operator" and operates "puppy mill". Plaintiff does not run an illegal businesses nor operates any "puppy mill".
- D). On line 18 Defendants falsely and baselessly state that Plaintiff raising her dogs in inhumane and cruel conditions outside of Barstow, California, while claiming multiple times that NONE of the Defendants have ever been on Plaintiff's property and therefore

never observed, nor has personal knowledge of any conditions. However, what Defendant has certain knowledge is that Plaintiff does not run any business from December of 2020 until current in San Bernardirno County, California, yet Defendants falsely states otherwise.

- C. Further, on page 5 Defendants once again baselessly and falsely (while claiming they had never been on Plaintiff's property and never saw her or her dogs while on property) state that there were no even dirt roads nor the Dogs had not have water, food, shelter in contradiction to true and credible Animal Control Report (Exhibit 11).
- D. Further, on line 7 of the same Defendants (while attaching referred Notice of Violation as Exhibit and therefore, with inability to claim "innocent mistake" Defendants falsely state that "Notice of Violation was issued for operating kennel without permit" , while true fact is that the Notice of Violation was given for "No Primary Use" (Exhibit 12) regarding absence of residential construction on the property.
- E. Further, on line 20 Defendants refer to "breeder license" which are not required for Plaintiff while not operating in San Bernardirno County.
- F. On page 6 line 17, page 22 line1 Defendants state that they "found from Freedom of Information Act" settlement amount, which is falsehood based on the true fact that settlement was confidential and amount of the same cannot be disclosed. Also Defendants state wrong amount (they could not "find" the true one legally).
- G. Further, on line 20 Defendants falsely state that "Plaintiff sued various Defendants for alleged theft in multiple countries in California", while Defendants know that Plaintiff

filed lawsuit related in San Bernardino County while San Diego's lawsuit is against Pease as for defamation and libel.

- H. Further on page 7 line 27 Defendants state that "Deputies visited home of Pyle", while in reality 3 different judges issued search warrants under which Deputies conducted a search.
- I. On page 11 line 9 Defendants falsely state that "litigation is ongoing regarding "false arrest" cause of Plaintiff. There is no any ongoing litigation and the "arrest" case #082001029 against plaintiff was turned down by Victorville's District Attorney back in 2020 and closed.
- J. On page 16 line 12 to 16, page 18 line 3 Defendants falsely state that "it is UNDESPUTED that Plaintiff is currently under criminal investigation" . While the true UNDESPUTED fact is that "arrest" case #082001029 against plaintiff was turned down by Victorville's District Attorney back in 2020 and closed, no any charges has been filed against Plaintiff by District Attorney.
- K. Further, on page 18 line 24 Defendants knowingly (by introducing the same referred exhibit "Notice of Violations") falsely once again states that "Notice of Violation" is a "Citation for operating an illegal kennel operation", which is indisputably not true.

LEGAL STANDARTS

NRCP 60 (b)(1)(3)(6)NRCP 4.2 (a)(2)

4.2(c)(1)(B)

USA Constitutional Amendments V, XIV

Dutt v. Kremp ::1995 ::Supreme Court of Nevada Decisions

WHEREFORE, Plaintiff requests a relief from final order be granted and for any other relief this Court finds deemed and proper. Plaintiff requests statement of reasoning denying or granting this motion.

Sincerely,

Alla Zorikova

09/04/2021

• 

• CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 09/12/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

09/11/2021



Electronically Filed
9/12/2021 3:16 PM
Steven Z. Grier
CLERK OF THE COURT

1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4 ALLA ZORIKOVA;

CASE NO. A-20-821249-C

DEPT. NO. XX

5 Plaintiff(s),

6 vs.

Hearing Date: 8/18/2021

Hearing Time: 9:15 a.m.

7 JULIE PYLE, TAMMY WILLET, VEGAS
8 SHEPHERD RESCUE AND DOES I
9 THROUGH X, INDIVIDUALS, AND ROE
10 BUSINESS ENTITIES I THROUGH X,

11 Defendant(s).

12 **ORDER**

13 THIS MATTER having come on for hearing on the 18th day of August, 2021 at 9:15 a.m.
14 before the HONORABLE ERIC JOHNSON; Plaintiff ALLA ZORIKOVA appearing Pro Se;
15 Defendants, JULIE PYLE and VEGAS SHEPHERD RESCUE appearing in person and by and
16 through their counsel, CASEY D. GISH, ESQ. of THE LAW OFFICE OF CASEY D. GISH, and
17 SHANA D. WEIR, ESQ. of WEIR LAW GROUP; Defendant TAMMY WILLET, appearing by
18 and through her counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH,
19 and SHANA D. WEIR, ESQ. of WEIR LAW GROUP; the Court having set an evidentiary hearing
20 to consider whether Plaintiff properly effected service of the summons and complaints under Rules
21 4 and 4.2 of the Nevada Rules of Civil Procedure. The Court having considered the papers and
22 pleadings on file, the oral arguments of counsel, testimony of witnesses, and evidence entered
23 therein, makes the following findings of fact and conclusions of law:
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1 1) The Complaint is dismissed as to Defendants, Julie Pyle, Tammy Willet and Casey
2 Gish¹ because service was not proper under NRCP 4.2(a) as to the individuals. Service was not
3 made personally, or to the individuals' dwellings or abodes, or to any agent authorized to accept
4 service of process. The location of alleged service was a mail drop area of a business located at
5 2620 Regatta Drive, Las Vegas, Nevada.

6
7 2) The Complaint is dismissed as to Defendant Vegas Shepherd Rescue because service
8 was not proper under NRCP 4.2(c). Service was not made on the registered agent, an officer or
9 director, or any other agent authorized to receive process.

10 3) The Complaint is likewise dismissed as to Defendants because the affidavits of service
11 were not timely filed pursuant to NRCP 4(d). Plaintiff claims to have effectuated service of process
12 on October 5, 2020; and again on October 9, 2020. However, Plaintiff did not file any affidavits
13 of service until June 8, 2021 which was well past the due date imposed by NRCP 4(d), requiring
14 affidavits of service to be filed within the time for filing an answer or responsive pleading.

15
16 4) At the evidentiary hearing on August 18, 2021, the Court sought to determine if service
17 of the summons and complaint on Defendants was accomplished by Plaintiff's daughter, Olivia
18 Jeong, as claimed by Plaintiff and indicated in her June 8, 2021 affidavits of service. Defendants
19 contended that to the extent any service was attempted, it was done by Plaintiff herself, an
20 unqualified person under NRCP 4(c)(3).

21
22 Plaintiff called Ms Jeong as a witness. Ms. Jeong testified that she served packages of
23 materials for Plaintiff at 2620 Regatta Drive, Las Vegas, Nevada on October 5 and October 9,
24 2020. When pressed how she came to Las Vegas from her home in Barstow, California, to deliver
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¹Mr. Gish was not named as a Defendant in Plaintiff's Complaint filed on September 15, 2020 or
in the Complaint filed on September 24, 2020. However, at some point, Plaintiff unilaterally
altered the caption to include him as a Defendant.

1 the packets on the two different dates, Ms. Jeong stated she paid an unknown middle age male to
2 take her from Barstow in a truck to the 2620 Regatta Drive address. The Court finds Ms. Jeong's
3 testimony to be not credible and Plaintiff knowingly proffered this false testimony to the Court.
4 The Court reaches this conclusion based on Ms. Jeong's demeanor, her refusal and/or inability to
5 answer basic questions, her long delays in responding to basic questions, and her inconsistent and
6 often evasive answers and other responses. Her testimony was also not consistent with the
7 testimony of Julie Pyle, which is discussed below and which the Court finds credible.
8

9 5) Plaintiff also testified at the hearing. She claimed while she delivered a package of
10 materials on October 6, 2020 to 2620 Regatta Drive, including the summons and the complaint,
11 she had sent her daughter into the address on both October 5 and October 9, 2020 to formally
12 affect service of the documents. The Court does not find Plaintiff's testimony to be credible and
13 believes Plaintiff testified falsely at the hearing. The Court's conclusion is based, in part, upon
14 the Plaintiff's statements in her pleadings and papers, the testimony presented at the hearing, the
15 demeanor of the Plaintiff's in presenting her testimony at the hearing and her evasive and
16 contradictory answers. Her testimony was not consistent with the testimony of Julie Pyle, which
17 is discussed below and which the Court finds credible. During her testimony, Plaintiff also gave
18 answers regarding her alleged inability to remember her current business/residence address, or
19 even the county in Texas in which her current business/residence is situated. She then later
20 admitted to the Court these were false answers and she was actually trying to conceal the location
21 of her current business/residence in Texas because she did not want to reveal that location to the
22 Defendants due to supposed safety concerns and ongoing litigation in other jurisdictions.
23

24 6) Defendants called Julie Pyle, who is a director of Defendant Vegas Shepherd Rescue.
25 Ms. Pyle testified that she picks up the mail for Vegas Shepherd Rescue from its mail drop at 2620
26 Regatta Drive, Las Vegas, Nevada. She explained she and Tammy Willet are the only two
27
28

1 individuals authorized to pick up the mail and effectively it is only her as Ms. Willet lives out of
2 state. Ms. Pyle testified Ms. Willet called her on October 6, 2020, and indicated she had received
3 a call from the receptionist at 2620 Regatta Drive who told her an individual who identified herself
4 as “Alla” had left a packet of legal materials with the receptionist. Ms. Willet asked Ms. Pyle to
5 pick up the packet. Ms. Pyle went to the address and received the packet which she presented in
6 Court and was admitted as an exhibit. She testified that she was not contacted on either October
7 5 or October 9 about Ms. Jeong’s supposed service of the summons and complaint on those dates.
8 She stated the only packet of litigation materials she picked up at the 2620 Regatta Drive address
9 was the one packet she picked up October 6 which was left by someone named “Alla.” She did
10 not receive the packets Ms. Jeong supposedly delivered to 2620 Regatta Drive on October 5 and
11 October 9, 2020.
12
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14 7) Defendants introduced a video of the lobby area at the 2620 Regatta Drive address into
15 evidence. It showed a woman entering the lobby on October 6, 2020, speaking with the
16 receptionist and leaving a packet of papers which were later picked up by Ms. Pyle. Plaintiff
17 admitted in her testimony the woman in the video was her.
18

19 8) Based on the evidence presented, the Court concludes the only effort at service of the
20 summons and complaint at the 2620 Regatta Drive address was accomplished by Plaintiff herself
21 on October 6, 2020. Ms. Jeong did not ride in a truck driven by an unknown middle age male
22 from Barstow, California on October 5 and October 9, 2020 to the 2620 Regatta Drive address in
23 Las Vegas, Nevada and deliver two separate packets of legal documents. The Court finds Plaintiff
24 and Ms. Jeong presented false testimony at the hearing to attempt to establish service of the
25 summons and complaint on defendants. The complaint is dismissed as to Defendants as any
26 service of the summons and complaint which was attempted, was done by Plaintiff, an unqualified
27 person under NRCP 4(c)(3).
28

1 9) Plaintiff has abused the judicial process, including having presented false and
2 misleading testimony to the Court, and having prepared and filed false and misleading documents
3 with the Court. As a general proposition, the trial court has the inherent power to dismiss a
4 plaintiff's action to protect the integrity of the judicial process and to sanction a party's failure to
5 comply with the rules of procedure or any order of the court. See NRCP 41(b). *Cf. Meeker v.*
6 *Rizley*, 324 F.2d 269, 271 (10th Cir. 1963). The Court finds Plaintiff's false testimony and
7 presenting of false testimony at the August 18, 2021 hearing was willful and in bad faith, and not
8 from any confusion or inability to comply with the rules concerning service of summons and
9 complaint. Plaintiff may have been confused in October 2020 as a pro per party as to how to
10 properly effect service. However, when Plaintiff discovered her personal service of process was
11 not proper, she did not attempt to correct her actions under the rules or refile her complaint.
12 Instead, Plaintiff decided to falsely represent she had properly served the defendants, claiming her
13 daughter served the papers and then filing false affidavits of service with the Court. Plaintiff gave
14 false testimony at the hearing and drew her daughter into her improper conduct by calling the
15 daughter to give false testimony. See *Batson v. Neal Spelce Associates*, 765 F.2d 511, 514 (5th
16 Cir.1985)
17

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20 The Court has considered whether a less drastic sanction than dismissal with prejudice may
21 be appropriate. In the instant matter, to simply dismiss the case without prejudice and allowing
22 the Plaintiff to refile would virtually allow the plaintiff to get away with giving false testimony
23 under oath without a meaningful penalty. *Id.* While Plaintiff possibly could be cross-examined
24 at trial on her false testimony at the hearing, it would require extensive development of a collateral
25 matter to the litigation. Additionally, to the extent such cross-examination or impeachment would
26 be proper, such examination would already be available to Defendants and Plaintiff would suffer
27 no additional penalty. See *Pierce v. Heritage Properties, Inc.*, 688 So.2d 1385, 1390 (Miss. 1997).
28

1 As discussed below, the Court is also sanctioning Plaintiff for attorney fees and costs Defendants
2 incurred in preparing the portion of their motion to dismiss concerning service by an unqualified
3 person and in preparing and presenting the hearing. The Court considered whether this monetary
4 sanction alone would be a sufficient penalty for Plaintiff's presentation of false testimony. The
5 Court believes at this early stage of the litigation, the fees and costs would not be great enough to
6 sufficiently sanction Plaintiff and discourage her and others from similar conduct. The Court is
7 also concerned as to Defendants' ability to collect such fees and costs from Plaintiff.
8

9 The Court has considered whether Plaintiff's conduct caused Defendants to suffer any
10 prejudice as to their preparation for trial if Plaintiff was allowed to refile her complaint. While
11 Plaintiff's conduct has not impacted Defendants' ability to develop the merits of the case if it was
12 to ultimately go to trial, Plaintiff's conduct was substantially prejudicial to Defendants as it sought
13 to cause defendants to defend a lawsuit not properly served upon them. Additionally, as noted
14 above, Plaintiff is acting as her own attorney and is not blameless. While she may not have
15 understood the procedure for proper service of process, she understood she was providing false
16 testimony to dupe the Court and the parties into believing that she properly served the summons
17 and complaint. Plaintiff did not act negligently, but willfully and in bad faith. *See Batson*, 765
18 F.2d at 514. The Court finds dismissal with prejudice is appropriate in the instant case not just to
19 penalize Plaintiff whose conduct "warrants such a sanction, but to deter those who might be
20 tempted to engage in such conduct in the absence of a deterrent." *Nat'l Hockey League v. Metro.*
21 *Hockey Club, Inc.*, 427 U.S. 639, 643 (1976).
22
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24

25 IT IS ORDERED, ADJUDGED AND DECREED, this Court's dismissal of Plaintiff's
26 Complaint against Defendants is with prejudice as a sanction for Plaintiff's abuse of the judicial
27 process.
28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants' counsel,
2 Casey D. Gish, Esq. and Shana D. Weir, Esq., shall be awarded attorney's fees for having to
3 unnecessarily litigate the propriety of Plaintiff's service of the summons and complaint.
4 Defendant's counsel shall be awarded reasonable fees and cost for the preparation of the portion
5 of the motion to dismiss and reply concerning improper service of summons by an unqualified
6 person and for their preparation for, and attendance at, the hearing on August 18,
7 2021. Defendants' Counsel shall submit billings and a memorandum regarding the factors
8 required under *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 346, 455 P.2d 31, 31 (1969), by
9 August 27, 2021. Plaintiff shall file any responsive pleading by September 10, 2021. Defendants
10 shall file any reply thereto by September 17, 2021.
11

12
13 IT IS FURTHER ADJUDGED AND DECREED that the remaining motions set for
14 hearing on August 18, 2021, to wit 1) Plaintiff's Motion for Default Judgment, 2) Plaintiff's Ex
15 Parte Application for Temporary Restraining Order From Custody of Plaintiff's Dogs and for
16 Order to Return Plaintiff's Dogs and Plaintiff's Declaration in Support, and 3) Plaintiff's Motion
17 for Leave of Court to Amend Complaint by Adding Defendants, are denied as moot.
18

19 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
20 Sanctions set for hearing on September 15, 2021, shall be vacated.
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1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall file a
2 supplement to their Motion to Dismiss by August 19, 2021, to include a copy of the settlement
3 agreement between Plaintiff, Ms. Jeong, and San Bernardino County in the amount of \$325,000
4 that supports Defendants' argument to decertify Plaintiff's In Forma Pauperis status. Plaintiff shall
5 file any responsive pleading by August 27, 2021.
6

7 Dated this __ day of __, 2021

Dated this 2nd day of September, 2021

8
9 
10 _____
DISTRICT COURT JUDGE

11 **EAB 33D 383C 575F**
12 **Eric Johnson**
13 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Alla Zorikova, Plaintiff(s) CASE NO: A-20-821249-C
7 vs. DEPT. NO. Department 20
8 Julie Pyle, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/2/2021

15 Casey Gish, Esq. casey@gishlawfirm.com
16 Shana Weir sweir@weirlawgroup.com
17 Alla Zorikova stevejohn19732017@gmail.com
18 Alla Zorikova olivia.car@mail.ru
19

20 If indicated below, a copy of the above mentioned filings were also served by mail
21 via United States Postal Service, postage prepaid, to the parties listed below at their last
22 known addresses on 9/3/2021

23 Casey Gish Van Law Firm
24 Attn: Casey D. Gish
25 5940 S. Rainbow Blvd.
26 Las Vegas, NV, 89118
27
28

A20-172252-1 ASSIST/POLICE		Priority Level: 3	Total Animals: 20	Animal Type: D
Activity Address: LOCKHART RD		RED MOUNTAIN		
Activity Comment: O-67 87 W/ DEP ALEXANDER WILL DIRECT TO ADDRESS FOR ASSIST. LOG# BA022				
Caller Information:		Result Codes: 1 RSVLD		
Officer: P999067 CHAVEZ		Clerk: B4869		
Call Date:	08/08/20 02:02 PM			
New Date:	08/08/20 02:02 PM			
Dispatch Date:	08/08/20 02:30 PM			
Working Date:	08/08/20 04:13 PM			
Complete Date:	08/08/20 04:21 PM			

Memo:

08/17/20 Myself and O-94 MC with the owner and her daughter. The owner drove us to a Government owned spring where they get their water. She then walked us around the property and showed us all the dogs who all had water and shelter. She stated she picks up left over meat from Barstow Country Butcher daily for the dogs food. The address to the property is 1370 Trump Rd, but it does not come up on the map yet. I took pictures and put them in O-67 folder. H9045/0-85
8/8/20 O-67 arrived to the call and said all dogs had water and shade. O-67 said all dogs were healthy and normal. He said there were 50+ dogs on the ppty and they all had water and shade in their cages. O-67 said the dog owner was going to be arrested for 597 due to the Deputy's not viewing water and shade. I told O-67 we weren't going to impound the dogs today. I told him to make sure the dogs have water and we will return on 8/9 to ensure the dogs still have water and aren't in distress. We hung up the phone. O-67 called me back asking about under age pups on the ppty. I asked to talk to an Officer on the ppty, the phone was handed to a SGT. I was unable to get his name due to the fact he was so upset we weren't impounding dogs. I listened to him about how he is leaving and didn't care what animal control does or doesn't do. I told O-67 to post the ppty and impound all under age pups that didn't have a mother. I called O-67 back to make sure SO knew ACC wouldn't pay for the cost of the dogs or any of the fees that incur. He put me on the phone with officer Parsons. I explained to her Sheriff Dpt will have to pay for all the cost of the dogs. She went on a rant about how she doesn't care she is only there to uphold her officer oath. I was able to explain to her we were not picking up 60+ dogs today and we would return each day to water and feed to ensure none of them go into distress, until we make arrangements to impound all 50+ dogs. B4869

8/8/20 I MC with S/O and was able to see many dogs in plain view on property. The dogs were all large G. Sheps were in pens with shade cloth. All the G sheps had shade and shelter all had little water. None of the dogs appear to be in distress and all appear to be healthy and normal, S/O and dog owner gave the dogs water. There were 12 pups unknown which of the female dogs was the mother. Per O-99/ O-90 the pups were to be impounded and the property is to be posted for 24 hr abandonment. I posted the front gate, side gate, and the little house/shack @ 16:20 for 48 G- Sheps per S/O they arrested dog owner for 557 animals in distress. ...pic in O-67 folder.....c3865

8/8/20 directions to the property: hwy15 north to hwy 58 west, go north on Haper lake Rd for about 6.8 mil, you will then lt left on Hoffman Rd till paved rd, at end of paved rd go right for about 4.1 mi at the pole with blue ribbon go left for 0.1 mil i dirt rd go right for 0.8 mil then left at the red pole the prop will be to your right....c3865

08/09/20 I met with Dep Parson's and we fed and watered the dogs. All of O-67 notices were still up and the dogs were st on the property. I counted at least 63 dogs but they were hiding in the dens so it was hard to get a full count. I posted 7 OI next to O-67 advising abandonment for the 50+ dogs and 1 chicken. When I was leaving Dep Parsons had someone pull over at Hoffman rd X Hoffman Rd and as I drove down Hoffman Rd to Harper Valley Lake rd and there was a lifted black Dodge Ram 2500 or 3500 with a man and a woman in it followed by a larger white van with German shep stickers on it. I lt to talk to them but they would not speak with me and drove East on Hoffman Rd. I did not get the lic plate numbers for the truck but I did get a partial plate on the van. The first 3 letters were "AKC". I was unable to take pictures as my camera was overheating and not working properly. H9045/0-85

08/11/20 I took pictures and noticed a significant amount of dogs were missing and the chicken was gone. O-55/Stevens counted 25 dogs on the property. We impounded 1 dog that was stuck under fencing trying to get shade under a board. W pulling in Lt. Molina noticed goats on the North/East corner/side of the property line. I went to go check and there was a mi Nigerian dwarf goat tied with a collar and chain to the ground as well as a Nubian/Alpine mix female goat who was also tie down by a collar and chain. Neither goat had food water or shelter. We put both goats in the truck and gave them water. 2t dogs and 2 goats where impounded in total. Lt Molina was then leaving the property and a white van with German shep stickers and advertising of rescues pulled up. Lt Molina asked why they were there and the woman stated this was the first time she was out here and Lt. Molina took down her lic plate which was "AKC GSD" and there was a phone number on the side of the van "909-297-6217". The woman would not give any more information and drove away. All pictures are in O-67 folder. h9045/0-85



Land Use Services Department
Code Enforcement
NOTICE OF VIOLATION

Electronically Filed
 9/12/2021 3:21 PM
 Steven D. Grierson
 CLERK OF THE COURT

Steven D. Grierson

TO: ZINAIDA, DMITREEVA ETAL OR
JEONG, OLIVIA

NOTICE DATE: 10/13/2020

ASSESSOR'S PARCEL NUMBER: 0502-085-75-0000

CASE #: C202002475

SITUS ADDRESS: 1335 TRUMP BLVD BARSTOW CA 92311

MAILING ADDRESS:

THE INDICATED VIOLATION(S) OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND/OR THE SAN BERNARDINO COUNTY CODE WERE OBSERVED ON THE SUBJECT PROPERTY DURING AN INSPECTION CONDUCTED ON 10/02/2020:

☐ **IPMC 302.8 - Motor Vehicles:** No inoperative motor vehicle shall be parked, kept, or stored on any premises other than in a garage.
 Corrective Action: _____

☐ **IPMC 108.1.4 - Unlawful Structures:** An unlawful structure that was erected, altered, or occupied contrary to law.

☐ Room Addition ☐ Garage Conversion ☐ Patio Cover ☐ Decking ☐ Carport ☐ Residence / Manufactured ☐ Shed-Cargo Container-Barn-Animal Enclosure
 Corrective Action: _____

☐ **IPMC 108.1.5(7) - Dangerous Structure on Premises:** The building or structure is neglected, damaged, dilapidated, unsecured, abandoned, or an attractive nuisance.
 Corrective Action: _____

☐ **IPMC 102.2 - Maintenance:** Structure or premises shall be maintained in good working order.

Corrective Action: _____

☐ **IPMC 302.7 - Accessory Structures:** Accessory structures, including detached garages, fences and walls, shall be maintained, structurally sound, and in good repair.

Corrective Action: _____

☐ **IPMC 308.1 - Garbage:** Exterior and interior of property shall be free from any accumulation of rubbish or garbage.

Corrective Action: _____

☐ **IPMC 504.1 - Plumbing Systems and Fixtures:** Plumbing fixtures shall be properly installed and maintained in working order.

Corrective Action: _____

☐ **IPMC 506.1 - Sanitary Drainage:** Plumbing fixtures shall be properly connected to either a public sewer system or an approved private sewage disposal system.

Corrective Action: _____

☐ **IPMC 602.2 - Heating Facilities:** Dwellings shall be provided with heating facilities.

Corrective Action: _____

☐ **SBCC 41.2503 - Rental Dwelling Unit License Required:** A license is required for the operation of each rental dwelling unit.

Corrective Action: _____

☐ **SBCC 84.25.070 A & C - Occupancy/Camping:** It is unlawful to temporarily or permanently occupy any vehicle or temporary structure.

Corrective Action: _____

☐ **SBCC 84.04.090(h) - Animal Density Standards:** The number of animals shall be within approved limits.

Corrective Action: _____

☒ **SBCC 82.02.020(b) No Primary Use - Vacant**

Corrective Action: *Operating a kennel on a property listed as vacant with no established Primary Use is not allowed. Remove 2 sheds, personal items, vehicles, dogs and makeshift animal enclosures.*

The indicated violations must be corrected within **30** days from the date of this notice. A re-inspection of this property to verify compliance will be completed after **11/12/2020**. Failure to correct the existing violation(s) may result in the issuance of administrative citations and/or civil or criminal prosecution. A lien and a special assessment on the property tax roll may also be placed against the subject property to recover any regulatory costs incurred by the County.

If you have questions regarding this notice please contact Code Enforcement at (909) 884-4056 or (760) 995-8140.

Notice received by: Standard Mail Code Enforcement Officer: G. Arroyo

NEVADA
Department 20
CASE # A-20-821249-C

From: Alla Zorikova
1905 Wilcox Ave., #175
Los Angeles, CA 90068
323-209-5186
E-mail: olivia.ciu@mail.ru

AFFIDAVIT OF PREJUDICE

STATE OF TEXAS

PERSONALLY came and appeared before me, the undersigned Notary, the within named ALLA ZORIKOVA, who is a resident of State of TEXAS, and makes this her statement and Affidavit upon oath and affirmation of belief and personal knowledge that the following matter, facts and things set forth are true and correct to the best of her knowledge:

1. I, Alla Zorikova, declare under penalty of perjury and law of Nevada that I have been prejudiced by Judge Eric Johnson, department 20, and this Judge denied my constitutional right for fair and impartial Hearing.

2. Plaintiff's Motion to Set Aside will be heard on September 29, 2021. Plaintiff is entitled to impartial, unbiased, fair and without prejudice Hearing.

3. Pursuant to Nevada Code TITLE 1 CHAPTER 1 NRS 1.235 Alla Zorikova, Plaintiff, states that she observed bias and prejudice from Animal Rights Activists Endorse Judge Foster (Dep 20) based on Plaintiff's action as ProSe in this litigation, her gender, her Russian nationality as Judge Foster assumes that Russian people, even though they are American Citizens are not capable of comprehend written English and is not capable to read statutes so that Defendant can state any false statement he desires on any topic including statutes interpretation and "noone has rights to object, as well Plaintiff to be a female and a dog breeder, while Animal Rights Activists are destroying pet breeders, farmers, zoos, horse shows, meat restaurants, butchers etc in



America.

4. USA Constitutional Amendments 5th and 14th are twice implying fundamental right of not being deprived from private property without a due process and fair proceedings must be applied to USA Citizens, which are LEGAL OBLIGATIONS OF ALL STATES.

5. On August 18th of 2021 Hearing Judge Johnson stated that he was endorsed by Animal Rights Activists Group. Attorney Gish and Wu (as she confirmed her affiliation with Animal Rights Activists during the hearing as well) for Defendants in this case are both Animal Rights Activists, who is acting ProBono to fight against Pet Breeders, Pet Stores, Zoos, Horse Shows, Farmers, Butchers, Meat Restaurants and other American Businesses, majority of donations to which Gish admitted receiving \$100,000 in donations toward legal defense in this case) is sourced (in my opinion based on observed facts) from Rockefeller's family through FETA (see facts and details at <http://humanrightsforall.com>).

6. The Hearing constituted of constant flow of evasive facts and statements by Casey Gish, which Judge Johnson simply ignored even Plaintiff Zorikova was pointing out falsity (confirmed by clear facts) of those statements all the time. Judge Foster showed that he does not believe that female Zorikova can drive non stop one day from TX to CA. Judge Johnson allowed leading by Gish testimony of his witness and overruled all objections of Plaintiff. Judge Johnson pretended that he is "looking for evidences of Zorikova's appearance at Defendant's office", while Plaintiff stated the same in her previous pleadings. Judge Johnson had consulted Gish multiple times if it is ok with him for one or another issue. Whole Hearing was felt as a circus, in which Defendants, represented by attorney/Defendant on the same issue in Federal Court that Plaintiff is filing shortly, Casey Gish, who stole Plaintiff's Dogs with clear in this case evidences and yet, who has been blocked by Judge Johnson from being said by Plaintiff.

7. Therefore, Judge Johnson is clearly biased, politically involved and prejudicial toward Russian/German Female, Trump Supporter, Dog Breeder, ProSe Plaintiff Alla Zorikova and instead of serving American People in his public office (that based on the published facts he possibly occupied with failure to disclose the facts of twice being investigated for corruption (see <http://humanrightsforall.com>)). Judge Johnson believes that he is on a power trip to disregard my and all constitutional rights of Plaintiff and to cover up Defendant's false statements to the Court, while protecting them from being held accountable for its malicious actions committed toward Plaintiff.

DATED This the 8 day of September, 2021

signature of Affiant

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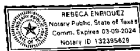
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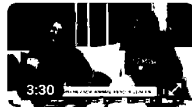
This the 8 day of September, 2021

NOTARY PUBLIC

My Commission Expires

03/09/2024





Southern Nevada Animal
Rescue League needs your...

YouTube · KTNV Channel 13 Las Vegas
Aug 10, 2019

IN THIS VIDEO SNARL (DIRECTOR IS
GISH) states that they from 2018-19
importing "meat farm dogs" from
Southern Korea

PLAINTIFF'S OPPOSITION EXHIBIT 10

10:12 4G LTE

opencorporates.com/comp: ⓘ ⋮

Native Company Number
E0599562017-1

Status
Active

Incorporation Date
27 December 2017 (over 3 years ago)

Company Type
Domestic Nonprofit Corporation

Jurisdiction
Nevada (US)

Agent Name
THE LAW OFFICE OF CASEY D. GISH, INC

Agent Address
5940 SOUTH RAINBOW BLVD., LAS VEGAS, NV, 89148

Directors / Officers
ALLIE BARTHOLOMEW, secretary
CASEY GISH, director
JAMIE GREGORY, director
JAMIE M GREGORY, president
JENNIFER SMITH, treasurer
SAMANTHA BRACCHI, treasurer
THE LAW OFFICE OF CASEY D. GISH, INC, agent
TINA HAYES, secretary

Registry Page
<https://esos.nv.gov/EntitySearch/Onli...>

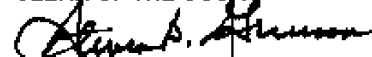
Recent filings for VEGAS PET RESCUE PROJECT

17 Dec CHARITABLE SOLICITATION REGISTRATION
2020 STATEMENT
17 Dec ANNUAL LIST
2020
31 Dec ANNUAL LIST

III ○ <

PLAINTIFF'S OPPOSITION EXHIBIT 9

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Steven D. Grierson
CLERK OF THE COURT



1 **SUMM**

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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Plaintiff(s),

CASE NO.

11

-vs-

DEPT. NO.

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Defendant(s).

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SUMMONS - CIVIL

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**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS.
READ THE INFORMATION BELOW.**

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19

TO THE DEFENDANT(S): A civil Complaint has been filed by the Plaintiff(s) against
you for the relief set forth in the Complaint.

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21

1. If you intend to defend this lawsuit, within 20 days after this Summons is
served on you, exclusive of the day of service, you must do the following:
 - (a) File with the Clerk of this Court, whose address is shown below, a
formal written response to the Complaint in accordance with the rules
of the Court, with the appropriate filing fee.
 - (b) Serve a copy of your response upon the attorney whose name and
address is shown below.

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SUMM Civil/7/23/2009

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- 2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.
- 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.
- 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

STEVEN D. GRIERSON
CLERK OF COURT

Submitted by:

By: _____
Deputy Clerk Date

Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

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AFFIDAVIT OF SERVICE

STATE OF)
)
COUNTY OF) ss:

_____, being duly sworn, says: That at all times herein affiant was and is over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Summons and Complaint, _____ on the _____ day of _____, 20____ and served the same on the _____ day of _____, 20____ by:

(Affiant must complete the appropriate paragraph)

- 1. Delivering and leaving a copy with the Defendant _____ at (state address) _____
- 2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) _____

[Use paragraph 3 for service upon agent, completing (a) or (b)]

- 3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____
 - (a) With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - (b) With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
- 4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope, postage prepaid (Check appropriate method):
 - ☐ Ordinary mail
 - ☐ Certified mail, return receipt requested
 - ☐ Registered mail, return receipt requested

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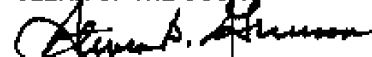
addressed to the Defendant _____ at Defendant's last known address which is
(state address) _____

I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct.

EXECUTED this _____ day of _____, 20____.

Signature of person making service

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9/12/2021 3:39 PM
Steven D. Grierson
CLERK OF THE COURT



1 **SUMM**

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DISTRICT COURT

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CLARK COUNTY, NEVADA

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Plaintiff(s),

CASE NO.

11

-vs-

DEPT. NO.

12

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Defendant(s).

15

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SUMMONS - CIVIL

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SUMM Civil/7/23/2009

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STEVEN D. GRIERSON
CLERK OF COURT

Submitted by:

By: _____
Deputy Clerk Date

Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

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AFFIDAVIT OF SERVICE

STATE OF)
) ss:
COUNTY OF)

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(Affiant must complete the appropriate paragraph)

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2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at (state address) _____

[Use paragraph 3 for service upon agent, completing (a) or (b)]

3. Serving the Defendant _____ by personally delivering and leaving a copy at (state address) _____
 - (a) With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - (b) With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
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- ☐ Ordinary mail
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addressed to the Defendant _____ at Defendant's last known address which is
(state address) _____

I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct.

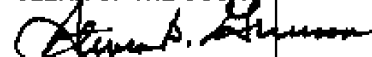
EXECUTED this _____ day of _____, 20____.

Signature of person making service

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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
9/14/2021 1:15 PM
Steven D. Grierson
CLERK OF THE COURT



Alla Zorikova, Plaintiff(s)
vs.
Julie Pyle, Defendant(s)

Case No.: A-20-821249-C
Department 20

NOTICE OF HEARING

Please be advised that the Plaintiff's Motion for New Trial and Plaintiff's Motion for Relief from Final Order in the above-entitled matter are set for hearing as follows:

Date: October 20, 2021
Time: 8:30 AM
Location: RJC Courtroom 12A
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Marie Kramer
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Marie Kramer
Deputy Clerk of the Court

admitted to sheriff having the dogs, but will not say where the dogs are currently.

9/19/2021 6:21 AM

Steven D. Grierson

80. Olivia Jeong has been serving complaint on Defendants of Alla Zorikova was visiting all

Steven D. Grierson

locations of Defendants, residential, doggy day care of Gish (full of those 2 by 3 feet iron

cages, called "rooms") and business in order to send Olivia in the most appropriate

location. Alla Zorikova left copies at multiple business locations but not as service

process, just to make sure Defendants have it because Alla Zorikova was there anyway

and in order to give additional clear notice to Defendants that real owner of the dogs

stolen is appeared once again and desires her dogs back. Olivia Jeong dully served the

documents as required.

81. Defendants Willet and Pyle can be served as at their personal residence, on street, at any

place whatsoever, or at their place of business. They were served at their place of

business.

82. Moreover, it's clear that Defendants are all notified and aware of this lawsuit by pleading

in this case and therefore, well notified.

83. Defendants Pyle and Willet are founders of Vegas Pet Rescue Project and not its

Case Number: A-20-821249-C



Alla Zorikova

1905 Wilcox Av., #175

Los Angeles, CA 90068

3232095186

Olivia.car@mail.ru

EIGHT JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA, PLAINTIFF, JULIE PYLE, TAMMY WILLET, VEGAS SHEPHERD RESCUE AND DOES I THROUGH X, INDIVIDUALS, AND ROE BUSINESS ENTITIES I THROUGH X, DEFENDANTS	: A-20-821249-C PLAUNTIFF'S OPPOSITION TO DEFENDANTS COUNTER-MOTION TO DISMISS AND REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S EX PARTE MOTION TO RETURN PLAINTIFF'S DOGS, PLAINTIFF'S DECLARATION IN SUPPORT. EXHIBITS ATTACHED Department 20 HEARING 07/07/2021
--	---

COMES NOW Plaintiff, Alla Zorikova states following:

INTRODUCTION

1. Defendants, and each of them, admitted possessing in August/September 7 of Plaintiff's Dogs (Defendant's Declarations paragraph #10), Defendant's admissions to sheriff as Plaintiff's Exhibit 1_).
2. Defendants admitted that no one authorized them to take Plaintiff's dogs from her private property (Defendant's paragraph #6 of Motion to Dismiss).
3. Defendants admitted that they spayed/neutered Plaintiff's dogs.
4. Defendants admitted that they sold Plaintiff's Dogs on September 15th of 2020, which is more than a month later from when Plaintiff notified Defendants that they have her Dogs in their possession.
5. Rescues do not have legal authority to go and take people's dogs without appropriate authorization from governmental authorities. Moreover, it appears that these "rescues" offending sheriffs as well and concealing from them any information regarding Plaintiff's stolen dogs. Criminal investigation on stolen dogs is still ongoing.
6. Plaintiff did not give any authorization to Defendants to take her Dogs from her private property.
7. Plaintiff had notified Defendants on August 12th of 2020 and multiple times thereafter that they have to return her dogs and they are not allowed to sale, alter, destroy or kill Plaintiff's dogs. (Exhibit 2_).
8. Defendants failed to provide evidences nor to state if they know who trespassed Plaintiff's property, took the dogs and than transported the stolen dogs to Defendants. Therefore, Defendants are liable for trespass of Plaintiff's property.

9. Conspiracy arises based on the facts that clearly Defendants conspired with someone (who will be added as defendants) who delivered the Dogs to Defendants and with who possibly Defendants made agreement regarding stolen dogs disposition.
10. Defendants, and each of them, clearly acted and continue to act in bad faith and therefore, corporate veil is _____ and Defendants, as persons became responsible for their actions.
11. Plaintiff timely had emailed to Casey Gish notice of posted security costs bond (Exhibit 3_).
12. Complaint has been duly served on Defendants (Declaration of Olivia Jeong).
13. August 08th of 2020 false arrest of Plaintiff matter has been settled in December of 2020 with San Bernardinno county in favor of Plaintiff as to false arrest and false imprisonment causes.

PLAINTIFF'S OPPOSITION supported by Statement of Facts and Memorandum of Law

Plaintiff, Alla Zorikova, filed her Complaint against Defendants on September 15, 2020, alleging causes of action for: 1) theft under NRS 41.580, 2) civil conspiracy, 3) trespass, 4) fraud; 5) intentional infliction of emotional distress; and 6) property damage.

14. Alla Zorikova has Master's Degree in biology/zoology from top European University and worked at Kaliningrad Research Institute as scientist and had successfully bred generations of top line healthy german shepherds, showed them on top USA and European Dog shows and recognized as a reputable breeder of German Shepherd dogs.
15. Her business has 5 stars google reviews and has happy thrilled with their puppies customers.

16. Defendants, and each of them, on the other hand, do not have any license/education nor certification in order to have at least some competency to discuss biological cycle, diet, needs nor training, biological needs of the dogs, nor as of other animals.
17. Plaintiff Alla Zorikova provides her customers with top world class super healthy german shepherd puppies and adult trained dogs, delivering to community loyal loving companions, who often becomes loved family member. Plaintiff's customers are very pleased and appreciated opportunity to have such a beloved one by their side. Defendants, in opposition, do all they possibly can to destroy through physical attack, coming out with harmful legal bills proposals etc. USA breeders while Defendants are allegedly trafficking "meat farm dogs" from Korea to USA customers and offending pet stores and breeders. Their slogan is "no puppy born in USA".
18. Since Plaintiff filed her original complaint, numerous facts have been revealed during ongoing stolen dogs investigation and based on discovery and factual allegations stated in civil cases that are currently running in CA on this matter. As well as other new facts raised.
19. Defendants Willet and Pyle both admitted in their Declarations paragraph 10 (Exhibit ____) that they disposed Dogs Malibu, Lodi, Backer..... via adoption .
20. Plaintiff found out that Defendants, and each of them, has her dogs in their possession on August 12 of 2020 and immediately, the same date, emailed, mailed letters to Defendants (Exhibit _4_) and called to Defendants with demand to return her dogs and the Defendants do not sale, alter, kill, nor dispose the Dogs in any way, which was a long before maliciously, with clear purpose to hurt Plaintiff, spayed and neutered Plaintiff

Dogs and disposed them for adoption as they are admitted by now in their paragraph 10 of their Declarations (Exhibit 5 _).

21. This vicious act clearly exposes Defendants' malicious intent to hurt Plaintiff, to destroy USA breeding stock and unfairly to gain profit. Top line German Shepherd 2 years old dog Mailbu (Zariza) was pregnant with 12 puppies in August of 2020 and was due on October 01 of 2020. Vicious claim of Defendants that all dogs were spayed and neutered as on before September 15th of 2020 expose horrible dog cruelty Defendants had committed by placing heavily and clearly pregnant dog under surgeon knife, while killing unborn puppies and most likely the mama (instead of giving her out for adoption as allegedly false claimed).
22. Plaintiff had stated to Willet that if Willet claims that the Plaintiff's dogs got into her possession by innocent mistake, than she better return the dogs immediately to the Plaintiff and disclose the location for the dogs, especially after sheriff was searching on warrants rescue's houses and property following stolen dogs investigation. Defendant Willet failed to address this matter, failed to return the Dogs, failed to disclose their location, and therefore, exposed her bad evil intent to steal and destroy Plaintiff's Dogs.
23. Therefore, there are clear need raised for the Plaintiff's original Complaint filed on October 15th of 2020 to be amended. Plaintiff had filed Motion to Amend Complaint by adding defendants and is filing today her Motion for leave of Court to Amend her Complaint.
24. Defendants failed to state if someone else on their behalf trespassed Plaintiff's private property, took Plaintiff's Dogs and submitted them to the Defendants.

25. As for today, by admitting possession Of Dogs Malibu, Lodi_____, which belong to Plaintiff, it's a fact that Defendants took yourself those dogs from Plaintiff's property, unless they will expose who took the dogs and than submitted the Dogs to Defendants.
26. Plaintiff dully served Complaint on Defendants on October 06, 2021.
27. Pursuant NRCP _____ Defendant was allowed 21 days to file Motion for Security Costs Bond.
28. Plaintiff Alla Zorikova was falsely arrested on August 08 of 2021 and released from jail on August 11 of 2021.
29. NO charges have been filed by District Attorney against Alla Zorikova, nor against her family members. Further, San Bernardirno County had settled false arrest case in favor of Alla Zorikova in December of 2020.
30. Animal Control Officers visited Plaintiff's San Bernardirno private property on 3 different occasion by 3 different animal control officers, and every time their witnessed that all dogs had shelter, water, were not distressed and in good health (Exhibit 6_).
31. Plaintiff filed police report regarding her stolen on August 09 of 2020 25 top world class bloodlines, top purebred pedigree, trained, titled german shepherds, each valued from \$10,000 to \$300,000.
32. San Bernardirno Sheriff's department opened criminal investigation that is still ongoing.
33. San Bernardirno Sheriff clearly stated that there were NO any authorization never given to any rescues nor anyone else to remove German Shepherds from Plaintiff's property. (Exhibit 7_).
34. Animal Control personnel had legal duties to wait 48 hours to look for dog's owners if the animals became involuntarily abundant (caused by Plaintiff's sudden false arrest and

- her denial of release from jail on bonds, denial her phone calls to her attorney or dog's caregivers and denial access to Plaintiff by animal control officers).
35. However, even if for any and all reasons, legitimate or not, ANY dogs found abundant on private property, all Defendants could legally do is to call to animal control and to report the incident.
36. Dogs are private property according to Nevada, Federal or any other State law.
37. If thief's are stealing someone's property, such as car, for instance, this action cannot be justified by the fact of that car being blocking the road or some other event.
38. Casey Gish wrote himself his declaration (Exhibit 8) that animal control officer Molina screamed and yelled at him requesting to return dogs to Alla Zorikova.
39. 3 different State judges issued search warrants to search thieves of Alla Zorikova's dogs property in California and Nevada
40. This fact is clearly states that there were NO any authorization ever given to to rescues nor to private parties to take the Dogs from Plaintiff's private property and Defendants better stop pretending that they had acted in good faith and "rescued" poor abandon dogs, while in reality thieves had stolen the dogs and are currently refusing to state to sheriff and to detectives where the dogs are, as well as they are refusing to provide any documentation regarding placement of Plaintiff's dogs.
41. By simple logic, if Defendants, as they claim, would ever had intend of "saving the dogs" instead of stealing them, they would COOPERATE with the sheriff and would disclose, in good faith, all information regarding who called them on August 09 of 2020 and where are the dogs now. Defendants (if having a good faith), would certainly help

- locating the dogs and return them to Plaintiff as animal control officers and sheriff demanded and had ordered them.
42. However, this is NOT the case. Casey Gish, who is a board member (Exhibit 9_) of the same “rescue” that is suspect of stealing Plaintiff’s dogs couched all Defendants and legally represents them in all cases, this person is also member of the board or managing the “rescue” that “rescuing” (trafficking) for several years “meat farm dogs” from Korea and most likely from China as well. (Exhibit 10_).
43. Defendants state themselves that Plaintiff had served Complaint on October 06 of 2020.
44. Plaintiff had been provided initial information regarding who is possessing her dogs by San Bernardirno Sheriff and San Bernardirno Animal Control Officers and that was Southern Nevada Animal Rescue League (founder J Gregory and Casey Gish). Later, Animal Control Officer sent to Plaintiff those pictures that they captured from Facebook on August 10 of 2020 (before all pages were deleted), San Bernardirno County Detectives stated to Plaintiff that Vegas Shepherd Rescue is the possessor of the dogs as well as Plaintiff and her attorney found additional pictures of Plaintiff’s dogs displayed for sale on Defendant’s Vegas Shepherd Rescues Facebook page (Exhibit 11_).
45. Plaintiff is attaching a true and accurate copy of full pages taken via screenshot method by Plaintiff’s cellphone (Exhibit_12_). On these pages is clearly viewable website URL of Defendant Vegas Shepherd Rescue
46. Malibu (Zariza) is outstanding female, producing 12 puppies in her litter 5 litters X 12 puppies = 60 puppies X \$7,000/puppy = \$420,000 is her approximate real value , moreover, Zariza has very special strong genes in her against deadly diseases and therefore, her blood cells are priceless whatsoever as genetic stock of german shepherds,

- not saying that Zariza, born in Plaintiff's house was her favorite family member and named Zariza (Queen) for reason. Not a one single licensed veterinarian would commit crime of spaying pregnant dog; therefore, most likely Defendants lied regarding "all dogs were spayed and neutered". Receiving monetary compensation for only such dog as Zariza vs returning her to Plaintiff, will never be and adequate remedy. Zariza was whelped and raised by Plaintiff and extremely strong emotional bond exists between Plaintiff and Zariza, no monetary compensation can ever substitute loss of Zariza for Plaintiff. "Adoption family", if such exists, would not have problems substituting their new arrived dog with someone else, or receive their adoption fees back.
47. Most likely, there is no any adoption families as to which Plaintiff's stolen dogs have been sent to, otherwise, why it would be such a big deal to disclose this info months ago to sheriff and to Plaintiff.
48. And even if Plaintiff's conditions would not be appropriate, or in any other circumstances, it cannot justify in any meaning Defendant's malicious act of theft and disposition of Plaintiff's dogs. For instance, if someone (without initial evil motive to steal and sale a child for human trafficking crime) see child staying alone on the road decides to take him home and conceal from looking for him parents and from police, that person, when found, will be responsible for crime of kidnapping, legal action he could do to bring the child to police department only.
49. Animal control officers demanded Gish to return the dogs to Alla Zorikova (Exhibit 13 __), and how Gish responded to authorities ? – yelling and screaming with false allegations against Plaintiff, while it was totally not his business. Gish clearly was not interested to hear the truth n ot regarding the fact that the dogs were looked by

- authorities, sheriff, owner, nor by any other facts, which once again clearly exposes Defendants, represented by Gish, who also was Defendant in the original complaint but was somehow by accident deleted from the list.
50. Defendants perfectly know from CA lawsuits, including Defamation Lawsuit that Plaintiff Zorikova filed against Bryan Pease and Californian's Defendants that Plaintiff long ago does NOT run any kennels in California, nor she keeps any dogs on San Bernardinno private property. Even their own hired private investigators stated in their reports back in October of 2020 that they did not see any dogs on the property. Yet, Defendants, once again, clearly with malicious, evil intent falsely state that "she keeps them in the middle of the desert" (Page 10, line 10 Defendant's motion to dismiss).
51. On page 11 of its Motion to Dismiss Defendants, and each of them state that "Plaintiff's viable claims, if any, are likely against the Sheriff's department or other San Bernardino officials for directing people or rescue groups". However, in their declarations (Exhibit 14___) both Defendants state that NO ONE from deputies authorities directed them.
52. Litigation with the county was completed and yes, San Bernardinno county had paid Ms. Zorikova a compensation for false imprisonment and false arrest cause and Deputy Parsons by this settlement was dismissed as Defendant from San Bernardinno civil lawsuit filed by Plaintiff in September of 2020. However, this settlement is irrelevant toward any other causes such as theft of Plaintiff's dogs and defendants as in CA and NV.
53. Plaintiff won her hearing against anti - SLAPP motion brought by Bryan Pease in Plaintiff's defamation lawsuit filed against Pease (alliance of Casey Gish in all this matter, including their "rescuing" and importing foreign rescues dogs activities), who

- dares baselessly, falsely, and with clearly evil intent publicly call Plaintiff “dog abuser”, “illegally run business” etc. Based on undisputable evidences, Court found (Exhibit 15_) that Plaintiff will most likely succeed on the merits and denied Peses special motion to strike lawsuit (anti SLAPP).
54. Defendants must return Plaintiff’s dogs immediately or must disclose their location and state (with supporting clear and convincing evidences) why it would be impossible to return the dogs (for instance, Defendants killed the dogs , or Defendants disposed the dogs, or raped the dogs and disposed them, or sold their blood and organs, or sold the dogs for very big money, which violates their “adoption, non profit” policy and for any other evil reason that even hard to imagine for ordinary person).
55. Furthermore, Defendants propose under their paragraph f) claim that Plaintiff has “dirty hands” and state without any and all supporting evidences, without personal knowledge malicious false allegations as to “Plaintiff running illegal businesses etc.”, which is totally false.
56. Further, Defendants states “She provides pictures on her website of beautiful German Shepherd Dogs in clean and healthy conditions”, again, those are real pictures of real our dogs in real our luxurious conditions.
57. Defendants falsely baselessly state that these are “These images are actually stock images taken by her from other sites on the internet.” – outrageous!!!. How than Plaintiff’s dogs and Plaintiff herself appeared on those images. This is phenomenal, how people can be so disgraceful, deceiving, nasty and not smart. (attached are images of Zariza (Malibu), Hanz (Bacon) , Plaintiff Zorikova, and her daughter Olivia our trainer Jose in those “stock images pictures”. (Exhibit 16)

58. Plaintiff has state of the art one of the best in USA facilities for her dogs, has just a few breeding females, her dogs enjoy daily training, running on 200 acres of private property, living in top grade dog kennels, enjoying raw organic meats, and dogs are one of the most good looking german shepherds in a world. (Defendants attached for us pictures of our facilities and dogs claiming without any evidences that those are “stock images” – simply outrageous, how Plaintiff than and our dogs and our trainers and our cars and our equipment and our sleeves and our bite suits and our training facilities appeared on those “stock images”?? Not speaking that Plaintiff has those original images on her computer and photcamera. Again, Plaintiff hopes that Court will grant her future Motion for Sanctions for false representation to the Court against Defendants). Our dogs trained for military, law enforcement and protection, and in San Bernardirno County dogs were trained in hard bite, jumping on vehicules, protect under firearms, acclimatizing to desert’s temperatures etc. There is no any legal restrictions in USA, nor in California, regarding protection training of specialty breed, such as German Shepherds, nor any other breed.

59. Further, Defendants are falsely state that some “undisputed facts” while failing to provide any references to those “undisputed facts”/“*Her “house of horrors” was investigated by San Bernardino County authorities and she was cited for her failure to have proper structures on her land adequate to meet the basic minimum requirements that kennel/breeding facilities must comply with in San Bernardino County*” ???

60. None of this is true, it’s unclear why Defendants dare to state all these false statements.

Yes, attached is the “Notice of violation” in which clearly states that violation consists of Plaintiff occupying non residential status land, not “house of horror” and that Notice

gives 30 days for correction of that violation. That's all it is. Reasonable notice with due process in place for correction.

61. There were no any "San Bernardino County investigators", while there are detectives and investigators on stolen from Plaintiff dogs that are investigating Defendants. Defendants yourself states that our website displays "lush Locations", all of those are REAL locations. REAL our dogs, our swimming pools, our Mercedes used for training, and our location's mansions. In addition to this, our dogs often sold to only high profile individuals, celebrities and businessmen around the world, who also has mansions for training. And to state baselessly "This is a lie and it is fraudulent." Is inappropriate, again, Plaintiff sincerely hopes that the Court grants her Motion for Sanctions to deter Defendants from representing to the Court false, baseless, malicious statements with clear purpose to deceive the Court and hurt Plaintiff.
62. Again, Animal Control Report clearly states that plaintiff's Dogs had water, shelter, were not distressed and in good health. This FACT exposes that Defendants knowingly, viciously am maliciously purouting onto the Court false allegations.
63. Our business has nothing to do with any "puppy mill" as falsely and baselessly claimed by Defendant. If Defendants name such as our small operation, top purebred show and protection german shepherds dog business a "puppy mill" than all breeding businesses are "puppy mills" in their sick minds. However, those minds are not as "sick" as "criminal", it is a fact that Defendants trafficking "rescued dogs" from Korean and other countries, making huge profit while offending USA based breeders, farmers and restaurants.

64. Again, neither Plaintiff nor her dogs neither reside in San Bernardirno County of California, there is no and breeding business on Plaintiff's private land in San Bernardirno County.
65. NO any breeding license required in San Bernardirno County, even assuming that Plaintiff would have kennel there, which is not the case. Dogs are property, and on notice, owner of the Dogs have rights to move dogs to place where he can fulfill all legal requirements, including to Europe, or to sale the dogs.
66. Furthermore, Defendants again, knowingly and maliciously falsely state that "Ms. Zorikova's property contained over 70 dogs." There were few adult dogs, other were puppies, most of which had been already, before August of 2020 sold as about \$4,000 to \$7,000/puppy and were in training in August of 2020. Nevertheless, it was minimum 3 time less of adult dogs than Defendants falsely state with the purpose to deceive the Court, get yourself out from under criminal investigation against them and in order to hurt Plaintiff.
67. County had paid to Plaintiff her damages as for false arrest and false imprisonment. Again, NO charges have been ever filed against Plaintiff by District Attorney.
68. Defendants clearly the defendant engaged in extreme and outrageous conduct with either the intention of, or reckless disregard for, causing emotional distress, (2) the plaintiff suffered severe or extreme emotional distress, and (3) actual or proximate causation .
69. Most our studs and breeding females were born in our house, were raised and trained from the time they were born, were shown on German shepherd shows, they all are totally loved, taken grate care off and are part of our family, treated a lot of time in priority compare to our own needs. They are all our loved pets, even though we had

- puppies from them. To lose them causes extreme emotional distress and irreparable harm. Each pet owner, who faced loss of his dog via theft or death, will know the devastating feeling of loss of loved one. No disputable facts. And the pain from loss multiplies if several of those stolen and most likely killed.
70. Defendants are concealing names of people where the dogs stolen have been “adopted to” not only from plaintiff, but also from Sheriff, why would it be? The answer is simple: there were NEVER any adoption took place, the Dogs were or sold for tens or hundreds of thousands/each of dollars, brought to conspiracy partnership to shadow breeders or have been totally destroyed via organs harvesting, murder, rape or both. Defendants mentioning in their pleadings that veterinary discovered “feces in their stomach”, how it can be “discovered” without animal being dead??
71. Bonifide purchaser cannot be applied to “adoption”, which is not a purchase, price paid toward the adopted dog is “adoption fees”, vs sold property value paid. And rescues are “nonprofit”.
72. Plaintiff will recognize each of her dog instantly and will pay DNA test costs if need proof of ownership be done.
73. Defendants failed to provide any and all evidences regarding if the Plaintiff’s dogs were truly adopted nor where they are currently located. If it would be true that the Dogs are just adopted by innocence pet owners in great homes, why would be Defendants concealing this fact?
74. All proof of ownership of the Dogs have been provided to Defendants in August of 2020, including American Kennel Club pedigrees, certified pedigrees, pictures of those dogs while on Plaintiff’s property, microchip # for each dog. However, Plaintiff, as biologist

and dog breeder realizes that NOTHING can be altered by thieves except of dog's DNA.

Therefore, the true tests will be DNA tests only that Plaintiff, again, will pay until this matter is heard on trial and decided by jury.

75. The main facts cleared and admitted now:

a). Defendants admitted (Declarations of both Defendants) that they took possession of Plaintiff's Dogs.

b). There were NO authorization from any governmental authority given to Defendants to take Plaintiff's Dogs.

76. Costs bond: Defendants are not entitled to any increased bond costs per defendant as they are clearly showed their bad faith and represented to the Court clearly false facts and statements. If Defendants would be having a good faith, they would immediately return stolen dogs to plaintiff or to sheriff as both, Plaintiff and sheriff demanded the return as early as August 12, 13 of 2020, while Defendants refused of doing so, concealed the dogs, concealed at the beginning fact possessing them and sold/disposed the Dogs by November of 2020. Defendants by acting in good faith and returning stolen dogs could

77. prevent this litigation and avoid their "pro bono attorney fees"

78. There is no any "forum shopping present" regarding Defendant's opposition to add Defendants.

79. Defendants Gregory and others have been dismissed without prejudice by judge Alf for not paying security deposits. In Fall of 2020 Plaintiff could not afford security bond costs based on the fact of destruction of her business and property by Defendants; therefore, involuntarily, Plaintiff allowed case be dismissed without prejudice, meaning, those Defendants can be sued again, that's why plaintiff asks to add them here. In addition to

- this, as stated in Plaintiff's motion, sheriff's investigation of stolen dogs led to the fact of Plaintiff's dogs being stolen by SNARL, J Gregory, Casey Gish and others, these people admitted to sheriff having the dogs, but will not say where the dogs are currently.
80. Olivia Jeong has been serving complaint on Defendants. Alla Zorikova was visiting all locations of Defendants, residential, doggy day care of Gish (full of those 2 by 3 feet iron cages, called "rooms") and business in order to send Olivia in the most appropriate location, Alla Zorikova left copies at multiple business locations but not as service process, just to make sure Defendants have it because Alla Zorikova was there anyway and in order to give additional clear notice to Defendants that real owner of the dogs stolen is appeared once again and desires her dogs back. Olivia Jeong dully served the documents as required.
81. Defendants Willet and Pyle can be served as at their personal residence, on street, at any place whatsoever, or at their place of business. They were served at their place of business.
82. Moreover, it's clear that Defendants are all notified and aware of this lawsuit by pleading in this case and therefore, well notified.
83. Defendants Pyle and Willet are founders of Vegas Pet Rescue Project and not its "employees"; therefore, defense of "acting in the scope of employment" does not apply. Moreover, Defendants Willet ad Pyle has clearly bad faith, act of concealment of stolen dogs and therefore, "employment scope" does not apply.

LEGAL STANDARTS

84. Opposing Defendant's Polarograph e: There are exceptions from neutering/spaying dogs in Clark county, which apply to Plaintiff's Germans shepherds and therefore do not required to be spayed/neutered.
85. Furthermore, Dogs were unlawfully taken from California by Defendants and had to be returned to Plaintiff immediately upon her request as well as request sheriffs and requests of San Bernardirno County Animal Control officer Molina (Declaration of Def Gish Exhibit _17_) and had to leave Clark county in order to not violate any Clark's county laws of spaying and neutering (even if legal exceptions would be disregarded). All defendants had to do is to comply with that law- not steal Plaintiff's dogs and to return them to her if got into their possession. There are law for dogs visiting Clark county during 30 days they don't have to be spayed/neutered. Defendants are trying once again to falsify /represent true law and facts to the Court. They refer to Clark County Ordinances 7.14, while this ordinance clearly states list of exemptions under 7.14.020 and therefore does not apply to A) if animals are designated for breeding B) applies to medical conditions as of pregnant dogs (Zariza was pregnant). Referenced by Defendants North Las Vegas Ordinance 6.04 is definitions sections only, has no relevance.
- C) (1): Animals received special training (such as protection)
- Therefore, Defendants defense of "uncleaned hands" cannot be applied based on the totally and clearly false, deceptive, malicious, vicious, baseless bare statements of lies and falsehoods by defendants against Plaintiff.
86. Mentioned by Defendants Municipal Ordinance 10.08 is a traffic violations ordinance (totally irrelevant).

87. Henderson Ordinance 7.04 refers to pet's licensing in Henderson county, Nevada, and it is outrageous to assume why would be Plaintiff, residing in California, would be under licensing regulations of Nevada's county??
88. Attorney General's Adam Paul Maxalt "*the nonprofit organization itself, however, maybe held liable for negligent or wrongful acts of its employees or agents. Under Nevada Revised Statutes (NRS) 41.480, a director maybe held personally liable for injuries caused by the director's misconduct, fraud, or knowing violation of the law.*"
89. The business judgment rule exists in all states and generally prevents courts from holding corporate directors or officers personally liable for harm resulting from actions taken in their corporate capacities as long as they "acted on an informed basis, in good faith and in the honest belief that the action taken was in the best interests of the company." *E.g. Wynn Resorts, Ltd. v. Eighth Judicial Dist. Court in & for Cty. of Clark*, 399 P.3d 334, 344 (Nev. 2017) (citations omitted). In Nevada, the business judgment rule is codified by statute providing that directors or officers will not be held individually liable unless they engage in "intentional misconduct, fraud or a knowing violation of law." NRS 78.138(7)(a)-(b). Supreme Court of Nevada, in *Shoen v. SAC Holding Corp.*, appeared to contradict the statute when it held: "[w]ith regard to the duty of care, the business judgment rule *does not protect the gross negligence* of uninformed directors and officers." 137 P.3d 1171, 1184 (Nev. 2006) (emphasis added). This caused some Nevada courts to allow duty-of-care claims against individual directors and officers for gross negligence, in contravention of the statutory text.
90. The Supreme Court of Nevada resolved this discrepancy in *Chur v. Eighth Judicial District Court in and for County of Clark*, where it clarified that the statute alone

provides the basis for director and officer liability. 458 P.3d 336, 338 (Nev. 2020). There, the Petitioners (“Directors”) were former directors of Lewis & Clark LTC Risk Retention Group, Inc. (“Lewis & Clark”). Lewis & Clark went into liquidation in 2012 after the Nevada Division of Insurance filed a receivership action, and the state Commissioner of Insurance was appointed receiver (“Commissioner”). The Commissioner sued the Directors on claims of gross negligence and deepening insolvency. The Directors moved to dismiss, for judgment on the pleadings, and then for reconsideration. They argued that the Commissioner was seeking to hold them liable for grossly negligent conduct alone, which was not permitted by Nevada’s statutory business judgment rule. Relying on the gross negligence language from Schoen, the district court denied all three motions.

91. NRS 78.138(3) provides that “[a] director or officer is not individually liable for damages as a result of an act or failure to act in his or her capacity as a director or officer except as described in subsection 7.” Subsection 7 of the statute then requires a two-step analysis for imposing individual liability on a director or officer. First, a plaintiff must rebut the presumption of the business judgment rule, that “directors and officers, in deciding upon matters of business, are presumed to act in good faith, on an informed basis and with a view to the interests of the corporation.” NRS 78.138(7)(a). Second, the “director’s or officer’s act or failure to act” must constitute “a breach of his or her fiduciary duties,” and that breach must further involve “intentional misconduct, fraud or a knowing violation of law.” NRS 78.138(7)(b)(1)-(2). This, the *Chur* court explained, provides the “sole circumstance under which a director or officer may be held individually liable for damages stemming from the director’s or officer’s conduct in an official capacity.” *Chur*,

458 P.3d at 340 (emphasis added). Thus, the Supreme Court “disavow[ed]” *Shoen* to the extent it implied that allegations of gross negligence could, without more, state a breach of duty of care claim. *Id.* The Court then considered the Commissioner’s allegations. The Court assumed that the allegations met the first requirement of NRS 78.138 -- that the Commissioner rebutted the good-faith presumption. It was left with whether the Commissioner’s allegations of gross negligence could constitute a breach of fiduciary duty involving “intentional misconduct” or a “knowing violation” of the law. The Court considered and adopted the Tenth Circuit Court of Appeals’ definition of “intentional” and “knowing” under NRS 78.138, a question it had not previously considered. *Chur*, 458 P.3d at 342 (citing *In re ZAGG Inc. Shareholder Derivative Action*, 826 F.3d 1222, 1232-33 (10th Cir. 2016)). Under that definition, a “claimant must establish that the director or officer had knowledge that the alleged conduct was wrongful in order to show a ‘knowing violation of law’ or ‘intentional misconduct’ pursuant to NRS 78.138(7)(b).” *Chur*, 458 P.3d at 342. Because knowledge of wrongdoing “is an appreciably higher standard than gross negligence -- defined by Black’s Law Dictionary (11th ed. 2019) as ‘reckless disregard of a legal duty,’” the Court held that the Commissioner’s allegations could not meet that standard. *Id.* Thus, the Court ordered that the Directors’ motion for judgment on the pleadings be granted.

92. News of *Chur* should come as a relief to corporate directors and officers subject to Nevada jurisdiction. It confirms the core principle of the business judgment rule that had been called into question in *Shoen*: that courts cannot interfere with the business judgments of officers and directors based on gross negligence alone.

93. Again, Defendants stated in multiple pleadings and declarations by now that NOONE from government authorities neither permitted them nor gave any authorization to take Plaintiff's dogs. Moreover, sheriff were searching on search warrants Nevada's suspect houses and places of business looking for Plaintiff's stolen dogs; therefore, false pretended claim that some deputies called them simply does not make any sense and exposes Defendants as messed up in its own lies falsehood storytellers.
94. Attached are the accurate and true copies of screenshots of Plaintiff's stolen german shepherds screenshots of which were taken from Vegas Rescue Pet Gropup's website, Defendants did not deny above having and "adopting" those dogs. Plaintiff attaches (Exhibit _18_) her true pictures of her with the same those dogs as an evidence of ownership.
95. Defendants are also concealing source where their received from Plaintiff's dogs., which is once again expose their bad faith and legitimizes Plaintiff's claim.
96. Plaintiff does not operate any businesses in Missouri. Attached Defendants business registration is under name of Olivia Jeong. Nevertheless neither Alla Zorikova nor Olivia Jeong does not have any kennels nor dogs in Missouri, nor any breeding facilities, nor property, nor had been visited state of Missouri for years. Plaintiff. Again, respectfully asks this Court to apply sanctions pursuant to NRCP ____ in order to defer Defendants from harassing Plaintiff and destroying her reputation and business via these and other false, malicious, baseless statements.
97. On page 6 Defendants refer to Animal Control report once again, deceiving the Court by pretending that this is a "police report exposing AKC GSD vehicle" instead of reporting Animal Control of Plaintiff's dogs having shelter, water, not be in distress and in good

health on the day of Plaintiff's arrest and the reason why Animal Control refused take Plaintiff's dogs on August 08 of 2020.

98. In Defendant's paragraph 11: *"At no time were Defendants contacted by San Bernardino County Sheriffs or government officials, including but not limited to Deputy Parsons, about removing and/or rescuing dogs from Plaintiff's property. See Exhibits 9 and 10. Defendants were not in any way, shape or form, associated with the San Bernardino County Government Officials' request for removal of dogs from Plaintiff's property. Id"*

99. Plaintiff asks this Court to allow her to Amend her complaint.

100. Defendants are claiming that the Dogs were adopted and therefore, easily retrievable.

101. Referring Defendant's E:

What true evil motive Defendants are having by over and over, baselessly, maliciously, knowingly falsely stating that Plaintiff's dogs were voluntarily abundant in a desert vacant land without food, water, shelter, and basic needs, while Defendants claim NONE of them never has been on Plaintiff's that property, nor never saw Plaintiff nor her dogs, while, on the other hands, 3 different Animal Control Officers, on 3 Different occasions, August 10 of 202, August 17 of 202, October about 20th of 2020 personally visited Plaintiff's private property (Exhibit Deed 19_) and provided Animal Control Report that Defendant were looked at so many times

102. Order, granting Plaintiff Motion for TRO will disclose a lot of concealed so far by Defendants true facts regarding where are the dogs now, what happened to them, who submitted the Dogs to Defendants in the first place

103. Again, multiple call and letters by Plaintiff and her attorney has been made to Gish, Willet and Pyle (Exhibit 20) on as early date as August 12th of 2020, the very next date when San Bernardinno County Sheriff stated to plaintiff that her dogs were stolen by Las Vegas people. Plaintiff and her attorney were even driving to las Vegas at that date to pick up the Dogs, but Defendants denied having them. Therefore, it is shamelessly false to state that Defendants ever had any “good faith” in this matter.

WHEREFORE

Plaintiff respectfully asks this Court to allow her to amend her complaint, to deny Defendants motion to dismiss as Defendants failed to provide facts, evidences nor legal authorities that would justify their motion.

Respectfully,



06/27/2021

CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 06/27/21 to Casey Gish.

Alla Zorikova

06/27/21



AOS

1 Alla Zorikova
 2 (Your Name)
 3 1905 Wilcox Ave. #125
 4 (Your Mailing Address)
 5 LA, CA 90068
 6 (Your City, State, Zip Code)
 7 3232095186
 8 (Your Telephone Number)

9 (Your E-mail Address)
 10 olivia.cara@mail.ru
 11 Plaintiff, Self-Represented

12 EIGHTH JUDICIAL DISTRICT COURT
 13 CLARK COUNTY, NEVADA

14 Plaintiff's Name: Zorikova
 15 Plaintiff,

Case No.: A-20-821248-C
 Dept. No.: 20

16 vs.
 17 Defendant's Name: Pyle et al
 18 Defendant.

19 AFFIDAVIT/DECLARATION OF SERVICE UNDER PENALTY OF PERJURY

20 (Insert name of person performing service) Olivia Jeong, being duly
 21 sworn or under penalty of perjury, states that at all times relevant, I was over 18 years of age and not a
 22 party to or interested in the above-captioned case; that I served a copy of the ☒ Summons, ☒ Complaint,
 23 ☐ Other (specify) _____ on (insert date and
 24 time you served) 10/20, 20 20, at the hour of 1 P.M., on Defendant (insert Defendant's
 25 name) J. PYLE by the

26 following method (complete appropriate paragraph below):

27 ☐ **Personal service per NRCPC 4.2(a)(1):** Delivering and leaving a copy with (insert
 28 Defendant's name) _____ at (insert address at
 29 which you served) _____

///

Page 1 of 2

For more forms and information, visit www.civillawselfhelpcenter.org.

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1 ☒ **Substitute service per NRCPC 4.2(a)(2):** Delivering and leaving a copy with (insert name or
 2 physical description of person served) Reception, lady brown hair about 60 y.o, a person of suitable age
 3 and discretion residing at Defendant's dwelling house or usual place of abode, at (insert Defendant's address)
 4 2620 Rosetta Dr., #102, Las Vegas, NV 89128
 5 ☐ **Service on a business entity per NRCPC 4.2(c)(1)(A):** Delivering and leaving a copy
 6 with (insert name or physical description of person served) _____
 7 who is Defendant's (check one) ☐ registered agent, ☐ officer or director, ☐ partner, ☐ member, ☐ manager,
 8 ☐ trustee, or ☒ other (specify) Receptionist, at (insert address at which you served)
 9 2620 Rosetta Dr., #102, Las Vegas, NV 89128
 10 ☐ **Other method of service authorized by Nevada statute or court rule:**
 11 _____
 12 _____

13 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF
 14 NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

15 SERVER'S SIGNATURE: [Signature] Date: 10/20/20

16 Server's Phone: _____

17 Server's ☐ Residential/ ☒ Business Address: 1905 Wilcox Ave. #125 LA, CA, 90068

18 ☐ I am a licensed process server or an employee of a licensed process server; my license or registration
 19 number is (insert license or registration number): _____

20 ☒ I am not required to be licensed under chapter 648 of the Nevada Revised Statutes or another
 21 provision of law because am not engaged in the business of serving legal process within the State of
 22 Nevada.

Page 2 of 2

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DAVE
CL 7-18

1 AOS
2 Alla Loxikova
(Your Name)
3 1905 W. Reed Ave, #175
(Your Mailing Address)
4 CA 90068
(Your City, State, Zip Code)
5 323 2085186
(Your Telephone Number)
6 _____
(Your Fax Number)
7 olivia.cara@mail.ru
(Your E-mail Address)
8 Plaintiff, Self-Represented
9
10 EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA
11 Plaintiff's Name: Loxikova Case No.: A-20-820761-C
12 Plaintiff, Dept. No.: 27
13 vs.
14 Defendant's Name: Gregory et al
15 Defendant.
16 **AFFIDAVIT/DECLARATION OF SERVICE UNDER PENALTY OF PERJURY**
17 (Insert name of person performing service) Olivia Jeong, being duly
18 sworn or under penalty of perjury, states that at all times relevant, I was over 18 years of age and not a
19 party to or interested in the above-captioned case; that I served a copy of the ☒ Summons, ☒ Complaint,
20 ☐ Other (specify) ccx. 09 ON (insert date and
time you served) 10/20, 20 20, at the hour of 1 P.M., on Defendant (insert Defendant's
21 name) Vegas Pet Rescue Project by the
22 following method (complete appropriate paragraph below):
23 ☐ **Personal service per NRCP 4.2(a)(1):** Delivering and leaving a copy with (insert
24 Defendant's name) _____ at (insert address at
25 which you served) _____
26
27
28

Page 1 of 2
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1 ☒ **Substitute service per NRCP 4.2(a)(2):** Delivering and leaving a copy with (insert name or
2 physical description of person served) Receptionist, lady brown hair about 50 y.o., a person of suitable age
3 and discretion residing at Defendant's dwelling house or usual place of abode, at (insert Defendant's address)
4 2620 Rosetta Dr., #102 Las Vegas, NV 89128
5 ☐ **Service on a business entity per NRCP 4.2(c)(1)(A):** Delivering and leaving a copy
6 with (insert name or physical description of person served) _____
7 who is Defendant's (check one) ☐ registered agent, ☐ officer or director, ☐ partner, ☐ member, ☐ manager,
8 ☐ trustee, or ☒ other (specify) receptionist, at (insert address at which you served)
9 2620 Rosetta Dr., #102 Las Vegas, NV 89128
10 ☐ **Other method of service authorized by Nevada statute or court rule:**
11
12
13 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF
NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.
14 SERVER'S SIGNATURE: [Signature] Date: 10/20/20
15 Server's Phone: _____
16 Server's ☐ Residential/ ☒ Business Address: 1905 W. Reed Ave, #175 CA 90068
17 ☐ I am a licensed process server or an employee of a licensed process server; my license or registration
number is (insert license or registration number): _____
18 ☒ I am not required to be licensed under chapter 648 of the Nevada Revised Statutes or another
19 provision of law because am not engaged in the business of serving legal process within the State of
Nevada.
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27
28

Page 2 of 2
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Rev. 2/20/2019

AOS

1 Alla Zorikova
 2 (Your Name)
 3 1905 Wilcox Ave, #125
 4 (Your Mailing Address)
 5 S.F. CA 90068
 6 (Your City, State, Zip Code)
 7 3232085186
 8 (Your Telephone Number)
 9
 10 (Your Fax Number)
 11 olivia.carr@mail.ru
 12 (Your E-mail Address)
 13 Plaintiff, Self-Represented

EIGHTH JUDICIAL DISTRICT COURT
 CLARK COUNTY, NEVADA

11 Plaintiff's Name: Zorikova Case No. A-20-821249-C
 12 Name: Plaintiff, Dept. No. 20
 13 vs. Plaintiff,
 14 Defendant's Name: Pyle et al
 15 Defendant.

AFFIDAVIT/DECLARATION OF SERVICE UNDER PENALTY OF PERJURY
 (Insert name of person performing service) Olivia Jeang, being duly sworn or under penalty of perjury, states that at all times relevant, I was over 18 years of age and not a party to or interested in the above-captioned case; that I served a copy of the ☒ Summons, ☒ Complaint, ☐ Other (specify) per OR on (insert date and time you served) 10/20, 2020, at the hour of 1 p.m., on Defendant (insert Defendant's name) Tammy Wellet by the following method (complete appropriate paragraph below):

☐ **Personal service per NRCP 4.2(a)(1)**: Delivering and leaving a copy with (insert Defendant's name) _____ at (insert address at which you served) _____

!!!

Page 1 of 2
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☒ **Substitute service per NRCP 4.2(a)(2)**: Delivering and leaving a copy with (insert name or physical description of person served) Receptionist, lady brown hair about 50y.o, a person of suitable age and discretion residing at Defendant's dwelling house or usual place of abode, at (insert Defendant's address) 2620 Regatta Dr. #102 Las Vegas, NV 89128

☐ **Service on a business entity per NRCP 4.2(c)(1)(A)**: Delivering and leaving a copy with (insert name or physical description of person served) _____ who is Defendant's (check one) ☐ registered agent, ☐ officer or director, ☐ partner, ☐ member, ☐ manager, ☐ trustee, or ☒ other (specify) receptionist, at (insert address at which you served) 2620 Regatta Dr. #102 Las Vegas, NV 89128

☐ **Other method of service authorized by Nevada statute or court rule:**

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

SERVER'S SIGNATURE: AS Date: 10/20/20
 Server's Phone: _____
 Server's ☐ Residential/ ☒ Business Address: 1905 Wilcox Ave #125 L.A., CA, 90068
☐ I am a licensed process server or an employee of a licensed process server; my license or registration number is (insert license or registration number): _____
☒ I am not required to be licensed under chapter 648 of the Nevada Revised Statutes or another provision of law because am not engaged in the business of serving legal process within the State of Nevada.

Page 2 of 2
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1 AOS
2 Alla Zorikova
3 1905 Wilcox Ave, #175
4 L.A. CA 90068
5 3232095186
6 Olivia.CAR@mail.ru
7 Plaintiff, Self-Represented
8
9 EIGHTH JUDICIAL DISTRICT COURT
10 CLARK COUNTY, NEVADA
11 Plaintiff's Name: Zorikova Case No.: A-20-820761-C
12 vs. Plaintiff, Dept. No.: 27
13 Defendant's Name: Gregory et al
14 Defendant.
15
16 AFFIDAVIT/DECLARATION OF SERVICE UNDER PENALTY OF PERJURY
17 (Insert name of person performing service) Olivia Jeong, being duly
18 sworn under penalty of perjury, states that at all times relevant, I was over 18 years of age and not a
19 party to or interested in the above-captioned case; that I served a copy of the ☒ Summons, ☒ Complaint,
20 ☐ Other (specify) 04/09 on (insert date and
21 time you served) 10/20/20, at the hour of 1 p.m., on Defendant (insert Defendant's
22 name) Jamie Gregory by the
23 following method (complete appropriate paragraph below):
24 ☐ Personal service per NRCP 4.2(a)(1): Delivering and leaving a copy with (insert
25 Defendant's name) _____ at (insert address at
26 which you served) _____
27
28

1 ☒ Substitute service per NRCP 4.2(a)(2): Delivering and leaving a copy with (insert name or
2 physical description of person served) Receptionist, lady brown hair, about 50 y.o
3 and discretion residing at Defendant's dwelling house or usual place of abode, at (insert Defendant's address)
4 2620 Rosetta Dr, #102, Las Vegas, NV 89128
5 ☐ Service on a business entity per NRCP 4.2(c)(1)(A): Delivering and leaving a copy
6 with (insert name or physical description of person served) _____
7 who is Defendant's (check one) ☐ registered agent, ☐ officer or director, ☐ partner, ☐ member, ☐ manager,
8 ☐ trustee, or ☒ other (specify) receptionist, at (insert address at which you served)
9 2620 Rosetta Dr, #102, Las Vegas, NV 89128
10 ☐ Other method of service authorized by Nevada statute or court rule:
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13 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF
14 NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.
15 SERVER'S SIGNATURE: [Signature] Date: 10/20/20
16 Server's Phone: _____
17 Server's ☐ Residential/ ☒ Business Address: 1905 Wilcox Ave, #175, L.A., CA 90068
18 ☐ I am a licensed process server or an employee of a licensed process server; my license or registration
19 number is (insert license or registration number): _____
20 ☒ I am not required to be licensed under chapter 648 of the Nevada Revised Statutes or another
21 provision of law because am not engaged in the business of serving legal process within the State of
22 Nevada.
23
24
25
26
27
28



RPLY

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

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Las Vegas, NV 89118

Casey@GishLawFirm.com

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SHANA D. WEIR, ESQ.

Nevada Bar No. 9468

WEIR LAW GROUP, LLC

6220 Stevenson Way

Las Vegas, NV 89120

(702) 509-4567 Telephone

Attorneys for Defendants

Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

DISTRICT COURT

CLARK COUNTY, NEVADA

ALLA ZORIKOVA;

Plaintiff(s),

vs.

CASE NO. A-20-821249-C

DEPT. NO. XX

JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X,

Defendant(s).

**DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO APPLICATION FOR
FEES, COSTS, AND DISBURSEMENTS**

COME NOW, Defendants¹ Julie Pyle, Tammy Willet, and Vegas Shepherd Rescue, through
their attorney of record, CASEY D. GISH, ESQ., of THE LAW OFFICE OF CASEY D. GISH and

¹The Complaint on file herein does not name attorney Casey D. Gish as a Defendant. Plaintiff unilaterally modified the caption at some point to include him as a Defendant. Mr. Gish incorporates the arguments herein.



SHANA D. WEIR, ESQ., of WEIR LAW GROUP, LLC, hereby replies to Plaintiff's Opposition to Defendants' Application for Fees and Costs and Disbursements.

I.

LEGAL ARGUMENT

A. DEFENDANTS ARE ENTITLED TO AN AWARD OF ATTORNEY'S FEES

Pursuant to NRS 18.010(2)(a), the court may make an allowance for attorney's fees "when the prevailing party has not recovered more than \$20,000.00." Thus, while the district court has virtually no discretion to deny a fee award to a prevailing party, the court has discretion in determining the amount of said award, which "is tempered only by reason and fairness." *University of Nevada, Las Vegas v. Tarkanian*, 110 Nev. 581, 590-591, 879 P.2d 1180, 1186 (1994).

Accordingly, in Nevada, this "analysis may begin with any method rationally designed to calculate a reasonable amount, including those based on a 'lodestar' amount or a contingency fee." *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 48-49 (2005), (citing *Herbst v. Humana Health Ins. of Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989), *Lealao v. Beneficial California, Inc.*, 82 Cal.App.4th 19, 97 Cal. Rptr. 2d 797, 821 (2000) and *Glendora Com. Redevek Agency v. Demeter*, 155 Cal.App.3d 465, 202 Cal.Rptr. 389 (1984).

B. THE ATTORNEYS' FEES REQUESTED ARE REASONABLE UNDER NEVADA LAW

In Nevada, the court must also consider the factors laid out in *Brunzell v. Golden Gate National Bank*, 95 Nev. 345, 349, 455 P.2d 31 (1969) in determining a reasonable award of attorney's fees. *See Shuette*, 121 Nev. at 865. In doing so, the award will be reasonable "as long as the Court provides sufficient reasoning and findings in support of its ultimate determination," *Id.*

The Nevada Supreme Court clarified the four *Brunzell* factors in *Schouweiler v. Yancey Co.*, 101 Nev. 827, 712 P.2d 786 (1985) as follows:

- (1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill;
- (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;
- (3) the work actually performed by the lawyer; the skill, time and attention given to the work; and
- (4) the result: whether the attorney was successful and what benefits were derived.

101 Nev. at 833-834, 712 P.2d at 790.

Here, as detailed below, all four of the *Brunzell* factors are satisfied.

First, Defendants were represented by attorney CASEY D. GISH and SHANA WEIR. Mr. Gish has been a practicing attorney in the State of Nevada and California for over 22 years with no record of discipline in either state. Ms. Weir has been a practicing attorney in the State of Nevada for over 15 years with no record of discipline.

Mr. Gish began his legal career in Nevada in 1997 when he served as an extern to the Nevada Supreme Court. He was then appointed as the Law Clerk to the Honorable David Huff, State of Nevada Third Judicial District Court, from 1998 to 1999. Prior to opening THE LAW OFFICE OF CASEY D. GISH in 2015 as the firm's managing member, CASEY D. GISH tried multiple jury trials and bench trials in Las Vegas, Reno, Orange County, and Los Angeles County. He has litigated cases throughout Nevada and California in both state court and federal court. He has won multiple appeals to the Nevada Supreme Court, and was successful in a published opinion from the Nevada Supreme Court (*Vega vs. Eastern Courtyard Associates*, 24 P.3d 219 (Nev. 2001)). His cases have ranged from small cases to cases in excess of \$90 million dollars. He has previously and currently worked for law firms such as Parker, Nelson & Associates; Cisneros & Associates; and Cisneros & Marias, etc. All of these firms are well known in the Las Vegas legal community with a reputation for experienced and professional attorneys.

1 While working for Cisneros & Marias, Mr. Gish was the handling attorney for all of the
2 firm's veterinary malpractice cases and represented veterinarians in more than 10 trials, all of which
3 resulted in a verdict in favor of his clients. Just prior to opening his own firm, Mr. Gish was the
4 senior trial attorney for two (2) years at the firm of Ferris and Associates. Mr. Gish has also been
5 appointed as an Arbitrator on hundreds of cases for the Clark County Mandatory Arbitration
6 Program.

7
8 Prior to opening THE WEIR LAW GROUP in 2019, the firm's managing member SHANA
9 WEIR, has tried multiple jury trials and bench trials throughout the State of Nevada. Her cases
10 have ranged from small cases to the 2 largest class action cases in the history of the State of Nevada
11 with multiple billions of dollars in potential damages at issue. She has previously worked for law
12 firms such as Springel & Fink, and Parker, Nelson & Associates. Prior to opening her own firm,
13 she was the Supervising Partner at Parker, Nelson & Associates. All of these firms are well known
14 in the Las Vegas legal community with a reputation for experienced and professional attorneys.

15 Both Mr. Gish and Ms. Weir are well known in the Las Vegas community for practicing in
16 the area of animal rights and for donating their time and resources in animal cruelty cases. Due to
17 their extensive experience in this area of law, they have both become experts in their fields of
18 practice. Based upon their expertise, experience, and specialized knowledge of animal cruelty
19 cases, a rate of \$500/hour is justified in this matter. In addition, the number of hours spent by
20 counsel for the Defendants in preparing the extensive Counter-Motion to Dismiss (15 pages, plus
21 hundreds of pages of exhibits) and Reply to the Opposition to the Counter-Motion to Dismiss (24
22 pages, plus additional voluminous exhibits). The amount of attorney time required just to prepare
23 these papers was enormous, and the amount of attorney time required to research and review the
24 facts and documents underlying and supporting these papers was even more extensive.
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1 Second, animal cruelty cases are very specialized and difficult by nature. They are factually
2 and legally intensive. While there may be more technically complex matters, animal cruelty cases
3 clearly require attention to detail and an understanding of the presentation of defenses to complex
4 veterinary evidence in order to establish damages and defenses. Animal cruelty cases often times
5 require several different veterinary disciplines and legal disciplines to understand and present to
6 enable a claimant or a defendant to achieve the best results. Counsel's understanding of the various
7 issues that are needed to successfully present, or defend, a case supports the conclusion that the
8 attorney's fees were earned and are fair and reasonable. At the end of the day, Defendants' attorneys
9 diligently and successfully represented them in this case through the Motion to Dismiss, achieving
10 a dismissal of Plaintiff's claims after an extensive evidentiary hearing.

11 Third, counsel's skill, time, and attention given to this case were above average. The
12 preparation was thorough and complete. Counsel for Plaintiff spent numerous hours reviewing
13 voluminous filings from Plaintiff, reviewing documents, reviewing potential testimony and
14 potential discovery, drafting and repeatedly revising the Defendants' Motion to Dismiss, meeting
15 with clients, conducting teleconferences with clients, and preparing this case for the evidentiary
16 hearing on their Motion to Dismiss, and then attending a lengthy evidentiary hearing. In fact, the
17 Court specifically stated that Defendant's witness at the evidentiary hearing, Ms. Julie Pyle, was
18 credible. Counsel spent considerable time preparing Ms. Pyle for her testimony at the evidentiary
19 hearing conducted by this Court. Considering the amount of time and effort exerted by Defendants'
20 counsel, and both attorneys' considerable expertise in this area of practice, the fees are clearly
21 substantiated. Based upon their expertise, experience, and specialized knowledge of animal cruelty
22 cases, a rate of \$500/hour is justified in this matter. In addition, the number of hours spent by
23 counsel for the Defendants in preparing the extensive Counter-Motion to Dismiss (15 pages, plus
24 hundreds of pages of exhibits) and Reply to the Opposition to the Counter-Motion to Dismiss (24
25
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pages, plus additional voluminous exhibits) and preparation for and attendance at the evidentiary hearing on the Counter-Motion which lasted in excess of 5 hours. The amount of attorney time required just to prepare these papers was enormous, and the amount of attorney time required to research and review the facts and documents underlying and supporting these papers was even more extensive. Therefore, Defendants request that all of their attorneys' fees incurred by each of their counsel pertaining to the Counter-Motion to Dismiss, in the total amount of 74.8 hours (46.4 hours billed by Gish – 28.4 hours billed by Weir) at the rate of \$500/hr, for the total amount of \$37,400 (\$23,200 billed by Gish - \$14,200 billed by Weir), be awarded to Defendants from Plaintiff. *Please see Gish billing statement attached hereto as "Exhibit 2" and Weir billing statement attached hereto as "Exhibit 3".*

Fourth, the result speaks for itself. The favorable award of dismissal of Plaintiff's Complaint against Defendants is attributable in substantial part to the diligence, determination, hard work, expertise, and skill of Defendants' counsel, who developed, litigated, and obtained this favorable result. Defendants achieved the objective they sought, dismissal of Plaintiff's case. Although the Court has the final decision on the matter, counsel respectfully submits the quality of its work product reflects the hours spent on the case.

Plaintiff's Opposition claims that \$500.00 per hour for attorneys fees is unreasonable and that the amount of the attorneys' fees should be set at \$150.00 per hour. Plaintiff's Opposition is without merit. The Clark County District Court regularly awards attorneys fees in the amount of \$500.00 per hour in much simpler car accident cases. The subject case is much more complex, factually and legally, than most car accident cases, and an award of at least \$500.00 per hour for the work performed in this case by counsel for defendants is demonstrated and warranted. The \$150.00 per hour suggested by Plaintiff may be appropriate for insurance defense counsel in a simple accident case, pre-litigation, or even after the filing of the Complaint. But here, the factual



1 and legal issues were much more complex than a simple motor vehicle accident. Animal cruelty
2 cases are much more factually intensive and legally intensive than Plaintiff would suggest. And
3 the complexity of this matter was due to the actions of the Plaintiff, not the Defendants. Therefore,
4 Plaintiff should be required to compensate Defendants' counsel for the specialized and complex
5 work that was required in this case.

6
7 **C. DEFENDANTS' COSTS ARE RECOVERABLE AS A MATTER OF RIGHT**

8 Under NRS 18.010(1), a prevailing party claiming costs can serve and file a verified
9 memorandum of costs before entry of judgment. *Las Vegas Fetish & Fantasy Halloween Ball, Inc.*
10 *v. Ahern Rentals, Inc.*, 124 Nev. 272, 278, 182 P.3d 764, 768 (2008). A prevailing party is required
11 to file a verified memorandum of costs within 5 days after entry of judgment, or such further time
12 as the court or judge may grant, stating under oath that the cost items are correct and "have been
13 necessarily incurred in the action or proceeding." *Village Builders 96 v. U.S. Labs*, 121 Nev. 261,
14 276-277, 112 P.3d 1082, 1092 (2005).

15 Pursuant to NRS 18.020, Defendants are entitled to an award of costs. Pursuant to NRS
16 18.005, Defendant's recoverable costs and interest in this matter are **\$1,485.65**.

17
18 **D. PLAINTIFF'S COST BONDS ALLEGEDLY DEPOSITED WITH THE COURT**

19 As this Court knows, the issue of whether Plaintiff deposited out-of-state security of costs
20 bonds was heavily contested in this matter. Plaintiff claims to have posted \$1,500 in security with
21 this Court pursuant to NRS 18.130, but it is undisputed that Plaintiff never filed the required Notice
22 of Posting of the Bond as per NRS 18.130(1). In the event Plaintiff did actually post \$1,500 in
23 security with this Court, and in the event this Application is Granted, Defendants respectfully
24 request that the posted security funds be immediately released to Defendants' counsel for
25 disbursement.
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**E. PLAINTIFF'S OPPOSITION IS NOTHING BUT INCOMPREHENSIBLE
REGURIGATION OF FACTS/ISSUES THAT WERE ALREADY DECIDED
BY THIS COURT AT THE EVIDENTIARY HEARING OF THIS MATTER.**

The vast majority of Plaintiff's Opposition is nothing but incomprehensible and spurious allegations and unsupported conclusions of facts and law impugning the integrity of this Court and counsel. The allegations and conclusions themselves are unsupported factually and legally and are sanctionable and should not be tolerated by this Court. These allegations violate multiple rules of Civil Procedure, Nevada statutory law, and ethical standards. Plaintiff holds herself out as being legally trained with the best attorneys in Europe, and yet she disregards the most basic rules of civil procedure, ethics, and statutes prohibiting the presentation of false and perjurious evidence to a Court of law. Her egregious and perjurious conduct should not be permitted by this Court.

II.

CONCLUSION

Based upon the foregoing, Defendants respectfully request that their Application for Fees, Costs, and Disbursements be GRANTED in the amount of **\$1,485.65** for costs/disbursements, and **\$37,400.** for attorney's fees for a total amount of **\$38,88.65.** It is further requested that any security funds that were deposited by Plaintiff with this Court for security of costs pursuant to NRS 18.130, be immediately released by the Court to counsel for the Defendants.

DATED this 19th day of September, 2021.

THE LAW OFFICE OF CASEY D. GISH

/s/ Casey D. Gish

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

5940 S. Rainbow Blvd

Las Vegas, NV 89118

Casey@GishLawFirm.com

Co-counsel for Defendants Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

WEIR LAW GROUP, LLC

5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



THE LAW FIRM OF
CASEY D. GISH

/s/ Shana D. Weir

SHANA D. WEIR, ESQ.

Nevada Bar No. 9468

6220 Stevenson Way

Las Vegas, NV 89120

*Co-counsel for Defendants Julie Pyle, Tammy
Willet, & Vegas Shepherd Rescue*

CERTIFICATE OF SERVICE

I, Casey D. Gish, declare:

I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen (18) years and not a party to the action within. My business address is 5940 S. Rainbow Blvd., Las Vegas, Nevada 89118.

That I served the document described as **DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' APPLICATION FOR FEES, COSTS, AND DISBURSEMENTS** on the parties whose address appears below:

 VIA U.S. MAIL: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Postal Service at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business.

 X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve electronic filing system. I am "readily familiar" with the firm's practice of electronically serving documents.

 VIA EMAIL: in accordance to the Consent of Service by Electronic Means on file herein. Via email by transmitting through an email service maintained by the person on whom it is served at the email address provided by that person. The copy of the document served by email bears a notation of the date and time of transmission and the email address to which transmitted.

ALLA ZORIKOVA
1905 Wilcox Ave, #175
Los Angeles. CA 90068
P: (323) 209-5186
E: stevejohn19732017@gmail.com
Plaintiff

Executed on the 19th day of September, 2021.

/s/ Casey D. Gish

An employee of THE LAW OFFICE OF
CASEY D. GISH

5940 S. Rainbow Blvd, Las Vegas, NV 89118
Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



THE LAW OFFICE OF
CASEY D. GISH



OPPS

CASEY D. GISH, ESQ.
Nevada Bar No. 006657
THE LAW OFFICE OF CASEY D. GISH
5940 S. Rainbow Blvd
Las Vegas, NV 89118
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SHANA D. WEIR, ESQ.
Nevada Bar No. 9468
WEIR LAW GROUP, LLC
6220 Stevenson Way
Las Vegas, NV 89120
(702) 509-4567 Telephone

Attorneys for Defendants
Julie Pyle, Tammy Willet, & Vegas Shepherd Rescue

DISTRICT COURT
CLARK COUNTY, NEVADA

ALLA ZORIKOVA;

Plaintiff(s),

vs.

CASE NO.A-20-821249-C

DEPT. NO. XX

JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X,

Defendant(s).

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION
FOR RELIEF FROM FINAL ORDER

COME NOW, Defendants¹ Julie Pyle, Tammy Willet, and Vegas Shepherd Rescue,
through their attorney of record, CASEY D. GISH, ESQ., of THE LAW OFFICE OF CASEY D.
GISH and SHANA D. WEIR, ESQ., of WEIR LAW GROUP, LLC, hereby oppose Plaintiff's

¹The Complaint on file herein does not name attorney Casey D. Gish as a Defendant. Plaintiff unilaterally modified the caption at some point to include him as a Defendant. Mr. Gish incorporates the arguments herein.

1 Motion For Relief From Final Order. This Opposition is supported by the attached Points and
2 Authorities, the pleadings and papers on file herein, and any argument allowed by the court.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I.**

5 **Factual Background**

6
7 Plaintiff, Alla Zorikova, filed her Complaint against Defendants on September 15, 2020,
8 alleging causes of action for: 1) theft under NRS 41.580, 2) civil conspiracy, 3) trespass, 4) fraud;
9 5) intentional infliction of emotional distress; and 6) property damage. The general basis of her
10 Complaint is that she owns 50 German Shepherds, of which she claims 25 were stolen from her
11 on August 8 or 9, 2020 while she and her daughter, Olivia Jeong, were in jail in San Bernardino
12 County, California for felony animal cruelty to those dogs. Plaintiff allegedly effectuated service
13 of process on Defendants on October 5, 2020 and again on October 9, 2020. This case was stayed
14 on December 4, 2020 after Defendants timely filed Demands for Security of Costs due to Plaintiff
15 being a California resident outside this Court's Jurisdiction. Plaintiff allegedly filed bonds in or
16 around April 2021.²

17
18 On October 24, 2020, Plaintiff filed an Ex Parte Application for Temporary Restraining
19 Order from Custody of Plaintiff's Dogs and for Order to Return Plaintiff's Dogs. Defendants
20 opposed the motion.
21

22 On August 18, 2021, the Court conducted an evidentiary hearing on the issue of service of
23 process of Plaintiff's Complaint. The Court granted Defendant's Counter-Motion to Dismiss,
24 finding service of process was ineffective, and dismissed Plaintiff's Complaint with prejudice for
25 abuse of process in this matter(see order filed September 2, 2021, attached hereto).
26
27
28

²The docket does not reflect the date of filing of the bonds.

1 On August 23, 2021, Plaintiff filed a motion to set aside pursuant to NRCP 60(b)(1),
2 NRCP 60(b)(3), and NRCP 60(b)(6), which are the exact same statutes as Plaintiff seeks relief for
3 under the instant motion. Defendants opposed the motion to set aside. It is set to be heard on
4 Wednesday, October 29, 2021.

5 On September 7, 2021, Defendants filed a notice of entry of this Court's order granting
6 Plaintiff's motion to dismiss.
7

8 The motion to set aside, and the instant motion for relief from final order essentially
9 reiterates Plaintiff's position that the summons and Complaint were properly served on all
10 Defendants, which Judge Johnson found was untrue. Because Plaintiff does not like the outcome
11 of the Motion to Dismiss, she alleges that Judge Johnson is not unbiased, impartial and fair because
12 she claims he failed to disclose that he was investigated twice for being a patron in a strip club.
13 *See Motion* at p. 2-3, pp. 2-4 (there are no numerical lines or paragraph numbers contained in the
14 motion to provide a specific citation as required by local rules). Even if everything Plaintiff said
15 was true, it is unclear how such "facts" would relate to her or her case.
16

17 Plaintiff further alleges, as she does in the first NRCP 60(b) motion that Judge Johnson
18 has been bribed by animal rights activists groups. *See Motion* at p. 13, pp. 54. She provides no
19 identity or further information about said animal rights activist groups or in what manner they
20 supposedly bribed Judge Johnson. She provides no evidence of campaign contributions from
21 Defendants (which would not serve as proof of bribery in any event). She alleges that Judge
22 Johnson admitted he was endorsed by animal rights' activists group(s) (see Plaintiff's Exhibit 5 in
23 support of motion which is confusing to the extent it goes back and forth between allegations
24 against a California Judge and the Judge in the instant case); however, that is not Defendants'
25 counsel's recollection of what Judge Johnson stated. Even if it were true, Plaintiff does not
26 identify any or how that is germane to her case and she does not allege that it was Defendants'
27
28

1 who endorsed Judge Johnson (which, again, would not be improper or serve as proof in any
2 event). Judges in Clark County are regularly endorsed by different groups when they run for re-
3 election. To Defendants' knowledge, Defendants are not affiliated or associated with any groups
4 who have endorsed Judge Johnson in any of his re-elections. Defendants Vegas Shepherd Rescue,
5 Tammy Willet and Julie Pyle have not provided any campaign donations to Judge Johnson.
6

7 One thing Plaintiff admits clearly in her motion is her attempt at forum shopping by filing
8 3 separate lawsuits against the same defendants in different jurisdictions for the same actions. *See*
9 *Motion*, at p. 4-5, pp. 11. It is clear that Plaintiff is vexatious and will continue to file motion after
10 motion, despite civil procedure rules.
11

12 Of note: Plaintiff confuses Defendants' counsel, Casey Gish and Shana Weir's status as
13 counsel that is acting on a pro bono basis, with people who have bills paid by a third party. As
14 counsel stated in open court, they are not being paid and have provided the entire defense pro
15 bono. For Plaintiff's understanding, that means that there are no donations pouring in. That
16 means Defendants' counsel have been working unpaid.
17

18 II.

19 POINTS AND AUTHORTIES

20 Plaintiff's motion seeks relief from the court's order, and cites to NRCP 60(b)(1), NRCP
21 60(b)(3), and NRCP 60(b)(6) in support of the same. Plaintiff already filed a motion that is
22 currently pending under the same statutes and therefore, is not entitled to several bites at the apple
23 for the same relief.
24

25 Should the court generously wish to consider Plaintiff's second bite at the apple, NRCP
26 60(b) states:
27

28 "Grounds for Relief From a Final Judgment, Order, or Proceeding. On motion and just
terms, the court may relief a party or its legal representative from a final judgment, order,
proceeding for the following reasons:

**PLEADING
CONTINUES
IN NEXT
VOLUME**