

IN THE SUPREME COURT OF THE STATE OF NEVADA

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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 4

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

....

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

...

(6) any other reason that justifies relief.”

A. Plaintiff’s Motion For Relief is Duplicative and Should Be Denied

Should the court consider its order for dismissal one that is final, Plaintiff filed her first motion for relief pursuant to these same statutes prior to its entry, on August 23, 2021. This motion is still pending. Thus, at the time Plaintiff filed the instant motion, there was no order denying the relief requested in that motion that could form the basis for reconsideration. As such, this motion is duplicative and should be denied.

B. Alternatively, Plaintiff’s Motion to Set Aside Should Be Denied On The Merits

The district court has wide discretion in deciding whether to grant or deny a motion to set aside a judgment under NRCP 60(b). *See, e.g., Union Petrochemical Co. v. Scott*, 96 Nev. 337, 609 P.2d 323 (1980). Here, the Court took over a half day of live testimony, evidence and argument from Plaintiff, Plaintiff’s daughter, and Defendants regarding the issue of service of process. The court provided its own well-reasoned and thought out 9-page order in support of its findings that Plaintiff abused the judicial process by presenting false and misleading testimony, and having prepared and filed false and misleading documents with the Court. (*See Order* attached hereto as Exhibit 1, at pp. 5: 1-3). Any additional testimony and evidence used to set aside this Court’s order is likely to be false and misleading as well.

As discussed above, the “fraud” Plaintiff claims in support of this new motion for the same relief as the pending motion is, somewhat the same as the last motion (bribery of the Judge, for which Plaintiff has filed a judicial complaint), untrue guesses on Plaintiff’s part (endorsements, and legal funding); and claims that are not germane to the outcome of the case.

Plaintiff also reiterates all the ways in which she should win (again). However, Plaintiff does not point to a single fact or a shred of evidence of fraud but instead alludes that everything and everyone is out to get her. It is clear that what is important: additional testimony or evidence on those topics - do not change the fact that Plaintiff failed to effectuate service of process under the Nevada Rules of Civil Procedure and was found to have abused the process vis-à-vis her evidence, her testimony and her daughter, Olivia Jeong's testimony.

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.

In Plaintiff's pending motion for the same relief as she seeks in the instant motion under the same statutes, Plaintiff copy/pasted 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 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* at pp. 5: 3-7.

Defendants agreed with Plaintiff in that motion and Defendants again advanced that argument to the extent the court considers this duplicative motion. Plaintiff offers no argument as

1 to why she believes she was not required to present testimony or evidence that were not false and
2 misleading and our research reveals no authority that would allow Plaintiff to do that.

3 **III.**

4 **CONCLUSION**

5 Based upon the foregoing, Defendants respectfully request that Plaintiff's Motion For
6 Relief From Final Order, be denied.

7 DATED this 28th day of September, 2021.

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

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17 Willet, & Vegas Shepherd Rescue*

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19 /s/ Shana D. Weir

20 SHANA D. WEIR, ESQ.

21 Nevada Bar No. 9468

22 6220 Stevenson Way

23 Las Vegas, NV 89120

24 *Co-counsel for Defendants Julie Pyle, Tammy
25 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' OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF FROM FINAL 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.

 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 28th day of September, 2021.

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

EXHIBIT “1”

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
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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.
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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).
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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.
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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.
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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.
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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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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

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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



OPPS

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

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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 NEW TRIAL

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 opposes Plaintiff's Motion for a

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 New Trial. This Opposition is supported by the attached Points and Authorities, the pleadings and
2 papers on file herein, and any argument allowed by the court.

3 **MEMORANDUM OF POINTS AND AUTHORITIES**

4 **I.**

5 **FACTUAL AND PROCEDURAL HISTORY**

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 on
11 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

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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. On June 18, 2021,
20 Defendants filed an Opposition to Plaintiff's Ex Parte Application for Temporary Restraining
21 Order; and Counter-Motion to Dismiss Plaintiff's Complaint pursuant to NRCP 12(b). On June 28,
22 2021, Plaintiff filed her Opposition to the Counter-Motion to Dismiss. On July 21, 2021,
23 Defendants filed their Reply in support of their Motion to Dismiss.
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² The docket does not reflect the date of filing of the bonds.

On August 18, 2021, the Court conducted an evidentiary hearing on the issue of service of process of Plaintiff's Complaint. The Court granted Defendant's Counter-Motion to Dismiss, finding service of process was ineffective, and dismissed Plaintiff's Complaint with prejudice for abuse of process in this matter.

Prior to the September 2, 2021 Order being filed, on August 23, 2021, Plaintiff filed a Motion to Set Aside Order To Dismiss With Prejudice. The Motion itself essentially reiterates Plaintiff's position that the summons and Complaint were properly served on all Defendants. Because Plaintiff does not like the outcome of the Motion to Dismiss, she alleges that Judge Johnson has been bribed by counsel and/or influenced by donations from "animal rights activists," and she intends to sue all Defendants for the same causes of action in Texas.³

On September 12, 2021, Plaintiff filed a Motion for Relief from Final Order under NRCP 60 and a Motion for New Trial. The following is Defendants' Opposition to Plaintiff's Motion for New Trial.

For the reasons discussed herein, Plaintiff's Motion for New Trial is without merit, and therefore, must be denied.

II.

ARGUMENT

1. Plaintiff's Motion must be Denied because it does not contain a Memorandum of Points and Authorities.

Plaintiff's Motion is comprised of a laundry list of spurious and unsupported factual and legal conclusions concerning the character of this Court and counsel for the defense. NRCP 13(2) requires that all Motion be supported by a Memorandum of Points and Authorities. The absence of

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

a supporting Memorandum of Points and Authorities is to be construed by the Court as an admission that the motion is not meritorious and cause for its denial or as a waiver of all grounds not so supported. For example, Plaintiff makes multiple allegations regarding the conduct of counsel for the Defendants, Casey D. Gish, at the August 18, 2021 hearing, but does not provide a copy of the transcript of the hearing or even cite to particular portions of the transcript of the hearing. Plaintiff's failure to even provide a copy of, or citations to, the transcript of the August 18, 2021 hearing dooms her Motion to Failure. Based upon the Plaintiff's failure to support her Motion for a New Trial with an adequate Memorandum of Points and Authorities under NRCP 13(2), the Motion should be denied.

2. NRCP 59(a), subsections (A)(B)(F)(G) have no application to the subject litigation because no trial was had in this matter, rather the case was dismissed as a result of Defendants' Motion to Dismiss being granted.

Plaintiff's Motion has bare citations, with no supporting or valid argument or analysis, to NRCP 59(a), subsections (A), (B), (F), and (G). NRCP 59(a) provides as follows:

(a) In General.

(1) Grounds for New Trial. The court may, on motion, grant a new trial on all or some of the issues — and to any party — for any of the following causes or grounds materially affecting the substantial rights of the moving party:

(A) irregularity in the proceedings of the court, jury, master, or adverse party or in any order of the court or master, or any abuse of discretion by which either party was prevented from having a fair trial;

(B) misconduct of the jury or prevailing party;

(C) accident or surprise that ordinary prudence could not have guarded against;

(D) newly discovered evidence material for the party making the motion that the party could not, with reasonable diligence, have discovered and produced at the trial;

(E) manifest disregard by the jury of the instructions of the court;

(F) excessive damages appearing to have been given under the influence of passion or prejudice; or

(G) error in law occurring at the trial and objected to by the party making the motion.

There was no trial in this matter, therefore NRCP 59(a) has no application here. Despite all of her supposedly superior legal training from the greatest law schools and universities in Europe,

1 and despite her supposed prior legal work with the greatest legal minds in Europe, Plaintiff does
2 not know the difference between a hearing and a trial. If she did, she would know that NRCP 59(a)
3 does not apply at this stage in the proceedings. In addition, and despite all of her incredible legal
4 knowledge, education, and training with the greatest European legal thinkers of our time, Plaintiff
5 does not know that she has to support her legal conclusions with a basic level of analysis and
6 argument. Plaintiff's Motion and its bare, and conclusory, citations to NRCP 59(a), subparts (A),
7 (B), (F), and (G), do not state any legal basis or reasoning for why said rule should apply to a motion
8 hearing, instead of to an actual trial as per the clear language and intent of the rule.
9

10 **3. Plaintiff's Motion Cites to an Alleged Investigation that has No Relevance to the**
11 **Subject Matter.**

12 Plaintiff's Motion repeatedly cites to discredited claims by convicted felon Michael
13 Gilardi many years ago. Not only were these claims by Gilardi discredited many years ago,
14 Gilardi himself acknowledged that his initial claims regarding Judge Eric Johnson were false. In
15 fact, Plaintiff's Motion acknowledges that Gilardi's claims were unfounded and false. *Plaintiff's*
16 *Motion at Page 3, line 1.* Even if Gilardi's claims were true, which Gilardi himself says they are
17 not true, they have no relevance whatsoever with the subject litigation. NRS 48.015 provides
18 that "relevant evidence" means evidence having any tendency to make the existence of any fact
19 that is of consequence to the determination of the action more or less probable than it would be
20 without the evidence. The Plaintiff's unsupported and scurrilous allegations against this Court
21 are not only irrelevant as per NRS 48.015, they don't even rise to the level of "evidence", rather
22 they are a series of unrelated, and discredited rumors, linked together by Plaintiff's paranoia and
23 obvious mental instability.
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27 **4. Plaintiff's allegations that attorney Gish threatened her are without merit.**

28 Plaintiff's Motion alleges that attorney Gish threatened her with attorney's fees and abuse

of process. Again, Plaintiff's allegations are unsubstantiated and lack any evidentiary support whatsoever. Attorney Gish has never once spoken with Plaintiff outside of the August 18, 2021 evidentiary hearing. Despite repeated and ongoing threatening emails from Plaintiff to attorney Gish, a very small portion of which have been produced to this Court, including allegations from Plaintiff that attorney Gish is part of a Jewish conspiracy against the German people, attorney Gish has never responded to said emails because they indicate to Attorney Gish that Plaintiff has serious mental illness and lacks a firm grasp on reality.

5. Plaintiff Claims Attorney Gish Admitted that he Received \$100,000 in Donations for the Legal Work he and Attorney Weir Performed on Behalf of Defendants.

Plaintiff's claim that attorney Gish stated during the August 18, 2021 hearing that he and Attorney Weir received \$100,000 in donations for the legal work performed by attorney Gish and Weir in this matter is without any merit whatsoever. Plaintiff fails to support her claim with a copy of the transcript of the hearing. The reason she fails to support her claim with a copy of the transcript is because it did not happen. In fact, if Plaintiff had bothered to provide a copy of the transcript of the August 18, 2021 hearing, the transcript would clearly demonstrate that attorney Gish stated that he, and attorney Weir, had donated in excess of \$100,000 in legal fees to the Defendants in the defense of this matter. However, Plaintiff failed to provide a copy of the transcript and her unsupported allegations are lies with no merit and her Motion should be denied.

6. Plaintiff Claims that Defendants' Counsel Should Only be Entitled to \$150.00 Per Hour for the Work Done on Behalf of Defendants.

Plaintiff claims that the work done by Defendants' counsel on behalf of Defendants is only worth \$150.00/hour, that the going rate for legal work in Las Vegas is \$150.00/hour, and that attorney Gish spent less than 1/10 of the claimed hours working on this matter. As usual, Plaintiff's allegations are ridiculous, foolish, without any legal or factual support, and based

1 upon pure speculation. The hours claimed by both attorney Gish and attorney Weir were in fact
2 worked and incurred. They were incurred and necessitated due to Plaintiff's failure to follow the
3 most basic rules of civil procedure, and due to Plaintiff's attempted fraud on this Court and her
4 abuse of process which was clear and obvious. Plaintiff's claim lacks any citation to any legal
5 authority. This is a complex matter and the \$150.00/hour rate is applicable to insurance defense
6 counsel in a simple car accident case, and has no application whatsoever to this matter. In this
7 matter, counsel for the defense expended significant time and resources defending Plaintiff's
8 claims, and the defense of the matter was sophisticated, specialized, and warranted, requiring
9 specialized knowledge of defense counsel which warrants a rate of \$500.00/hour. \$500.00/hour
10 is the actual rate that counsel for the defense would have charged for this legal work had they
11 chosen to. \$500.00/hour is the rate that Plaintiff is responsible to compensate Defendants'
12 counsel due to her improper behavior, bad faith, and abuse of process in this matter.
13

14
15 Plaintiff's Motion also claims that attorney Gish stated during the August 18, 2021
16 hearing that he had received \$100,000 in donations in this matter toward the incurred costs and
17 fees in this matter. Yet again, Plaintiff is lying and misrepresenting to this Court what actually
18 occurred. Plaintiff's allegation of \$100,000 in donations is not supported by a copy of the
19 transcript of the proceeding, nor even a citation to the record. And the reason it is not, is because
20 the allegation is yet another one of Plaintiff's lies and misrepresentations to this Court. What
21 was clearly stated during the August 18, 2021 hearing was that attorneys Gish and Weir had
22 donated over \$100,000 of legal fees/costs to their clients in defending against Plaintiff's claims.
23

24
25 **7. Plaintiff claims this Court is engaging in Malicious Prosecution.**

26 Plaintiff claims that by finding Plaintiff abused the judicial process in this matter by
27 submitting false and misleading testimony and evidence, the Court is engaging in Malicious
28 Prosecution. This is yet another confused and unsupported allegation of Plaintiff. With all of

1 her supposed legal training and experience with the greatest legal minds Europe has to offer, and
2 after taking math classes at California universities, Plaintiff should know that Malicious
3 Prosecution pursuant to NRS 199.310 has nothing to do with this civil matter.

4 **8. Plaintiff claims the Court has discriminated against her by referring to her as a**
5 **“Pro Per”.**

6 In support of her confusing allegation of discrimination by this Court, Plaintiff provides
7 no legal precedence or authorities that establish that referring to a person that is representing
8 themselves in Court as “Pro Per” is discriminatory language or that “Pro Per” is some sort of
9 protected class. With all of Plaintiff’s extensive legal training from the greatest lawyers in
10 Europe and her math classes from esteemed California universities, she should know that all
11 parties to a lawsuit, whether represented by counsel or not, are required to follow the laws of the
12 State of Nevada and the Nevada Rules of Civil Procedure. Failure to do so, can and will, result
13 in consequences, even if a party is a Pro Per such as Plaintiff.

14
15
16 **9. Plaintiff’s Motion misapprehends the plain meaning and requirements of NRCP**
17 **4 and improperly attempts to re-litigate the legal issues which were previously**
18 **decided by this Court.**

19 Plaintiff’s Motion attempts to re-litigate issues already decided by this Court at the
20 August 18, 2021 hearing in this matter and the resulting order of dismissal. Such arguments are
21 procedurally improper within the context of the subject Motion and are not properly supported
22 legally or factually by Plaintiff.

23 **10. Plaintiff claims false statements by Defense counsel.**

24 Plaintiff’s Motion seeks a New Trial under NRCP 59(a) because of supposed misconduct
25 by defense counsel during the August 18, 2021 hearing. Yet, Plaintiff does not cite to the
26 transcript of the hearing, nor does she quote any specific statements made by defense counsel,
27 she merely regurgitates vague, baseless, and conclusory allegations of lying to which Defendants
28 cannot respond.

1 **11. Plaintiff argues Dismissal With Prejudice is only proper when a case has been**
2 **heard “on the merits”.**

3 NRCP 41(b) states:

4 **Involuntary Dismissal: Effect.** If the plaintiff fails to comply with these rules or a
5 court order, a defendant may move to dismiss the action or any claim against the
6 defendant. Unless the dismissal order or an applicable statute provides otherwise, a
7 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.

8 NRCP 41(b) dismissal does not specifically mention lesser sanctions as an alternative to
9 dismissal. *See also Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).

10 As this Court herein noted, “[a]s a general proposition, the trial court has the inherent
11 power to dismiss a plaintiff’s action to protect the integrity of the judicial process and to sanction
12 a party’s failure to comply with the rules of procedure or any order of the court. See NRCP
13 41(b). *Cf. Meeker v. Rizley*, 324 F.2d 269, 271 (10th Cir. 1963). *See Order* dated September 2,
14 2021 at pp. 5: 3-7. Here, not only did Plaintiff fail to follow the rules of civil procedure, she
15 failed to follow the most basic rules of fundamental fairness, honesty and integrity which are the
16 underpinnings of the adversarial American judicial system. Her conduct in this matter, by her
17 presentation of blatantly obvious perjurious testimony, filing of false documents with the Court,
18 and her refusal to follow the most basic of the rules of civil procedure constituted an attempted
19 Fraud on the Court. This type of behavior by a litigant, especially one who claims to be an
20 attorney from one of the best law schools in Europe, trained by the greatest European legal
21 practitioners of the modern era, and someone who has taken Math classes and Computer Science
22 classes at esteemed California universities, cannot and should not be permitted by any Court
23 because such conduct undermines the entire judicial process and the undermines the integrity of
24 the judicial system as a whole.
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1 When such egregious behavior takes place by a party, especially one that has supposedly
2 had legal training from one of the best law schools in Europe, the Courts must issue sanctions
3 which not only punish the behavior of the party, but serve to deter others in the future from
4 engaging in such conduct. Plaintiffs' conduct in attempting to commit a Fraud on this Court by
5 presenting perjurious testimony and filing falsified documents was not only sanctionable, it was
6 criminal. NRCP 41(b) dismissal does not specifically mention or require lesser sanctions as an
7 alternative to dismissal and therefore, dismissal with prejudice was not only proper, it was
8 essential.
9

10 **12. The instant Motion attempts to improperly argue Plaintiff's prior Motion for a**
11 **Temporary Restraining Order.**

12 Plaintiff's Motion for a Temporary Restraining Order was previously denied as moot by
13 this Court due to the granting of Defendant's Motion to Dismiss. This was the proper ruling
14 from a legal standpoint and a judicial economy standpoint. Once this Court determined that
15 Plaintiff was not entitled to maintain her action due to improper service, it follows logically that
16 she is not entitled to a Temporary Restraining Order which would necessarily be based upon the
17 existence of the Complaint itself. However, once the Complaint was dismissed, there was no
18 legal basis upon which a Temporary Restraining Order could issue. Therefore, the Motion for a
19 Temporary Restraining Order was properly denied as being moot. Plaintiff's attempt to argue
20 that prior motion within the context of the instant motion is improper and has no merit.
21
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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 for a New Trial be denied.

DATED this 27th 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 FOR A NEW TRIAL** 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.

 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 27th day of September, 2021.

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

ALLA ZORKKOVA, : A-20-821249-C
PLAINTIFF, PLAINTIFF'S MOTION/MOTION TO
RESCHEDLE HEARING and Declaration in
Support
JULIE PYLE, TAMMY WILLET, VEGAS
SHEPHERD RESCUE AND DOES I
THROUGH X, INDIVIDUALS, AND ROE
BUSINESS ENTITIES I THROUGH X, Department 20
HEARING REQUESTED
DEFENDANTS

09/29/2021

[Handwritten signature]

09/29/2021



1 NOH

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 ALLA ZORIKOVA,

Case No. A- 20-821249-C

5 Plaintiff,

Dept. No. XX

6 vs.

NOTICE OF HEARING

7 JULIE PYLE, et al.,

8 Defendant.

9
10 **NOTICE OF HEARING**

11 Please be advised that the Motion to Set Aside has been rescheduled to
12 **October 6, 2021 at 9:00 a.m.**

13 DATED September 30, 2021.

14 /s/Kelly Muranaka

15 KELLY MURANAKA

16 Judicial Executive Assistant to:

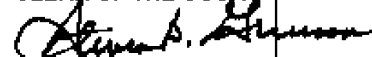
ERIC JOHNSON

17 District Court Judge
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DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
9/30/2021 12:10 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 Reschedule Hearing in the above-entitled matter is set for hearing as follows:

Date: November 03, 2021
Time: 9:00 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/ Ondina Amos
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/ Ondina Amos
Deputy Clerk of the Court



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 RECUSAL

and Memorandum of Law

JULIE PYLE, TAMMY WILLET, VEGAS

Pursuant NEVADA CODE TITLE 1 STATE

SHEPHERD RESCUE AND DOES I

JUDICIAL DEPARTMENT

THROUGH X, INDIVIDUALS, AND ROE

NRS 1.230, 1.235 (1)(5)(a)(b)

BUSINESS ENTITIES I THROUGH X,

Department 20

DEFENDANTS

HEARING REQUESTED

COMES NOW Plaintiff, Alla Zorikova and states following:

1. Plaintiff had filed with this Court and CC to Chief/Presiding Judge Affidavit of

Prejudice in September of 2021.

2. Copy of the Affidavit has been also emailed to Chief Judge. However, (exploiting my free speech right) , based on my reserach and general appearance of Presiding Judge for this Court, I do not have neither confidence, nor trust that that person will act in accordance with USA Constitution, his oath taken for this office or otherwise. It's a shame that public (including me) lost trust in cabal, who occupied many judges sits and acts NOT in interests of public nor justice, though this Court might have assumption that Nevada is China now and public, who dares to state their free opinions not in favor of rulers (while they supposed to be servants of public, paid by public and elected by public) must be jailed or ignored (I heard about this real experience in Soviet Union and now in China). Unfortunately for this Court, I have supporting my statements evidences, which are available for one to read in this case, especially in my post judgment motions.
3. During Hearing on October 06 of 2021 it apparently was clear and by Judge Johnson's statements that he did not look through the Docket, did not read Plaintiff's post judgment motions, did not look through filed by Plaintiff evidences to the heard at that date Plaintiff's Motion that he rulled on and therefore, had not been in knowledge of filed "Affidavit of Prejudice" by Plaintiff.
4. There is no "Motion for Recusal" required under rule NEVADA CODE TITLE 1 STATE JUDICIAL DEPARTMENT NRS 1.230, 1.235 (1)(5)(a)(b)
5. Instead the rule clearly states that Judge must immediatelly transfer case to

another department of the Court and Judge must file Answer, which Judge Johnson failed to file.

MEMORANDUM OF LAW

NRS 1.230, 1.235 (1)(5)(a)(b)

WHEREFORE, Plaintiff respectfully asks this Court to grant this Motion and to remove Judge Johnson voluntarily (in accordance with Nevada Rules) via recusal or otherwise from this case.

Sincerely,

Alla Zorikova

10/06/2021

• 

• CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 10/06/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

10/06/2021

Sh



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 SANCTIONS

Department 20

JULIE PYLE, TAMMY WILLET, VEGAS

SHEPHERD RESCUE AND DOES I

HEARING REQUESTED

THROUGH X, INDIVIDUALS, AND ROE

BUSINESS ENTITIES I THROUGH X,

DEFENDANTS

COMES NOW Plaintiff, Alla Zorikova and states following:

1. On September 02 of 2021 Court entered order, in which Defendant was ordered to provide Court with Copy of his "found via Freedom of Information Act" Plaintiff's CONFIDENTIAL settlement with San Bernardino County.

2. As today, Oct 06 of 2021, Defendant failed to provide Court with that settlement.

WHEREFORE, Plaintiff asks this Court to apply monetary or other Sanctions for not compliance with the Court's order

Sincerely,

Alla Zorikova

10/06/2021

• 

• CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 10/06/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

10/06/2021

Sh



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 TO PROVIDE
	STATEMENT OF FACTS
JULIE PYLE, TAMMY WILLET, VEGAS	Department 20
SHEPHERD RESCUE AND DOES I	
THROUGH X, INDIVIDUALS, AND ROE	HEARING REQUESTED
BUSINESS ENTITIES I THROUGH X,	
DEFENDANTS	

COMES NOW Plaintiff, Alla Zorikova and states following:

1. In final judgment/order and during Hearing on October 06 of 2021, Judge Johnson baselesly stated that the judgement was rendered based on Plaintiff's false statements.

2. However, Court failed to provide (while requested multiple times by Plaintiff) what particular statements Court refers to and what supporting evidences of "false statements" Court has.

WHEREFORE, Plaintiff respectfully asks this Court for "Statement of Facts" supporting Judge Johnson's serious allegations as to some "false statements" Plaintiff provided to the Court on August 25 of 2021 hearing during her testimony under the oath and for supporting those "facts" evidences.

Sincerely,

Alla Zorikova

10/06/2021

• 

- CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 10/06/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

10/06/2021



1 **AFFT**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 **ALLA ZORIKOVA,**

Case No. A-20-821249-C

7 **Plaintiff,**

Dept. No. XX

8 **vs.**

9 **JULIE PYLE, TAMMY WILLET, VEGAS**
10 **SHEPHERD RESCUE AND DOES I**
11 **THROUGH X, INDIVIDUALS, AND ROE**
12 **BUSINESS ENTITIES I THROUGH X,,**

13 **Defendants.**

14 **JUDGE ERIC JOHNSON'S ANSWER TO PLAINTIFF'S MOTION FOR RECUSAL**

15 **STATE OF NEVADA)**

16 **ss:**

17 **COUNTY OF CLARK)**

18 **ERIC JOHNSON,** being first duly sworn, deposes and says:

19 **1.** I was appointed to the office of District Court Judge, Department XX, Eighth Judicial
20 District Court, in and for Clark County, Nevada, in May 2015. I have served in that capacity since
21 that time, after winning my retention election in 2016 and reelection in 2020.

22 **2.** As District Court Judge, one of my duties is to hear and decide issues within civil
23 actions filed by litigants within Clark County, Nevada. Civil actions are assigned by the Court
24 Clerk, *at random*, to the various district court judges within the Civil-Criminal Division of the
25 Eighth Judicial District Court. One of the actions or cases assigned to me is the instant matter.

26 **3.** I received notice of Zorikova's Motion to Disqualify Judge Eric Johnson on October
27 6, 2021. The Motion and its related affidavit were not served on me personally or on Court staff as
28

ERIC JOHNSON
DISTRICT JUDGE
DEPARTMENT XX

1 required by NRS 1.235. However, in consideration of Plaintiff's pro se status, I am responding to it.
2 I have reviewed the contents of Zorikova's motion and affidavit, and respond as set forth below.

3 4. In preparing my Affidavit, I also have reviewed NRS 1.230, which statutorily sets
4 forth the grounds for disqualifying district court judges from acting in a legal action or proceeding.
5 In this case, I have not entertained actual bias or prejudice for or against any of the parties to this
6 action. *See* NRS 1.230(1). As pertinent to this matter, I have not entertained or shown either a
7 prejudice against or bias in favor of Alla Zorikova, Julie Pyle, Tammy Willet, and Vegas Shepherd
8 Rescue. I am not a party or in any way interested in the aforementioned action or proceeding. *See*
9 NRS 1.230(2)(a). I am not related to any party to the aforementioned litigation by consanguinity or
10 affinity within the third degree. *See* NRS 1.230(2)(b). I have never acted as counsel or attorney for
11 any of the parties in this particular action or proceeding now being heard by me. *See* NRS
12 1.230(2)(c). I am not related to any attorney representing any of the parties in this case. *See* NRS
13 1.230(2)(d). Succinctly put, I do not have any conflict of interest in hearing this matter and deciding
14 the issues presented.
15

16
17 5. Zorikova asserts my decision to dismiss her complaint for improper service and with
18 prejudice for providing false testimony under oath during the evidentiary hearing on the motion
19 demonstrates bias in favor of animal rights activists, such as the Defendants in the instant case. She
20 further contends I am prejudiced toward "Russian/German Female, Trump Supporter, Dog Breeder,
21 Pro Se Plaintiff Alla Zorikova." Plaintiff is not specific as to the underlying bases for her
22 conclusions. She does note I was "endorsed by animal rights activists group" in my elections and
23 asserts I consulted defendants' attorney, Casey Gish, "multiple times if it is ok with for one or
24 another issue." As to Plaintiff's first issue, I was endorsed in my elections by Nevada Political
25 Action for Animals. I applied for the endorsement in my retention election in 2016, and was given
26 the endorsement without application or any contact by me in my 2020 reelection. I have not had any
27
28

1 personal contact with Mr. Gish regarding the matter outside of the courtroom and have no personal
2 or professional relation with him beyond this current case. I note Plaintiff frequently refers to me in
3 her affidavit as Judge Foster. Judge Bryan Foster was the judge for her lawsuit in 2020 in the
4 Superior Court of California, County of San Bernardino (CIVDS 2017383). Consequently, the
5 affidavit at least to some degree appears to be the reworking of a document seeking disqualification
6 of the judge in that matter. Mr. Gish apparently represented a defendant in that matter and Plaintiff
7 may be referring to the other matter in regard to the Court having conversations with Mr. Gish.
8

9 6. Nevada Political Action for Animals is not a party to this matter. I have never been
10 endorsed, as far as I am aware, by Defendant Vegas Shepherds Rescue. Even if a party to the action
11 had endorsed me, I would not be required to disqualify myself from the action, but would have an
12 ethical obligation to continue to sit on the matter as long as I could be fair to both sides. Canon
13 4.1B(5) provides “[a] candidate for elective judicial office may . . . seek, accept, or use
14 endorsements from any person or organization other than a partisan political organization.” The
15 Nevada Supreme Court has held a judge should not disqualify himself from hearing a matter simply
16 because he has received a significant campaign contribution from one of the parties or their
17 attorneys. In *City of Las Vegas Downtown Redevelopment Agency v. District Court*, 116 Nev. 640,
18 5 P.3d 1059 (2000), the high Court issued a writ of mandamus directing a judge to preside over a
19 case where he had recused himself based on receiving campaign contributions in the amounts of
20 \$1500 to \$2000 from some of the parties. The Court held that “[i]n the context of campaign
21 contributions, we have recognized that a contribution to a presiding judge by a party or an attorney
22 does not ordinarily constitute grounds for disqualifications.” *Id.* at 644. The Standing Committee
23 on Judicial Ethics and Election Practices in Opinion JE02-001 found a judge should not recuse
24 himself because an attorney has contributed to his campaign and endorsed the judge’s candidacy.
25 While these decisions are not specifically on point, their analysis in this instance is applicable as
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1 they demonstrate in comparable circumstances the simple act of endorsement by an entity such as
2 Nevada Political Action for Animals is not a basis to disqualify a judge. Under the circumstances
3 presented, I believe it would not be appropriate for me to recuse myself under *City of Las Vegas*
4 *Downtown Redevelopment Agency* and Judicial Ethics Opinion JE02-001.

5 7. Plaintiff primarily seems upset with my handling of the evidentiary hearing
6 concerning Defendants' motion to dismiss for improper service and my dismissal of her complaint
7 with prejudice. I will not enter into a discourse with Plaintiff as to her issues with my ruling as
8 "rulings and actions of a judge during the course of official judicial proceedings do not establish
9 legally cognizable grounds for disqualification." *Matter of Dunleavy*, 104 Nev. 784, 790, 769 P.2d
10 1271, 1275 (1988)(citing *United States v. Board of Sch. Com'rs, Indianapolis, Ind.*, 503 F.2d 68, 81
11 (7th Cir. 1974). As the Nevada Supreme Court has explained:

12
13 The personal bias necessary to disqualify must "stem from an extrajudicial source and
14 result in an opinion on the merits on some basis other than what the judge learned
15 from his participation in the case." *United States v. Beneke*, 449 F.2d 1259, 1260-61
16 (8th Cir. 1971) citing *United States v. Grinnell Corp.*, 384 U.S. 563, 583, 86 S.Ct.
17 1698, 1710, 16 L.Ed.2d 778 (1966). To permit an allegation of bias, partially founded
18 upon a justice's performance of his constitutionally mandated responsibilities, to
19 disqualify that justice from discharging those duties would nullify the court's
20 authority and permit manipulation of justice, as well as the court. *See State v. Rome*,
21 235 Kan. 642, 685 P.2d 290, 295-96 (1984); *see also Tynan v. United States*, 376
22 F.2d 761 (D.C.Cir. 1967), *cert. denied*, 389 U.S. 845, 88 S.Ct. 95, 19 L.Ed.2d 111.

23 *Matter of Dunleavy*, 104 Nev. at 790, 769 P.2d at 1275.

24 8. I have not acted with any bias in favor of or against any party to this action. I have
25 reviewed the litigation in this matter, including my decisions, and believe I have made correct and
26 appropriate decisions to the best of my ability considering the appropriate interests of the parties. In
27 making my decisions, I have not disregarded Plaintiff's legal arguments or her contention she and
28 her daughter did not provide false testimony under oath at the evidentiary hearing. Plaintiff has
indicated she intends to appeal my decision and if the Supreme Court finds my analysis on any point

1 is incorrect and reverses and remands, I intend to act quickly to apply the high Court's decision and
2 move forward with the litigation and any related issues. *See Sonner v. State*, 112 Nev. 1328, 1335,
3 930 P.2d 707, 712 (1996), *on reh'g in part*, 114 Nev. 321, 955 P.2d 673 (1998)("this court has
4 always accorded substantial weight to a judge's determination that he can fairly and impartially
5 preside over a case").

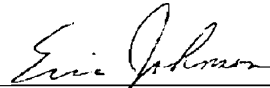
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7 **9.** In my view, I have not committed an appearance of impropriety subject to recusal. I
8 am not and have not been bias to any party to this action. I have been assigned the instant matter for
9 almost a year. Consequently, I see no reason why the matter should be reassigned.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Dated this 7th day of October, 2021

12
13 Executed on _____

14 (date)


15 (signature)

16 NRS § 53.045

019 8B1 2CB7 A03B
Eric Johnson
District Court Judge

ERIC JOHNSON
DISTRICT JUDGE
DEPARTMENT XX

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 Answer 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: 10/7/2021

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
10/8/2021 8:31 AM
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 Recusal of Judge and Memorandum of Law Pursuant Nevada Code Title 1 State Judicial Department; Plaintiff's Motion for Sanctions, and Plaintiff's Motion to Provide Statement of Facts in the above-entitled matter are set for hearing as follows:

Date: November 17, 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



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 OPPOSITION TO JUDGE JOHNSON'S REPLY TO PLAINTIFF'S AFFIDAVIT OF PREJUDICE Department 20
--	---

COMES NOW Plaintiff, Alla Zorikova and states following:

1. Please note that Judge Johnson through all his reply refers to Plaintiff as "Zorikova" while to opposing counsel Gish as "Mr. Gish" or "Casey Gish" only. Gish, who lied and lied in front of the same judge through all hearing and pleadings (see Zorikova's Motion

- for Sanctions for False Statements supported by undeniable evidences). This alone exposes NOT equal treatment of Plaintiff vs Defendant and its counsels.
2. American People have right to be heard by Judges, who had not been twice investigated for public corruption allegations. This is outrageous to serve as judge while being involved in corruption (unfortunately it appears that results of investigation have been sealed based on "Veterans in Politics" source).
 3. In final judgment/order and during Hearing on October 06 of 2021, Judge Johnson baselessly stated that the judgement was rendered based on Plaintiff's "false statements".
 4. However, Court failed to provide (while requested multiple times by Plaintiff) what particular statements Court refers to as "false" and what supporting evidences of "false statements" Court has. In its judgment Judge Johnson fails to provide any supporting evidences of Plaintiff's "false statements" and instead refers to "Court's findings of falsity" based on Plaintiff's demeanour. It's ridiculous. Fair, impartial, judging pursuant to legal statutes Court must have something more than "demeanour" to enter its judgment.
 5. In Judgment's paragraph #5 Judge Johnson falsely states that Plaintiff "later she admitted to the Court that those were false answers" referring to Plaintiff's inability to state her Texas address. Absolutely no, Plaintiff had never stated "later" that. Plaintiff still do not know her Texas ranch's address as she does not need to remember it based on different mailing address. Texas ranch's address is never used, was just assigned in August of 2021 and Plaintiff did not look at the email she received from the office who assigned the address. Plaintiff mentioned during hearing that Gish in CA precluded from inquiring her

- address (in discovery as Plaintiff was notified by her attorney); however, it has nothing to do with her inability to know/remember her just assigned address.
6. Further, in that judgment Judge Johnson baselessly speculates on "why and how Plaintiff planned on serving Defendant", which has one word: OUTRAGEOUS. We are not in kindergarten to rely on "demeanour", shacking heads, blinking eyes and other ridiculous "signs" that neither reflected on transcripts nor otherwise can be relied on. This is USA Court, where unbiased, impartial, compitent, respected (base on spotless reputation) Judge rules based on FACTS and LAW. Plaintiff filed on December 08 of 2020 similar Affidavits of Service signed by Olivia Jeong in case with the same causes of actions decided by Judge Nancy Alf, which contradicts Judge Johnson's speculations and does not support his false theory of Plaintiff's plan that he baselessly proposes in his judgement.
 7. Plaintiff stated multiple times that she is very well familiar with serving court's documents on defendants and in her previous dozens of cases she used sherriffs, USA Marshals, professional servers.
 8. Furthermore, pursuant to NRCP 18 attorney's fees can be awarded based on contractual agreements and other (none of which is applies to this case) circumstances, awarding attorney's fees against NRCP 18 is once again exposes bias of Johnson toward Plaintiff.
 9. In his paragraph 3 of the reply to Affidavit Johnson states that:" I received notice of Zorikova's Motion to Disqualify Judge Eric Johnson on October 6". NO Motion for disqualification of Judge has been ever provided by plaintiff Zorikova to Johnson. Moreover, during hearing on October 06 of 2021, Zorikova clearly stated that NO Motion

for Disqualification filed, but instead Affidavit of Prejudice filed and it is very different.

Why Johnson asserts falsehood here?

Johnson's reply is under the oath, therefore, it's clearly perjury, not just "falsehood".

10. Plaintiff Zorikova's Affidavit of Prejudice alone has been filed with the Court previously of October 6 of 2021, copy was emailed to Presiding Judge, certified mail with copy of the Affidavit was mailed to Department 20 on October 7 of 2021 and copy was emailed again to Department 20 and Department 7 to Chief/Presiding Judge.
11. Motion to Recuse was filed on October 7 of 2021.
12. Replying to Johnson's paragraph 4, rule 1.230 (1) prohibits participation of judge in proceedings where he entertains bias or prejudice toward one of the party. Plaintiff filed Affidavit of Prejudice and have constitutional right to be heard in front of unbiased judge. Legal definition of "bias" presumes statements made against of those that would be made by any reasonable person.
13. Furthermore, rule 1.230(2)(a) implies to judges who has interest in outcome of the case.
14. Johnson was endorsed by Animal Rights Activists group "Nevada Political Action for Animals". Opposing counsel Weir stated during hearing on August 25 of 2021 that she is and represents animal right activists and second opposing counsel Gish is in close tight with arrested multiple times animal rights activist Bryan Pease (facts of Pease's illegal activity against animal's owners can be found at <http://humanrightsvsanimalrights.org>) . Gish represents Pease in several lawsuits filed by Zorikova in California as well as Gish together with Pease filed lawsuit against county of San Bernardino for searching

- Zorikova's dogs allegedly thives houses. Obviously, Johnson must be receiving contributon from animal rights activists Nevada Political Action for Animals.
15. In paragraph #6 of his reply Judge johnson states, quote:" Nevada Political Action for Animals is not a party to this matter". Plaintiff Zorikova has never stated that Nevada Political Action for Animals is a party to this matter and therefore, such the Court Judge's response is misleading and inappropriate.
 16. Further, in the same paragraph #6 Johnson states that, quote:" I have never been endorsed by Defendant Vegas Shepherd Rescue". Again, Plaintiff Zorikova has never asserted that Judge Johnson been endorsed by Defendant Vegas Shepherd Rescue and therefore, it is once again, misleasding and inappropriate for Johnson to provide such a reply instead of providing truthful answers on allegations in Plainti"s Affidavit of Prejudice.
 17. Plaintiff Zorikova in her Affidavit of Prejudice (which is NOT Motion for Disqualification) asserts rule 1.235 by which Judge must recuse immediatelly after Affidavit filed, no any additional motion to be filed is necessary.
 18. However, Judge Johnson clearly disregards procedural rules and failed to recuse himself and instead is applying fees and costs against the Plaintiff in order to stop her from rightful actions to receive fair hearing in this Court.
 19. Johnson baselessly states that Zorikova revoking the same Affidavit filed by her against California's Judge Foster, which is NOT true. I had never filed such Affidavits in my entire life. And if any small appearence of bias or prejudice was pointed out by Zorikova in previous her lawsuits toward appointed to case judges, that judge was immediatelly recusing himself, noone yet was replying with opposition and **STANDING HARD** in

- order to rule on the case. Again, only this fact alone exposing that something is going on here when judge "does not let go a bite" so hard that even ready to be sued and investigated for the privilege of "let's ME rule on this case", which is unheard of.
20. Zorikova did NOT provide any false statements under the oath. She filed Motion for Factual Statements that biased Judge Johnson will deny, because without lying he can not find those alleged "false statements".
21. And in order to avoid appearance of impropriety Canon 2 provides that a judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities". A judge has a duty to "preside to the conclusion of all proceedings , in the absence of some statute, rule of court, ethical standard, or other compelling reason to the contrary", Ham v. District Court, 93 Nev.409, 415, 566 P.2d 420, 424(1977)
- NCJC Canon 3 B()(1)("A Judge shall hear and decide matters assigned to the Judge except those in which disqualification is required")
- In PETA vs Bobby Berosini, Ltd 111 Nev.431, 436 (1995) held that NJCJ Canon 2 was not only guide for the conduct of judges but also provided substantial grounds for judicial disqualification.
22. In referred by Judge Johnsons cases there were NO Affidavits of Prejudice filed, and therefore, reasons for not recusal in those cases are inappropriate in connection with this case.
23. In his Order to Dismiss Judge Johnson states in first 3 paragraphs reason for dismissal as to not proper service. While under penalty of perjury in his answer he states that dismissal was on grounds of "false statements"

24. Again, Motion for Factual Statements have been filed. Plaintiff requests this Court to state ALL and EVERY alledged "false statements" by Plaintiff while under the oath during hearing on August 18th of 2021 and supporting evidences of "falsity". We have Juries to decide rightfullness of judge Johnson's actions in case he will be sued notwithstanding his "immunity".
25. Judge Johnson failed to address in his reply alledged by Plaintiff (source was provided) Johnson's investigation of patronning strip club in Las Vegas in public corruption case and his failure to address this fact in his application for Judge's sit.
26. Plaintiff has rights to be heard by impartial and unbiased judge and does not understand how person who twice was investigated in connection with corruption case can serve as judge.
27. If USA allows such Judges and its "based on demeanour and speculations" frivolous biased judgments to exist, I have nothing to do in this Country. I moved from Russia and did not sign to live in lawless unconstitutional "former socialist's Soviet Union" called now USA. No, thank you. Let you, your children and others to enjoy built by you corruption, fraud and uncountability for wrong actions, while such liar as Gish (proven via clear and convincing evidences in plaintiff's Motion for Sanctions for False Statements) comes up with baseless allegations of fake assertion of "false statements" by Plaintiff, which is nothing more than badly planned and not supported by evidences attempt to falsely FRAME Plaintiff.
28. Plaintiff will stand up for justice no matter what for yourself and for other people.

Sincerely,

Alla Zorikova

10/11/2021

• 

• CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 10/11/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

10/11/2021





MEMO

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

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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' 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 incurred as a result of Plaintiff's Motion To Set Aside as follows:

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.



1. Clerk's Fees/Filing Fees (Exhibit A).....	\$3.50
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</u> <u>NRS 18.010 allow a prevailing party to recover "reasonable copy costs."</u> <u>NRS 629.061(2) allows for a reasonable charge of .60 cents per page for</u> <u>copying costs for medical records. This is also the copy charge rate that</u> <u>the Clark County Discovery Commissioner allows to be recovered for</u> <u>copying charges for medical records.)</u> This includes pleading documents and exhibits, correspondence, reports and documents sent via emails and attachments) 18 pages.....	\$10.80
13. Long Distance Calls.....	\$0.00
14. Postage.....	\$0.00
15. Travel.....	\$0.00
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: \$14.30

VERIFICATION

Under penalty of perjury, the foregoing cost items are correct and have been necessarily incurred as a result of Plaintiff's Motion to Set Aside 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 12th day of October, 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

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Nevada Bar No. 9468

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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:

 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 12th day of October, 2021.

/s/ Casey D. Gish

An employee of THE LAW OFFICE OF
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*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 AS A RESULT OF PLAINTIFF'S MOTION TO SET ASIDE**

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 requests for an award of attorney's fees and costs pursuant to NRS 18.005, NRS 18.010, NRS 18.020, NRS 17.130 and NRCP 68 incurred as a result of Plaintiff's Motion to Set Aside. This application is supported by the attached Points and Authorities, Defendants' Memorandum of Costs and Disbursements, the pleadings and papers on file herein, and any argument allowed by the court.

NOTICE OF MOTION

Please take notice that the following DEFENDANTS' APPLICATION FOR FEES, COSTS, AND DISBURSEMENTS AS A RESULT OF PLAINTIFF'S MOTION TO SET ASIDE, is hereby set for hearing on the _____ day of _____, 2021 at the hour of _____ before the Honorable Eric Johnson, District Court Judge, Department XX.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

INTRODUCTION

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. The general basis of her Complaint is that she owns 50 German Shepherds, of which she claims 25 were stolen from her on August 8 or 9, 2020 while she and her daughter, Olivia Jeong, were in jail in San Bernardino County, California for felony animal cruelty to those dogs. Plaintiff allegedly effectuated service of process on Defendants on October 5, 2020, October 6, 2020, and October 9, 2020. This case was stayed on December 4, 2020 after Defendants timely filed Demands for Security of Costs due to Plaintiff being a California resident outside this Court's Jurisdiction.

Case No. A-20-820761-C
Plaintiff: Zorikova
Defendant: Vegas Shepherd Rescue
Case No. A-20-820761-C



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

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

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

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

4 Defendants are not in possession of dogs Plaintiff claims are hers because they have all been
5 adopted out nearly a year ago and were spayed/neutered in compliance with Clark County criminal
6 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 dogs
11 training business in Los Angeles, CA. However, as Plaintiff indicates in her Motion, she actually
12 houses upwards of 50 dogs in cages in the middle of the desert on vacant unimproved land,
13 approximately 25 miles outside of Hinkley, CA. See Motion on file herein, at pp. 2, #13. According
14 to property records, Plaintiff has owned this land since May 17, 2018, and likely has been illegally
15 conducting her business at this location since that time. Clearly, Plaintiff is an established illegal
16 operator of puppy mills throughout the United States, and her dogs are kept in inhumane and cruel
17 conditions that she goes to great lengths to conceal from the purchasers of her dogs. Her website(s)
18 portray her dogs as being bred and raised in luxurious surroundings in Los Angeles, when in fact
19 they are raised in horrific, cruel, and inhumane conditions in the California desert outside of
20 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 extremely
25 remote, approximately 24 miles into the middle of the desert, north of Hinkley, California (which
26 is outside of Barstow), on completely vacant, and unimproved, desert land. There were no dirt
27 roads, no running water, no housing structures, or electricity. There are no neighbors or towns for
28

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1 miles. The dogs did not have any permanent housing or shelter from the extreme elements of the
2 blistering desert heat, food or water, which is a violation of California law and San Bernardino
3 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" whose
17 company is based out of Los Angeles; and whose dogs are trained to bite
18 (<http://www.vonmarkgraffgermanshepherds.us>). Screen shots of the website are attached as Exhibit
19 6. Neither Ms. Zorikova, nor Ms. Jeong, and or VonMarkGraf German Shepherds has a breeder
20 license, which is a violation of the California Puppy Mill Ban under California Health and Safety
21 Code Sec. 122354.5 and is also a prohibited deceptive and unfair business under the California
22 Legal Remedies Act, Civil Code Sec. 1750 et seq. Furthermore, pursuant to San Bernardino County
23 Code, it is illegal to have more than 5 dogs on the property without a breeder license or kennel
24 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 //

PD **Journal of Polymer Science: Part D: Polymer Physics**
Volume 10, Number 1, 1974
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100-7869

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28

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 from kill shelters

Case 1:20-cv-01011-LTS Document 1-1 Filed 07/29/20 Page 7 of 10



Case 1:20-cv-01011-LTS Document 1-1 Filed 07/29/20 Page 7 of 10

1 and adopts them out. Vegas Shepherd Rescue rescues and places upwards of a hundred dogs a year,
2 approximately 85% of which are German Shepherd Dogs. Vegas Shepherd Rescue has performed
3 this service as a non-profit corporation that exists entirely on donations since its inception in 2012.
4 When Defendants come into possession of any dog, they immediately check to see if there is a
5 microchip. When they obtain veterinary care, which they do for each dog that comes into their
6 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 are
9 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 that
11 "thieves remove microchips," and for brevity's sake, Defendants have never removed or directed
12 the removal of a dog's microchip. Defendants' veterinarians have likewise never removed a
13 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 Facebook
16 and decided, without proof, to claim various dogs as hers. She actually has no idea what dogs are
17 hers. Puppy mills are like that. Take the case of Beacon, for example (Plaintiff's Exhibit 4).
18 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 Beacon to Defendants.
21 Beacon had been shot in the face and required extensive medical care before being adopted. Beacon
22 was not microchipped.

23
24 After Plaintiff and her daughter were arrested for felony animal cruelty by San Bernardino
25 County Sheriff's deputies, Plaintiff filed a police report for theft against various people, including
26 Julie Pyle. In response, San Bernardino County Sheriff's deputies visited Ms. Pyle at her Las Vegas
27 home in early September 2020. There, the deputies and Ms. Pyle talked for 40 minutes. The Sheriff
28

1 determined Ms. Pyle was not in possession of any of Plaintiff's German Shepherds. The Sheriff did
2 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 SET ASIDE**

8 On August 23, 2021, Plaintiff filed a Motion to Set Aside the Court's August 18, 2021
9 Minute Order dismissing her Complaint With Prejudice. Plaintiff requested that the Court conduct
10 a hearing on her Motion to Set Aside. As a result, the Court set a hearing on the subject Motion for
11 September 29, 2021. Subsequent to the filing of Plaintiff's Motion to Set Aside, the formal order
12 of Dismissal With Prejudice of Plaintiff's Complaint was entered on September 2, 2021. On
13 September 6, 2021, Defendants filed their Opposition to Plaintiff's Motion to Set Aside.
14

15 On September 29, 2021 Defendants, through their counsel, Casey D. Gish and Shana Weir,
16 appeared for the duly noticed hearing. Plaintiff failed to appear. The Court verbally denied the
17 Motion and granted fees and costs to Defendants. Several hours after the conclusion of the Hearing,
18 Plaintiff filed a Motion to Reschedule the hearing on her Motion to Set Aside. Plaintiff's Motion
19 to Reschedule claimed that she was not able to log onto the hearing via the Court's video conference
20 link. It is noted that counsel for Defendants appeared for the hearing via the Court's video
21 conference link and had no problem logging into the video conference for the hearing. It is also
22 noted that there were multiple other hearings that morning on the Court's docket and there were
23 multiple attorneys on the video conference for other cases and other hearings all of whom were able
24 to appear for their respective hearings via the Court's video conference link. Despite the fact that
25 counsel for the Defendants, and a myriad of other attorneys for other cases on the Court's docket
26 that day, had no problems signing on to the Court's video conference link, the Court granted
27
28

FILED
CLERK OF DISTRICT COURT
COUNTY OF LOS ANGELES
JULY 13 2021
MAY 13 2021



1 Plaintiff's Motion to Reschedule the Hearing on her Motion to Set Aside. The new hearing on
2 Plaintiff's Motion to Set Aside was scheduled by the Court for October 6, 2021.

3 On October 6, 2021, the Court conducted the rescheduled hearing on Plaintiff's Motion to
4 Set Aside. Plaintiff appeared via the Court's video conference link, this time apparently with no
5 connection issues. Defendants appeared via their counsel of record, Casey D. Gish. After hearing
6 argument on the Motion, the Court denied Plaintiff's Motion to Set Aside. The Court also granted
7 Defendants' request for fees and costs incurred as a result of defending and appearing for both of
8 the hearings on Plaintiff's Motion to Set Aside.
9

10 Prior to the order being filed, on August 23, 2021, Plaintiff filed the instant Motion to Set
11 Aside Order To Dismiss With Prejudice. The motion itself essentially reiterates Plaintiff's position
12 that the summons and Complaint were properly served on all Defendants. Because Plaintiff does
13 not like the outcome of the Motion to Dismiss, she alleges that Judge Johnson has been bribed by
14 counsel and/or influenced by donations from "animal rights activists," and she intends to sue all
15 Defendants for the same causes of action in Texas.¹ And finally, Plaintiff provides a statement of
16 fraudulent statements she claims were made by counsel that are not germane to a finding of
17 inadequate service of process, of which the Court took no evidence or testimony (*see Motion* at pp.
18 11-14, which are summarized as follows: 1) no evidence of ownership of dogs; 2) housing dogs in
19 cages; 3) illegal business conduct; 4) property conditions; 5) animal neglect; 6) County violations;
20 7) business licensing; 8) settlement with San Bernardino; 9) other lawsuits; 10) search warrants;
21 11) Plaintiff's arrest; 12) Plaintiff's criminal investigation; and 13) County violations.
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25 For reasons discussed herein, the motion is without merit, and therefore, must be denied.
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¹ Plaintiff's proposed claims will be barred res judicata and Defendants will seek fees and costs associated with defending these claims as well.

1 On October 12, 2021, Defendants filed their Memorandum of Costs and Disbursements
2 incurred as a result of Plaintiff's Motion to Set Aside and the instant Application for Attorneys
3 Fees, Costs, and Disbursements. *A copy of the Defendants' Memorandum of Costs and*
4 *Disbursements Incurred as a Result of Plaintiff's Motion to Set Aside is attached hereto as Exhibit*
5 *A.*

7
8 **II.**
9 **LEGAL ARGUMENT**

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

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

16 Accordingly, in Nevada, this "analysis may begin with any method rationally designed to
17 calculate a reasonable amount, including those based on a 'lodestar' amount or a contingency fee."
18 *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 827, 864, 124 P.3d 530, 18-19 (2005), (citing
19 *Herbst v. Humana Health Ins. of Nevada*, 105 Nev. 586, 590, 781 P.2d 762, 764 (1989), *Lealao v.*
20 *Beneficial California, Inc.*, 82 Cal.App.4th 19, 97 Cal. Rptr. 2d 797, 821 (2000) and *Glendora Com.*
21 *Redevak Agency v. Demeter*, 155 Cal.App.3d 465, 202 Cal.Rptr. 389 (1984).

22
23 **B. THE ATTORNEYS' FEES REQUESTED ARE REASONABLE UNDER**
24 **NEVADA LAW**

25 In Nevada, the court must also consider the factors laid out in *Brunzell v. Golden Gate*
26 *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

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1 just to prepare these papers was significant, and the amount of attorney time required to research
2 and review the facts and documents underlying and supporting these papers was even more
3 extensive.

4 Second, animal cruelty cases are very specialized and difficult by nature. They are factually
5 and legally intensive. While there may be more technically complex matters, animal cruelty cases
6 clearly require attention to detail and an understanding of the presentation of defenses to complex
7 veterinary evidence in order to establish damages and defenses. Animal cruelty cases often times
8 require several different veterinary disciplines and legal disciplines to understand and present to
9 enable a claimant or a defendant to achieve the best results. Counsel's understanding of the various
10 issues that are needed to successfully present, or defend, a case supports the conclusion that the
11 attorney's fees were earned and are fair and reasonable. At the end of the day, Defendants' attorneys
12 diligently and successfully represented them in this case through the Motion to Set Aside, achieving
13 a dismissal of Plaintiff's claims after an extensive evidentiary hearing and the denial of Plaintiff's
14 Motion to Set Aside after two hearings on the subject motion were conducted.

15 Third, counsel's skill, time, and attention given to this case were above average. The
16 preparation was thorough and complete. Counsel for Plaintiff spent numerous hours reviewing
17 voluminous filings from Plaintiff, reviewing documents, reviewing potential testimony and
18 potential discovery, drafting and repeatedly revising the Defendants' Opposition to Plaintiff's
19 Motion to Set Aside, meeting with clients, conducting teleconferences with clients, and preparing
20 this case for the two hearings on Plaintiff's Motion to Set Aside. Considering the amount of time
21 and effort exerted by Defendants' counsel, and both attorneys' considerable expertise in this area
22 of practice, the fees are clearly substantiated. Based upon their expertise, experience, and
23 specialized knowledge of animal cruelty cases, a rate of \$500 hour is justified in this matter. In
24 addition, the number of hours spent by counsel for the Defendants in preparing the Defendants'

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276-277, 112 P.3d 1082, 1092 (2005). Defendants timely submitted their verified Memorandum of Costs and Disbursements on October 12, 2021 a copy of which is attached hereto as "Exhibit A".

Pursuant to NRS 18.020, Defendants are entitled to an award of costs. Pursuant to NRS 18.005, Defendant's recoverable costs and disbursements as a result of Plaintiff's Motion to Set Aside are \$14.30. Please see Plaintiff's Memorandum of Costs and Disbursements attached hereto as "Exhibit A."

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 \$14.30 for costs disbursements, and \$8,850 for attorney's fees for a total amount of \$8,864.30. 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.

//
//

1 DATED this 12th day of October, 2021.

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

3 /s/ Casey D. Gish

4 CASEY D. GISH, ESQ.

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10 *Willet, & Vegas Shepherd Rescue*

11 **WEIR LAW GROUP, LLC**

12 /s/ Shana D. Weir

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

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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 RESULTING FROM PLAINTIFF'S MOTION TO SET ASIDE** 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

Casey D. Gish, Attorney at Law
P.O. Box 1000, 1000
1000



Casey D. Gish, Attorney at Law
P.O. Box 1000, 1000
1000

Plaintiff

Executed on the 12th day of October, 2021.

/s/ Casey D. Gish

An employee of THE LAW OFFICE OF
CASEY D. GISH

EXHIBIT A



Steven D. Grierson

MEMO

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;

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' MEMORANDUM OF COSTS AND DISBURSEMENTS

Pursuant to NRS 18.005, NRS 18.010, NAR 17(B), NRS 17.130 and *Albion v. Horizon Communities, Inc.*, 122 Nev. 409, 132 P.3d 1022 (2006), Defendants' hereby submits their Memorandum of Costs, Disbursements, and Interest incurred as a result of Plaintiff's Motion To Set Aside as follows:

The 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.



Casey's Court Reporting & Video, Inc.

1.	Clerk's Fees Filing Fees (Exhibit A).....	\$3.50
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)</u> and <u>NRS 18.010</u> allow a prevailing party to recover "reasonable copy costs." <u>NRS 629.061(2)</u> 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)	
	18 pages.....	\$10.80
13.	Long Distance Calls.....	\$0.00
14.	Postage.....	\$0.00
15.	Travel.....	\$0.00
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>\$14.30</u>

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VERIFICATION

Under penalty of perjury, the foregoing cost items are correct and have been necessarily incurred as a result of Plaintiff's Motion to Set Aside 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 12th day of October, 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

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3 **CERTIFICATE OF SERVICE**

4 I, Casey D. Gish, declare:

5
6 I am a resident of and employed in Clark County, Nevada. I am over the age of eighteen
7 (18) years and not a party to the action within. My business address is 5940 S. Rainbow Blvd., Las
8 Vegas, Nevada 89118.

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

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

17
18 X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve
19 electronic filing system. I am "readily familiar" with the firm's practice of electronically serving
20 documents.

21
22 VIA EMAIL: in accordance to the Consent of Service by Electronic Means on file herein.
23 Via email by transmitting through an email service maintained by the person on whom it is served
24 at the email address provided by that person. The copy of the document served by email bears a
25 notation of the date and time of transmission and the email address to which transmitted.

26 ALLA ZORIKOVA
27 1905 Wilcox Ave. #175
28 Los Angeles, CA 90068
P: (323) 209-5186
E: stevejohn19732017@gmail.com
Plaintiff

Executed on the 12th day of October, 2021.

/s/ Casey D. Gish

An employee of THE LAW OFFICE OF
CASEY D. GISH

Casey D. Gish, Esq.
The Law Office of Casey D. Gish
10000 Highway 100, Suite 100
Dallas, Texas 75243
Phone: (214) 635-1111
Fax: (214) 635-1112
Email: cagish@cdgish.com



EXHIBIT B



THE LAW OFFICE OF
CASEY D. GISH

T: 702-582-5862
F: 702-463-4268
info@cdgishlaw.com
5940 S. Rainbow Blvd., Las Vegas, NV 89118

October 12, 2021

INVOICE NUMBER: 002

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

DATE	TASK	TIME	AMOUNT (\$500/hr)
08/24/21	Review and analyze Plaintiff's Motion to Set Aside including exhibits. Research Nevada and Federal statutory law, Nevada and Federal case law, Nevada court rules, including local rules regarding Motions to Set Aside and Motions to Reconsider under NRCP 60	2.6	\$1,350
09/03/21	Conduct Legal research regarding Motion to Set Aside including NRCP 60 and under Nevada statutory law and Nevada case-law	1.8	\$900
09/04/21	Draft/revise Opposition to Plaintiff's Motion to Set Aside	4.9	\$2,450
09/28/21	Prepare for hearing on Plaintiff's Motion to Set Aside	2.2	\$1,100
09/29/21	Attend 1 st Hearing on Plaintiff's Motion to Set Aside	.5	\$250
09/29/21	Review and analyze Plaintiff's Motion to Reschedule Hearing on Motion to Set Aside	.1	\$50
09/29/21	Review and analyze clerk's notice for Rescheduled hearing on Plaintiff's Motion to Reschedule Hearing on Motion to Set Aside	.1	\$50
10/05/21	Prepare for Rescheduled Hearing on Plaintiff's Motion to Set Aside	.9	\$450
10/06/21	Attend 2 nd Hearing on Plaintiff's Motion to Set Aside	1.4	\$700
TOTAL:		14.5	\$7,250

EXHIBIT C



WEIR



LAW GROUP LLC

Shana D. Weir, Esq.
 6220 Stevenson Way
 Las Vegas, NV 89120
 702.509.4567
 sweir@weirlawgroup.com

DATE: 10.12.21

INVOICE NUMBER: 002

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

DATE	TASK	TIME	AMOUNT (\$500/hr)
08/24/21	Reviewed and analyzed Plaintiff's motion to set aside, including exhibits and notice of hearing.	1.1	\$550
09/04/21	Finalize opposition to Plaintiff's motion to set aside	.7	\$350
09/29/21	Attended hearing on Plaintiff's motion to set aside.	.5	\$250
09/29/21	Drafted and revised proposed order denying motion to set aside.	.7	\$350
09/29/21	Reviewed and analyzed Plaintiff's motion/request for new hearing.	.1	\$50
09/29/21	Reviewed and analyzed Clerk's notice for re-hearing	.1	\$50
Total		3.2	\$1,600



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 OBJECTIONS TO DEFENDANT FEES AND COSTS Exhibit "A" attached Department 20
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COMES NOW Plaintiff, Alla Zorikova and states following:

1. Defendant filed Application for fees and costs on October.
2. None of the statutes listed by Defendant permit Attorney's Fees.
3. Furthermore, Defendant fails to provide any court cases nor specify statute's content that would allow attorney fees be applied for this case.

4. Moreover, Casey Gish is attorney in this case and represents Julie Pyle. However, nowhere Gish refers to statement of Ms Pyle nor to her actions and writes his baseless not supported with evidences narrative as from Gish himself, which does not make sense at all. Gish is neither witness nor has (as he claims) personal knowledge about case's facts otherwise.
5. Gish refers to irrelevant to attorney fees for this case statutes: 18.005, where costs defined, 18.010 award of attorneys fees states that compensation of an attorney fees for his services governed by agreement or allowance is authorized by specific statute, which can not be applied to this case. There were no agreement between Plaintiff and Defendant regarding any attorney's fees nor Defendant listed statute that authorizes his attorney fees in this case.
6. Further, Defendant refers to again inapplicable NRS 18.020 in which attorney fees awarded in cases related to real estate and private properties, which is, again, not relevant to this lawsuit as Defendant did not brought action to recover real property in this lawsuit.
7. Further, Gish baselessly referred statute 17.130 titled "Computation of Amount of Judgment, Interest" . Defendant must be forgotten that he is Defendant and NO monetary judgment was entered in his favor that he can compute interest of. Or he counts on the fact that Judge Johnson will not read his listed statutes as it was heard before that Judge Johnson often is not reading filed documents before he rules on it during hearing.
8. Furthermore, Defendant baselessly refers to NRSP 68 which is statute regarding execution of monetary judgment.
9. Furthermore, rate as of \$500/hr as attorney fees is unheard off in Las Vegas.

10. In Defendant's "Legal Arguments" section Gish states that (p.10) Section 18.010(2)(a) states that "when the prevailing party has not recovered more than \$20,000", which is clearly refers to judgment asked and recovered from lawsuit. However, Defendant is not the one who comes to the Courts to "recover" and therefore, no "recovery" term is applicable here as to Defendant.
11. Further, Defendant cites case University of Nevada vs Tarkanian and misleads the Court in that that in reality Tarkanian was DENIED his claim for attorney fees as damages under the state law and only obtained his attorney's fees under 42 U.S.C. 1998 (1980) (awarded to as a prevailing party in civil rights lawsuit, where, again, attorney fees are prescribed by statute) based on the allowance of fees under that particular statute. moreover, Appellate Court for that case reversed the award of attorney's fees. Furthermore, appellate Court vacated award of attorneys fees against NCAA in that case. University of Nevada vs Tarkanian 879 P.2d 1180 (1994) 110 Nev. 581.
12. In his Paragraph "B" of "Legal Argument" Defendant refers to case Brunzel vs Golden Gate National Bank, which is irrelevant based on the fact that in that case after trial Bank has been awarded \$5,000 attorney's fees based on the signed contractual agreement between Defendant and Plaintiff which presumed attorney fees in case of legal dispute. Bank did not have fees schedule nor records of attorney's hours of work and therefore, Court made that 1,2,3,4 prescribed elements on how to define time used for attorney's work done. However, Gish in his request for attorney fees is referring to these 1,2,3,4 points as to "methods on how to determine if attorney shall be awarded attorney fees at the first place. Gish provides false interpretation of cited cases, which are irrelevant to the current case.

13. In his "Factual Background " section (not called "Opinions" or otherwise Gish again, KNOWNGLY and maliciously over and over constructs his lies regarding "dogs in cages", "under investigation", while that case was turned down by district attorney in 2020 and closed. Further, Gish again and again lies and lies, not only without supporting evidences but with clear contradicting his lies evidences that this case full of.
14. Furthermore, instead of listing case law, and applying statutes that would "authorize his attorneys fees" he for unknown reason and inappropriately speculates about "arrest", "theft" and other his theories that are only theories without any grounds nor reasoning.
15. This case is full of facts and evidences that support Plaintiff's allegations, while liar Gish building his speculations on deception and false allegations. Gish fails to provide a single reference to evidences/facts to support his lies.
16. For Court to understand true face and motives of "Animal Rights Activists/Extremists" masked by "puppy's mills defendants": FBI had big investigations taken place decade ago under FBI Special Agent John E Lewis. (Exhibit A) It was clearly defined how "animal rights activists" (to which Casey Gish has close ties to through arrested for the same "animal rights activist" Bryan Pease and Shana Weir (joined attorney for this case, "by accident" joint at the same time when endorsed by Animal Rights Activists Group and investigated previously for corruption with allegations of patroning Las Vegas Strip Club, Judge (refusing to recuse himself) Eric Johnson "suddenly" turned this case upside down and come up with evidentiary hearing in attempt to frame Plaintiff instead of awarding her injunctions relief. The Animal Terrorism Statute (AET) set forth in Title 18 U.S.C. ,

Section 43, provides a clear framework for individuals, involved in Animal Rights Extremism.

17. As written in AET, the statute prohibits travelling in commerce that cause disruption of animal enterprises (which dog breeder are), or causing physical disruption through stealing, damaging or causing loss of property used by animal enterprises.
18. Plaintiff, who was falsely arrested by being falsely accused by allegedly animal rights activists (animal rights activists were recognized as terrorists by FBI attacked violently all Southern California), Plaintiff had losses over \$1,000,000. Criminal case against thieves who stole her dogs is under review in Victorville District Attorney Office (police report # 082001074).
19. Plaintiff is filing second motion for Sanctions for defendant for providing false statements to the Court once again, those statements are material and ALL has clear evidences of falsity, such as defendant lues again that "Plaintiff had 70 dogs in cages (while none of dogs were in cages), Plaintiff's arrest case "is still under investigation", while case was turned down in 2020 and closed, no charges have been filed by District Attorney.
20. Defendant elected deception and lies as its way for defense for this lawsuit, and unfortunately, accused of public corruption judge Johnson can be easy manipulated and blackmailed in order to cover up Defendant's clear misconduct.
21. I will make everything possible that liar Gish would be held accountable especially for attorney's misconduct and stopped his distructive activity toward american businesses and people.

WHEREFORE, I ask this Court to deny Defendants attorney's fees and costs.

Sincerely,

Alla Zorikova

10/18/2021

• 

• CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 10/19/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

10/16/2021



then animals are considered legitimate targets... you never know when your house, your car even, might go boom... Or maybe it will be a shot in the dark... We will now be doubling the size of every device we make. Today it is 10 pounds, tomorrow 20... until your buildings are nothing more than rubble. It is time for this war to truly have two sides. No more will all the killing be done by the oppressors, now the oppressed will strike back." It should be noted that the FBI Joint Terrorism Task Force in San Francisco has identified and charged known activist Daniel Andreas San Diego, who is currently a fugitive from justice, in connection with these bombings. While no deaths or injuries have resulted from this threat or the blasts at Chiron and Shaklee, it demonstrates a new willingness on the part of some in the movement to abandon the traditional and publicly stated code of nonviolence in favor of more confrontational and aggressive tactics designed to threaten and intimidate legitimate companies into abandoning entire projects or contracts.

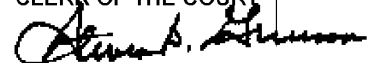
Despite these ominous trends, by far the most destructive practice of the ALF/ELF to date is arson. The ALF/ELF extremists consistently use improvised incendiary devices equipped with crude but effective timing mechanisms. These incendiary devices are often constructed based upon instructions found on the ALF/ELF websites. The ALF/ELF criminal incidents often involve pre-activity surveillance and well-planned operations. Activists are believed to engage in significant intelligence gathering against potential targets, including the review of industry/trade publications and other open source information, photographic/video surveillance of potential targets, obtaining proprietary or confidential information about intended victim companies through theft or from sympathetic insiders, and posting details about potential targets on the Internet for other extremists to use as they see fit.

In addition to the upswing in violent rhetoric and tactics observed from animal rights extremists in recent years, new trends have emerged in the eco-terrorist movement. These trends include a greater frequency of attacks in more populated areas, as seen in Southern California, Michigan and elsewhere, and the increased targeting of

PLAINTIFF'S EXHIBIT "A "

"FBI SPECIAL AGENT

JOHN E LEWIS INVESTIGATION OF ANIMAL
RIGHTS EXTREMISTS FOLLOW UP"



OPPS

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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' OPPOSITION TO PLAINTIFFS' MOTION FOR SANCTIONS; AND
COUNTERMOTION FOR SANCTIONS**

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.

1 SHANA D. WEIR, ESQ., of WEIR LAW GROUP, LLC, and hereby opposes Plaintiff's Motion
2 For Sanctions; and files their Countermotion for Sanctions. This Opposition and Countermotion are
3 supported by the attached Points and Authorities, the pleadings and papers on file herein, and any
4 argument allowed by the Court.

5
6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I.**

8 **Factual Background**

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 on
13 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
20
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. Defendants
23 opposed the motion and filed a countermotion to dismiss.

24
25 On August 18, 2021, the Court conducted an evidentiary hearing on the issue of service of
26 process of Plaintiff's Complaint. The Court granted Defendant's Counter-Motion to Dismiss.

27
28
² The docket does not reflect the date of filing of the bonds.

1 finding service of process was ineffective, and dismissed Plaintiff's Complaint with prejudice for
2 abuse of process in this matter (see order filed September 2, 2021, attached hereto as *Exhibit A*).

3 The Court's September 2, 2021, order states: "IT IS FURTHER ORDERED, ADJUDGED
4 AND DECREED that Defendants shall file a supplement to their Motion to Dismiss by August 19,
5 2021, to include a copy of the settlement between Plaintiff, Plaintiff's daughter Olivia Jeon, and
6 San Bernardino County in the amount of \$325,000 that supports Defendants' argument to decertify
7 Plaintiff's In Forma Pauperis status. Plaintiff shall file any responsive pleading by August 27,
8 2021." (See Order on file herein, at pp. 8: 1-6, *Exhibit A*).

9
10 Plaintiff's instant Motion alleges that Defendants failed to comply with this order; and
11 therefore she seeks sanctions (without any points and authorities, case law, or statutory support for
12 same). However, that is inaccurate. In compliance with this Court's order, on August 19, 2021
13 Defendant filed its Supplement which included the settlement agreement between Plaintiff, her
14 daughter Olivia Jeong, and San Bernardino County, as Exhibit "A" to the Supplement. The
15 Supplement, and its supporting exhibits, is attached hereto as *Exhibit B*. The proof of service
16 showing that Plaintiff opened the e-serve envelope is attached hereto as *Exhibit C*.

17
18
19 Plaintiff has brought the instant motion in bad faith and knowingly misrepresented facts to
20 this Court. On October 13, 2021, Defendants brought this matter to Plaintiff's attention and asked
21 that she withdraw the instant motion or Defendants would seek sanctions against her (see *Exhibit*
22 *D*) via a letter from The Law Office of Casey D. Gish asking Defendant to withdraw her Motion).
23 Plaintiff did receive and open the letter from The Law Office of Casey D. Gish as evidenced by the
24 attached proof that Plaintiff opened the e-serve envelope for the letter attached hereto as *Exhibit E*.
25 Plaintiff failed to respond or vacate her motion. As a result, Defendants seek sanctions, and
26 attorneys' fees and costs for having to defend yet another baseless motion. Should Plaintiff continue
27 to file baseless and frivolous motions, Defendants will seek to deem her a vexatious litigant.
28

1
2
3 II.

4 POINTS AND AUTHORTIES

5
6 **1. Plaintiff's Motion must be Denied because it does not contain a Memorandum of Points and Authorities**

7 Plaintiff's Motion is comprised of one false allegation that Defendants failed to comply
8 with a Court order that they actually did comply with, and no legal statutes, case law, or analysis
9 as to how or why she is entitled to sanctions. NRCP 13(2) requires that all Motion be supported
10 by a Memorandum of Points and Authorities. The absence of a supporting Memorandum of
11 Points and Authorities is to be construed by the Court as an admission that the motion is not
12 meritorious and cause for its denial or as a waiver of all grounds not so supported. Plaintiff's
13 motion lacks any authority whatsoever in her request for sanctions, likely because she is
14 completely aware it is made on a totally false basis. Based upon the Plaintiff's failure to support
15 her Motion for a New Trial with an adequate Memorandum of Points and Authorities under
16 NRCP 13(2), the Motion should be denied.
17
18

19
20 **2. Defendants are Entitled To Sanctions and Their Attorney's Fees and Costs to Defend A Frivolous and Baseless Motion That Plaintiff Refused To Vacate Upon Notice of the Same**

21
22 Plaintiff's motion violates NRCP 11(b) representations to the Court, which states:

23 By presenting to the court a pleading, written motion, or other paper — whether by
24 signing, filing, submitting, or later advocating it — an attorney or unrepresented
25 party certifies that to the best of the person's knowledge, information, and belief,
26 formed after an inquiry reasonable under the circumstances:

27 (1) it is not being presented for any improper purpose, such as to harass,
28 cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by
existing law or by a nonfrivolous argument for extending, modifying, or
reversing existing law or for establishing new law;

1 (3) the factual contentions have evidentiary support or, if specifically so
2 identified, will likely have evidentiary support after a reasonable
3 opportunity for further investigation or discovery; and

4 (4) the denials of factual contentions are warranted on the evidence or, if
5 specifically so identified, are reasonably based on belief or a lack of
6 information.

7 Here, Plaintiff is well aware that Defendants timely complied with the order of the court
8 to produce the settlement agreement, given that she opened the eservice document. Therefore, the
9 instant motion and all of her other baseless motions are simply intended for purposes of
10 harassment, delay, and to increase the costs of litigation because she knows Defendants are not
11 being paid. If she failed to read the pleading she opened via e-service, that is her fault. She lacks
12 total factual and legal support for her claim that Defendants failed to comply with this Court's
13 order.

14
15 NRC 11(c) contemplates sanctions for a party's conduct in this exact type of scenario.

16 (1) **In General.** If, after notice and a reasonable opportunity to respond, the
17 court determines that Rule 11(b) has been violated, the court may impose an
18 appropriate sanction on any attorney, law firm, or party that violated the rule or is
19 responsible for the violation. Absent exceptional circumstances, a law firm must be
20 held jointly responsible for a violation committed by its partner, associate, or
21 employee.

22 (2) **Motion for Sanctions.** A motion for sanctions must be made separately
23 from any other motion and must describe the specific conduct that allegedly
24 violates Rule 11(b). The motion must be served under Rule 5, but it must not be
25 filed or be presented to the court if the challenged paper, claim, defense, contention,
26 or denial is withdrawn or appropriately corrected within 21 days after service or
27 within another time the court sets. If warranted, the court may award to the
28 prevailing party the reasonable expenses, including attorney fees, incurred for
29 presenting or opposing the motion.

30 [...]

31 (4) **Nature of a Sanction.** A sanction imposed under this rule must be limited
32 to what suffices to deter repetition of the conduct or comparable conduct by others
33 similarly situated. The sanction may include nonmonetary directives; an order to
34 pay a penalty into court; or, if imposed on motion and warranted for effective

deterrence, an order directing payment to the movant of part or all of the reasonable attorney fees and other expenses directly resulting from the violation.

Here, Plaintiff brought a completely baseless motion for sanctions against Defendants for failure to comply with a court order that Defendants actually complied with. Prior to filing Plaintiff's motion for sanctions, Plaintiff did not contact Defendants to notify Defendants she would be seeking sanctions for failure to comply with the Court's order. Had she done so, she would have been informed that Defendants had actually complied with the Court's order to produce the settlement agreement. She signed her motion and represented to the Court that it was made in good faith. Plaintiff's motion violates NRCF rules for obtaining sanctions; and Defendants are entitled to sanctions as a result. Further, upon notice of Defendants' compliance and that Defendants would seek sanctions if she did not vacate her baseless motion, Plaintiff did nothing, causing Defendants to have to defend yet another baseless and frivolous motion. Plaintiff continues to file such motions because she knows Defendants' counsel is working pro bono

Defendants therefore request that Plaintiff be sanctioned for the same, **and** that Defendants be awarded their time and effort as and for attorney's fees and costs in addition to any sanctions imposed. Toward that end, Defendants have spent \$7.00 for court costs and 5.5 hours to review the motion, draft correspondence and draft the instant opposition (\$2,750). Defendants also seek attorney's fees for preparing for, and attending the hearing on the instant motion.

1
2 **III.**

3 **CONCLUSION**

4 Based upon the foregoing, Defendants respectfully request that Plaintiff's Motion for
5 Sanctions be denied; and Defendants' counter-motion be granted.
6

7 DATED this 20th day of October, 2021.

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

9 /s/ Casey D. Gish

10 CASEY D. GISH, ESQ.

11 Nevada Bar No. 006657

12 5940 S. Rainbow Blvd

13 Las Vegas, NV 89118

14 Casey@GishLawFirm.com

15 *Co-counsel for Defendants Julie Pyle, Tammy*

16 *Willet, & Vegas Shepherd Rescue*

17 **WEIR LAW GROUP, LLC**

18 /s/ Shana D. Weir

19 SHANA D. WEIR, ESQ.

20 Nevada Bar No. 9468

21 6220 Stevenson Way

22 Las Vegas, NV 89120

23 *Co-counsel for Defendants Julie Pyle, Tammy*

24 *Willet, & Vegas Shepherd Rescue*
25
26
27
28

1
2 **CERTIFICATE OF SERVICE**

3 I, Casey D. Gish, declare:

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

7 That I served the document described as **DEFENDANTS' OPPOSITION TO**
8 **PLAINTIFF'S MOTION FOR SANCTIONS; AND COUNTERMOTION FOR**
9 **SANCTIONS** on the parties whose address appears below:

10 X VIA ELECTRONIC SERVICE: in accordance with NRCP through the Odyssey File & Serve
11 electronic filing system. I am "readily familiar" with the firm's practice of electronically serving
12 documents.
13

14 ALLA ZORIKOVA
15 1905 Wilcox Ave. #175
16 Los Angeles, CA 90068
17 P: (323) 209-5186
18 E: stevejohn19732017@gmail.com
19 *Plaintiff*

20 Executed on the 20th day of October, 2021.

21 /s/ Casey D. Gish
22 An employee of THE LAW OFFICE OF
23 CASEY D. GISH
24
25
26
27
28

EXHIBIT “A”

Alanna L. Hume
CLERK OF THE COURT

ORDER

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

Hearing Date: 8/18/2021
Hearing Time: 9:15 a.m.

ORDER

THIS MATTER having come on for hearing on the 18th day of August, 2021 at 9:15 a.m. before the HONORABLE ERIC JOHNSON; Plaintiff ALLA ZORIKOVA appearing Pro Se; Defendants, JULIE PYLE and VEGAS SHEPHERD RESCUE appearing in person and by and through their counsel, CASEY D. GISH, ESQ. of THE LAW OFFICE OF CASEY D. GISH, and SHANA D. WEIR, ESQ. of WEIR LAW GROUP; Defendant TAMMY WILLET, appearing by and through her counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH, and SHANA D. WEIR, ESQ. of WEIR LAW GROUP; the Court having set an evidentiary hearing to consider whether Plaintiff properly effected service of the summons and complaints under Rules 4 and 4.2 of the Nevada Rules of Civil Procedure. The Court having considered the papers and pleadings on file, the oral arguments of counsel, testimony of witnesses, and evidence entered therein, makes the following findings of fact and conclusions of law:

1) The Complaint is dismissed as to Defendants, Julie Pyle, Tammy Willet and Casey Gish¹ because service was not proper under NRCP 4.2(a) as to the individuals. Service was not made personally, or to the individuals' dwellings or abodes, or to any agent authorized to accept service of process. The location of alleged service was a mail drop area of a business located at 2620 Regatta Drive, Las Vegas, Nevada.

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

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

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

Plaintiff called Ms Jeong as a witness. Ms. Jeong testified that she served packages of materials for Plaintiff at 2620 Regatta Drive, Las Vegas, Nevada on October 5 and October 9, 2020. When pressed how she came to Las Vegas from her home in Barstow, California, to deliver

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
25

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

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

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
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25
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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 DISTRICT COURT
3 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

swein@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

Attn: Casey D. Gish

5940 S. Rainbow Blvd.

Las Vegas, NV, 89118

EXHIBIT “B”



1 SUPP

2 CASEY D. GISH, ESQ.

3 Nevada Bar No. 006657

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

5 5940 S. Rainbow Blvd

6 Las Vegas, NV 89118

7 Casey@GishLawFirm.com

8 (702) 583-5883 Telephone

9 (702) 483-4608 Facsimile

10 SHANA D. WEIR, ESQ.

11 Nevada Bar No. 9468

12 **WEIR LAW GROUP, LLC**

13 6220 Stevenson Way

14 Las Vegas, NV 89120

15 (702) 509-4567 Telephone

16 *Attorneys for Defendants Julie Pyle, Tammy*

17 *Willet, & Vegas Shepherd Rescue*

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 ALLA ZORIKOVA:

21 Plaintiff(s).

22 vs.

23 CASE NO. A-20-821249-C

24 DEPT. NO. XX

25 Hearing Date: 8/18/2021

26 Hearing Time: 9:15 a.m.

27 JULIE PYLE, TAMMY WILLET, VEGAS

28 SHEPHERD RESCUE AND DOES I

29 THROUGH X, INDIVIDUALS, AND ROE

30 BUSINESS ENTITIES I THROUGH X.

31 Defendant(s).

32 **DEFENDANTS' SUPPLEMENT TO REPLY IN SUPPORT OF COUNTER-MOTION**
33 **TO DISMISS PLAINTIFF'S COMPLAINT**

34 COME NOW, Defendants¹ Julie Pyle, Tammy Willet, and Vegas Shepherd Rescue, and
35 hereby provides the following SUPPLEMENT to their REPLY IN SUPPORT OF COUNTER-
36

37 ¹ The Complaint on file herein does not name attorney Casey D. Gish as a Defendant. Plaintiff unilaterally modified
38 the caption at some point to include him as a Defendant. Plaintiff's later inclusion of attorney Casey D. Gish should
be stricken, and arguments for same are included in Defendants' Counter-Motion to Dismiss filed concurrently
herein. However, should the court allow Plaintiff's modified caption to stand, Mr. Gish incorporates the arguments
herein.

1 **MOTION TO DISMISS PLAINTIFF'S COMPLAINT.**

2 Defendants hereby supply this Court with the following Supplement to their prior Reply to
3 Plaintiff's Opposition to Defendants' Counter-Motion to Dismiss. Said Reply was filed on July
4 21, 2021. This supplement amends section II(L) "Reconsideration of In Forma Pauperis Order"
5 on page 21 and 22 of said Reply as follows:
6

7 **I. Reconsideration of In Forma Pauperis Order.**

8 Rule 60(b)(2) allows this Court to reconsider and correct any of its previous orders. In
9 this case, the Complaint was filed on 9/15/2020. An application to proceed in forma pauperis was
10 filed by Zorikova on 9/20/2020. The application was denied on 9/20/2020. A subsequent
11 application to proceed in forma pauperis was filed on 9/24/2020. Also, on 9/24/2020, it appears
12 an amended complaint was filed. On 9/25/2020 the application to proceed in forma pauperis was
13 granted.
14

15 It was recently discovered through a Freedom of Information Act request to the San
16 Bernardino County Sheriff's office that Plaintiff received at least \$325,000 in settlement for her
17 claims against that agency for their officers' directing of individuals, not the Defendants, to
18 retrieve dogs in the California desert that were in distress and in physical danger due to the
19 environmental conditions in the middle of summer. In light of that settlement, it would appear
20 that Plaintiff is no longer indigent and can afford Court costs and fees in this matter.
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 Therefore, it is requested that the Court reconsider its prior Order to allow Plaintiff to
2 proceed in forma pauperis. A copy of the settlement agreement between Zorikova, her daughter
3 Olivia Jeong, and San Bernardino County dated, February 9, 2021, for the amount of \$325,000 is
4 attached hereto as Exhibit A.

5
6 DATED this 19th day of August, 2021.

7 THE LAW OFFICE OF CASEY D. GISH

8 /s/ Casey D. Gish

9 CASEY D. GISH, ESQ.

10 Nevada Bar No. 006657

11 5940 S. Rainbow Blvd

12 Las Vegas, NV 89118

13 Casey@GishLawFirm.com

14 (702) 583-5883 Telephone

15 (702) 483-4608 Facsimile

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

18 WEIR LAW GROUP, LLC

19 /s/ Shana D. Weir

20 SHANA D. WEIR, ESQ.

21 Nevada Bar No. 9468

22 6220 Stevenson Way

23 Las Vegas, NV 89120

24 (702) 509-4567 Telephone

25 Co-counsel for Defendants Julie Pyle, Tammy
26 Willet, & Vegas Shepherd Rescue
27
28

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' SUPPLEMENT TO REPLY IN SUPPORT OF COUNTER-MOTION TO DISMISS PLAINTIFF'S COMPLAINT** 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 19th day of August, 2021.

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

EXHIBIT “A”

FAX COVER SHEET

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

COVER MESSAGE

Please see attached partially executed settlement agreement.

SETTLEMENT AGREEMENT AND FULL RELEASE OF ALL CLAIMS

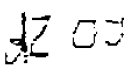
This Settlement Agreement and Full Release of Claims (hereinafter "AGREEMENT") is entered into by and between the County of San Bernardino (referred to hereafter as "COUNTY"), on the one hand, and Alia A. Zorikova and Olivia Dae Jeong (referred to hereafter as "CLAIMANTS"), on the other hand. COUNTY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

1

County Initials: 

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 CIVDS2017393.
- c. Law firm of Artin Sodaily 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: 

County Initials: 

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 or 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.

Claimant Initials AZ 07

County Initials AL

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

Client and Counsel 42 03

County, Illinois 42

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

APD
ALLA A. ZORIKOVA

DATED: 02/09/2021

ODJ
OLIVIA DAE JEONG

DATED: 2/9/2021

LAW FIRM OF ARTIN SODAIFY

By: [Signature]
ARTIN SODAIFY
Attorneys for CLAIMANTS

DATED: 2/12/2021

[Signature]
LYNDEN SALONGA
San Bernardino County Claims Department
Risk Management Division

Claimant Initials APD

County Initials SB

EXHIBIT “C”

Case # A-20-821249-C - Alla Zorikova, Plaintiff(s)vs.Julie Pyle, Defendant

Envelope Information

Envelope Id 8411910	Submitted Date 8/19/2021 6:36 AM PST	Submitted User Name Casey@Gishlawfirm.com
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Case Information

Location Department 20	Category Civ	Case Type Other Trial
Case Initiation Date 9/15/2020	Case # A-20-821249-C	
Assigned to Judge Johnson, Eric		

Filings

Filing Type LinkAndServe	Filing Code Supplement - SUPPL (CIV)
------------------------------------	--

Filing Description
DEFENDANTS' SUPPLEMENT TO
REPLY IN SUPPORT OF COUNTER-
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT

Filing Status Accepted	Accepted Date 8/19/2021 6:37 AM PST
----------------------------------	---

Accept Comments
Auto Review Accepted

Lead Document

File Name 2021.08.19 Supplement to Reply Motion to Dismiss (CDG).pdf	Security Public Filed Document	Download Original File Court Copy
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eService Details

Status	Name	Firm	Served	Date Op
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Status	Name	Firm	Served	Date Opened
Sent	Alla Zorikova		Yes	8/19/2021 9:30 AM PST
Sent	Casey D. Gish, Esq.	The Law Office of Casey D. Gish	Yes	Not Opened
Sent	Shana Weir	Weir Law Group LLC	Yes	8/19/2021 8:01 AM PST
Sent	Shana Weir	Weir Law Group LLC	Yes	Not Opened
Error	Alla Zorikova		No	Not Opened
Sent	Shana Weir	Weir Law Group LLC	Yes	Not Opened

Fees

Supplement - SUPPL (CIV)

Description	Amount
Filing Fee	\$0.00
Filing Total:	\$0.00

Total Filing Fee	\$0.00
Envelope Total:	\$0.00
	<i>Waiver selected</i>

Filing Attorney Casey Gish

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Version: 2021.0.1.9538

EXHIBIT “D”



10/13/2021 10:13 PM

CASEY D. GISH

702-447-6447
702-447-6545 ext 702-483-4900
702-447-6447
9405 Rainbow Blvd., Las Vegas, NV 89115

October 13, 2021

SENT VIA E-SERVICE

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

Case Title: Zorikova v. Pale et al.

Dearest Alla:

Please see attached proposed Order Denying your Motion to Set Aside. Please review the proposed order any objections you have to the terms of the order via writing. If you do not have any objections to the proposed Order, please sign that you approve the Order as to form and return it to me via eservice or via email. If I do not hear back from you before October 20, 2021, I will submit the proposed Order to the Court.

In addition, we are in receipt of your motion for sanctions which alleges that Defendants have violated this Court's order by failing to provide a copy of the settlement agreement between you and San Bernardino by August 19, 2021. As you are aware (because you opened the executive document on August 19, 2021 at 9:30 a.m. PST), Defendants provided that settlement agreement in a supplement to its Reply in Support of Motion to Dismiss, filed on August 19, 2021. Therefore, your motion is entirely false, made in bad faith, and intended to deceive the Court.

Please immediately vacate your motion or we will have no choice but to move for sanctions against you for violation of NRCJ Rule 11. We will also seek all court costs and attorneys' fees in conjunction with the same.

Yours Truly,

/s/ Casey D. Gish

Casey D. Gish, Esq.

1 **ORDR**

2 CASEY D. GISH, ESQ.

3 Nevada Bar No. 006657

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

5 5940 S. Rainbow Blvd.

6 Las Vegas, NV 89118

7 Casey@GishLawFirm.com

8 (702) 583-5883 Telephone

9 (702) 483-4608 Facsimile

10 SHANA D. WEIR, ESQ.

11 Nevada Bar No. 9468

12 **WEIR LAW GROUP, LLC**

13 6220 Stevenson Way

14 Las Vegas, NV 89120

15 (702) 509-4567 Telephone

16 *Attorneys for Defendants Julie Pyle, Tammy*

17 *Willet, & Vegas Shepherd Rescue*

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 ALLA ZORIKOVA,

21 CASE NO. A-20-821249-0

22 DEPT. NO. XX

23 Plaintiff(s).

24 vs.

25 Hearing Date: 10-06-2021

26 Hearing Time: 9:00 a.m.

27 JULIE PYLE, TAMMY WILLET, VEGAS

28 SHEPHERD RESCUE AND DOGS

29 THROUGH N. INDIVIDUALS, AND ROB

30 BUSINESS ENTITIES THROUGH N.

31 Defendant(s).

32 **ORDER DENYING PLAINTIFF'S MOTION TO SET ASIDE ORDER TO DISMISS**
33 **WITH PREJUDICE**

34 THIS MATTER came on for hearing on the 29th day of September, 2021 at 10:30 a.m.

35 and, due to Plaintiff's alleged inability to sign on to the Court's video link for the hearing via

36 Blue Jeans, again on the 6th day of October, 2021 at 9:00 a.m. before the HONORABLE ERIC

37 JOHNSON; Plaintiff ALLA ZORIKOVA, appearing Pro Se; Defendants JULIE

1 PYLE, TAMMY WILLET and VEGAS SHEPHERD RESCUE appearing by and through their
2 counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH; the Court
3 having reviewed the papers and pleadings on file herein finds that Plaintiff's Motion to Set Aside
4 Order of Dismissal with prejudice is tantamount to one for reconsideration. Plaintiff failed to
5 present any new facts or evidence and failed to present any reason for reconsideration.

6
7 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Set Aside
8 Order to Dismiss with Prejudice is hereby DENIED.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's In Forma
10 Pauperis status is hereby revoked, as a result of Defendants providing this Court with evidence
11 of Plaintiff's recent receipt of a \$325,000 settlement, and Plaintiff's failure to provide any
12 objection to revocation prior to August 27, 2021, as ordered by the Court.

13 IT IS FURTHER ADJUDGED AND DECREED that Defendants' counsel, Casey D.
14 Gish, Esq. and Shana D. Weir, Esq. are permitted to recover their attorney's fees and costs
15 associated with having to defend and appear for the instant motion on September 29, 2021, and
16 the subsequent hearing on October 6, 2021 and Casey D. Gish, Esq. and Shana Weir, Esq.
17 having to appear for the instant motion on September 29, 2021, and Casey D. Gish, Esq. again
18 having to appear on October 6, 2021, and they shall file a timely Memorandum of Costs and an
19 Application for Attorneys Fees incurred as a result of defending the instant Motion and
20 appearing for the September 29, 2021 hearing and the re-scheduled hearing on October 6, 2021.

21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
22 New Trial and Plaintiff's Motion for Relief From Final Order currently set for hearing on
23 October 20, 2021, are vacated as moot.

24
25
26
27
28
DISTRICT COURT JUDGE

Submitted by:

CASEY D. GISEL, ESQ.
Nevada Bar No. 006657
THE LAW OFFICE OF CASEY D. GISEL
5940 S. Rainbow Blvd
Las Vegas, NV 89118
Casey@cdgisl.com

SHANA D. WEIR, ESQ.
Nevada Bar No. 9468
WEIR LAW GROUP, PLLC
5220 Stevenson Way
Las Vegas, NV 89120
Shana@weirlaw.com

Approved as to form:

Alla Zorikova
Plaintiff, Pro Se



EXHIBIT “E”

Case # A-20-821249-C - Alla Zorikova, Plaintiff(s)vs.Julie Pyle, Defendant

Envelope Information

Envelope Id 8717512	Submitted Date 10/13/2021 10:13 PM PST	Submitted User Name Casey@Gishlawfirm.com
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Case Information

Location Department 20	Category Civil	Case Type Other Tort
Case Initiation Date 9/15/2020	Case # A-20-821249-C	
Assigned to Judge Johnson, Eric		

Filings

Filing Type Serve	Filing Code Service Only
-----------------------------	------------------------------------

Filing Description
Letter to Zorikova regarding proposed
Order and Rule 11 sanctions

Filing on Behalf of
Julie Pyle

Filing Status
Served

Service Document

File Name 2021.10.13 Letter to Zorikova regarding proposed order and Rule 11 sanctions .pdf	Security	Download Original File Court Copy
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eService Details

Status	Name	Firm	Served	Date Opened
Sent	Alla Zorikova		Yes	Not Opened

Status	Name	Firm	Served	Date Opened
Sent	Alla Zorikova		Yes	10/17/2021 5:05 PM PST
Sent	Casey D. Gish, Esq.	The Law Office of Casey D. Gish	Yes	10/13/2021 10:14 PM PST
Sent	Shana Weir	Weir Law Group LLC	Yes	10/13/2021 10:17 PM PST

Fees

Service Only

Description	Amount
Filing Fee	\$0.00
Filing Total:	\$0.00

Total Filing Fee	\$0.00
Envelope Total:	\$0.00

Filing Attorney Casey Gish

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Version: 2021.0.1.9538



OPPS

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).

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION TO PROVIDE
STATEMENT OF FACTS**

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.

1 SHANA D. WEIR, ESQ., of WEIR LAW GROUP, LLC, hereby opposes Plaintiff's Motion to
2 Provide Statement of Facts. This Opposition is supported by the attached Points and Authorities,
3 the pleadings and papers on file herein, and any argument allowed by the court.

4
5 **MEMORANDUM OF POINTS AND AUTHORITIES**

6 **I.**

7 **Factual Background**

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

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

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24 On August 18, 2021, the Court conducted an evidentiary hearing on the issue of service of
25 process of Plaintiff's Complaint. The Court granted Defendant's Counter-Motion to Dismiss,
26 finding service of process was ineffective and otherwise failed to comply with the statutes, and
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² The docket does not reflect the date of filing of the bonds.

1 dismissed Plaintiff's Complaint with prejudice for abuse of process in this matter (given her
2 multiple misrepresentations to the Court).

3 Plaintiff's Motion for Statement of Facts is not directed to Defendants. Rather, Plaintiff's
4 Motion seeks to direct this Court to provide her with additional information regarding its order to
5 dismiss her Complaint. This motion is not supported by any statutes or case law, and lacks any
6 authority whatsoever. Frankly, it is tantamount to Plaintiff's third request for reconsideration and
7 should be denied as the order is clear on its face.
8

9 II.

10 POINTS AND AUTHORTIES

11 **1. Plaintiff's Motion Must Be Denied because it Does Not Contain a Memorandum of** 12 **Points and Authorities.**

13 Plaintiff's Motion is comprised of two sentences. There are no statutes or case law cited in
14 support of Plaintiff's rogue motion. NRCP 13(2) requires that all Motion be supported by a
15 Memorandum of Points and Authorities. The absence of a supporting Memorandum of Points and
16 Authorities is to be construed by the Court as an admission that the motion is not meritorious and
17 cause for its denial or as a waiver of all grounds not so supported. Plaintiff alleges that the Court
18 has not provided her with any factual support for its order dismissing her case filed on September
19 2, 2021. In fact, the order is eight pages long and states in sufficient detail the facts and
20 circumstances surrounding the Court's decision. Plaintiff provides no legal or factual basis upon
21 which the Court should even entertain the Motion.
22

23
24 Based upon the Plaintiff's failure to support her Motion for Statement of Facts with an
25 adequate Memorandum of Points and Authorities under NRCP 13(2), the Motion should be denied.
26

27 **2. Plaintiff's Motion Is Tantamount to A Third Motion For Reconsideration** 28 **Which Should Be Denied**

1 It should be noted that Plaintiff's case is up on appeal. However, Plaintiff continues to file
2 baseless and vexatious motions in this Court, likely because she knows Defendants' counsel are
3 providing their services pro bono. The instant motion is nothing more than a third attempt at
4 reconsideration, after Plaintiff's first two attempts were denied. Lest there be any confusion,
5 Plaintiff is seeking to have this Court retract, and issue a new order.
6

7 Defendants hereby incorporate their Opposition to Plaintiff's Motion to Set Aside Order to
8 Dismiss With Prejudice and their Opposition to Plaintiff's Motion for Relief From Final Order in
9 support of their Opposition herein. Plaintiff certainly has not alleged any facts or circumstances,
10 let alone new ones, that would serve for this Court to reconsider its decision for a third time.
11

12 **III.**

13 **CONCLUSION**

14 Based upon the foregoing, Defendants respectfully request that Plaintiff's Motion to Provide
15 Statement of Facts be denied.
16

17 DATED this 20th day of October, 2021.

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

19 /s/ Casey D. Gish

20 CASEY D. GISH, ESQ.

21 Nevada Bar No. 006657

22 5940 S. Rainbow Blvd

23 Las Vegas, NV 89118

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

26 **WEIR LAW GROUP, LLC**

27 /s/ Shana D. Weir

28 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

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' OPPOSITION TO PLAINTIFF'S MOTION TO PROVIDE STATEMENT OF FACTS** 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 20th day of October, 2021.

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



OPPS

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;

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 PLAINTIFFS' MOTION FOR RECUSAL

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 opposes Plaintiff's Motion For

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2 papers on file herein, and any argument allowed by the court.

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

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2 See Order filed September 2, 2021.

3 In addition to the instant Motion for Recusal, and since the August 18, 2021 hearing,
4 Plaintiff has filed two motions for reconsideration (pursuant to the same statutes), a motion for a
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6 documents that Defendants actually produced in a document that Plaintiff opened via eservice), and
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8 pending. Plaintiff also filed an appeal that is pending.
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10 Plaintiff filed her untimely Motion for Recusal of Judge Johnson on October 6, 2021,
11 alleging that she filed an Affidavit of Prejudice in September, 2021³; and that Judge Johnson failed
12 to respond to the same. Judge Johnson filed an Answer on October 7, 2021, which indicates in part,
13 that Plaintiff failed to comply with service on him or his staff, as required by NRCP 1.235.
14

15 On October 12, 2021, Plaintiff filed a rogue opposition to Judge Johnson’s Answer. In her
16 Opposition, in addition to allegations against Judge Johnson, she made several false allegations
17 regarding Defendants’ counsel and counsel’s representations to the Court, which can easily be
18 debunked with the transcript from the hearing. She also made blatant false allegations that are easily
19 verifiable relative to a non-party’s supposed contributions to Judge Johnson. She also made
20 allegations against a lawyer who is not, and has never been, counsel in this case.
21

22 ///

23 ///

24 ///

27 ³ In her Opposition to Judge Johnson’s Answer, Plaintiff claims she emailed the Affidavit of Prejudice to
28 Judge Johnson on October 7, 2021. (See Opposition at pp. 4, paragraph 10). Emailing, or Eserving, an
Affidavit of Prejudice against a judge is not sufficient service pursuant to NRCP 1.235(4) which requires
that a copy of the Affidavit of Prejudice be delivered to the Judge’s Chambers or served on the judge
personally which Plaintiff failed to do.

II.

POINTS AND AUTHORTIES

1. Plaintiff's Motion Admits It Is Not Timely

Plaintiff's motion indicates it is being brought under NRS 1.235(1), which states as follows:

1. Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit of a party represented by an attorney must be accompanied by a certificate of the attorney of record that the affidavit is filed in good faith and not interposed for delay. Except as otherwise provided in subsections 2 and 3, the affidavit must be filed:

- (a) Not less than 20 days before the date set for trial or hearing of the case; or
- (b) Not less than 3 days before the date set for the hearing of any pretrial matter.

Here, the evidentiary hearing was conducted on August 18, 2021. The Order memorializing the hearing was filed on September 2, 2021. The Court's docket reflects that Plaintiff's improperly Affidavit of Prejudice was filed on September 8, 2021, three full weeks *after* the hearing. The information upon which Plaintiff bases her Motion for Recusal of Judge Johnson⁴ (endorsement by an animal rights group and a "corruption investigation"), while without merit, is information that was publicly available to Plaintiff since the filing of her Complaint nearly a year prior to the hearing. Plaintiff could have moved for recusal at any point up until the hearing, but she did not.

In fact, in Plaintiff's Motion to Set Aside Order to Dismiss with Prejudice, Plaintiff alleges that her daughter, "Olivia Jeong's poor 'demeanor' rised [sic] from her knowledge that Eric Johnson was endorsed by Animal Rights Activists Group, and most likely big 'donations' were

⁴ The portion of her Affidavit of Prejudice that pertains to a Judge [Judge Foster] that is not involved in this case is unintelligible and serves as no basis for Judge Johnson's recusal.

1 poured in to influence his judgments.” See Plaintiff’s Motion to Set Aside Order to Dismiss with
2 Prejudice, at pp. 7 at paragraph 37. This proves she was aware of Judge Johnson’s endorsement
3 by NPAC and anyone else prior to that hearing.

4 The fact is she did not move to recuse Judge Johnson prior to the August 18, 2021 hearing,
5 and she had in fact looked at the publicly available information on the internet, is provable.
6 Plaintiff claims: “I had ‘opinion’ before this Hearing that Judge Eric Johnson one of the best judges
7 in Nevada (based on my research), what happened to him??” See Plaintiff’s Motion to Set Aside
8 Order to Dismiss with Prejudice, at p. 11 at paragraph 53.

10 The truth is that Plaintiff is a vexatious litigant that continues to file baseless and frivolous
11 motions, and continues to make blatant false representations about Judges, counsel and non-
12 parties to this Court because she is unhappy with her conduct, her daughter’s conduct, and her
13 failure to follow the rules, and the dismissal. She is also aware that Defendants’ counsel are
14 providing their services entirely pro bono.

16 **2. Even If Plaintiff’s Motion Was Timely, There Are No Substantive Grounds**
17 **For Recusal**

18 The title of Plaintiff’s Motion indicates it is being brought under NRS 1.230. That statute
19 states as follows:

21 **Grounds for disqualifying judges other than Supreme Court justices or judges**
22 **of the Court of Appeals.**

- 23 1. A judge shall not act as such in an action or proceeding when the judge
24 entertains actual bias or prejudice for or against one of the parties to the
25 action.
26 2. A judge shall not act as such in an action or proceeding when implied
27 bias exists in any of the following respects:
28 (a) When the judge is a party to or interested in the action or
proceeding.
(b) When the judge is related to either party by consanguinity or
affinity within the third degree.
(c) When the judge has been attorney or counsel for either of the
parties in the particular action or proceeding before the court.

(d) When the judge is related to an attorney or counselor for either of the parties by consanguinity or affinity within the third degree. This paragraph does not apply to the presentation of ex parte or uncontested matters, except in fixing fees for an attorney so related to the judge.

3. A judge, upon the judge's own motion, may disqualify himself or herself from acting in any matter upon the ground of actual or implied bias.

4. A judge or court shall not punish for contempt any person who proceeds under the provisions of this chapter for a change of judge in a case.

5. This section does not apply to the arrangement of the calendar or the regulation of the order of business.

While Judge Johnson's Answer to the instant Motion can stand for itself, it appears clear that NRS 1.230(2), NRS 1.230(3), NRS 1.230(4) and NRS 1.230(5) do not apply to the instant Motion. There are no allegations from Plaintiff that Judge Johnson is a party to the litigation; or was counsel for, or has any type of familial relationships with, any parties or counsel. Plaintiff apparently agrees with this analysis in her rogue Opposition to Judge Johnson's Reply to Plaintiff's Affidavit of Prejudice, wherein she prefers to rely on speculation, conjecture, and spurious allegations.

For brevity's sake, while Nevada Political Action for Animals (NPAC) is not a party to this case, and Defendants are not associated with NPAC in any way, shape or form, the undersigned has never represented NPAC in any court cases in any jurisdiction, let alone in front of Judge Johnson. It should also be noted that a trip to NPAC's website reveals that it endorsed *forty-eight* judicial candidates in Nevada in the last election, in addition to candidates in six non-judicial races. The revelation of NPAC's endorsement of Judge Johnson is not revealing at all, nor is it germane to Plaintiff's case being dismissed for inadequate service of process (which inadequacy was repeated in her failure to serve the instant motion on Judge Johnson). Further – and not that it matters, but as it is easily verifiable, contrary to Plaintiff's conspiratorial theories, NPAC has never donated to Judge Johnson.

Also, as discussed in Judge Johnson's Answer, Defendant Vegas Shepherd Rescue has never endorsed Judge Johnson nor contributed financially to his campaign.

Finally, Plaintiff's post-dismissal complaints about a "corruption investigation" are related to allegations that are two decades old, meritless and debunked; and simply meant to embarrass a sitting Judge who has served honorably on the bench for six years and has been through rigorous background investigations throughout his entire career. Does Plaintiff mean to say that a judge cannot preside over any cases or rule against anyone because one time in 2004, a criminal behaved like a criminal and his slanderous allegations made their way into the media? And it is noted that this criminal's statements regarding this judge were later revoked by this criminal himself as being false. This is an absurd result.

It cannot be overstated that Plaintiff only moved for recusal after Judge Johnson's dismissal of her case because the outcome was not favorable to her. The case was dismissed due to inadequate service of process and further, and for Plaintiff's abuse of process. Non-party endorsements and baseless allegations do not pass muster for this late and baseless motion.

III.

CONCLUSION

Based upon the foregoing, Defendants respectfully request that Plaintiff's Motion for Recusal be denied.

DATED this 20th day of October, 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

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THE LAW OFFICE OF
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/s/ Shana D. Weir

SHANA D. WEIR, ESQ.

Nevada Bar No. 9468

6220 Stevenson Way

Las Vegas, NV 89120

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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.

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1905 Wilcox Ave, #175
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3. A judge, upon the judge's own motion, may disqualify himself or herself from acting in any matter upon the ground of actual or implied bias.

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5. This section does not apply to the arrangement of the calendar or the regulation of the order of business.

While Judge Johnson's Answer to the instant Motion can stand for itself, it appears clear that NRS 1.230(2), NRS 1.230(3), NRS 1.230(4) and NRS 1.230(5) do not apply to the instant Motion. There are no allegations from Plaintiff that Judge Johnson is a party to the litigation; or was counsel for, or has any type of familial relationships with, any parties or counsel. Plaintiff apparently agrees with this analysis in her rogue Opposition to Judge Johnson's Reply to Plaintiff's Affidavit of Prejudice, wherein she prefers to rely on speculation, conjecture, and spurious allegations.

For brevity's sake, while Nevada Political Action for Animals (NPAC) is not a party to this case, and Defendants are not associated with NPAC in any way, shape or form, the undersigned has never represented NPAC in any court cases in any jurisdiction, let alone in front of Judge Johnson. It should also be noted that a trip to NPAC's website reveals that it endorsed *forty-eight* judicial candidates in Nevada in the last election, in addition to candidates in six non-judicial races. The revelation of NPAC's endorsement of Judge Johnson is not revealing at all, nor is it germane to Plaintiff's case being dismissed for inadequate service of process (which inadequacy was repeated in her failure to serve the instant motion on Judge Johnson). Further – and not that it matters, but as it is easily verifiable, contrary to Plaintiff's conspiratorial theories, NPAC has never donated to Judge Johnson.

Also, as discussed in Judge Johnson's Answer, Defendant Vegas Shepherd Rescue has never endorsed Judge Johnson nor contributed financially to his campaign.

Finally, Plaintiff's post-dismissal complaints about a "corruption investigation" are related to allegations that are two decades old, meritless and debunked; and simply meant to embarrass a sitting Judge who has served honorably on the bench for six years and has been through rigorous background investigations throughout his entire career. Does Plaintiff mean to say that a judge cannot preside over any cases or rule against anyone because one time in 2004, a criminal behaved like a criminal and his slanderous allegations made their way into the media? And it is noted that this criminal's statements regarding this judge were later revoked by this criminal himself as being false. This is an absurd result.

It cannot be overstated that Plaintiff only moved for recusal after Judge Johnson's dismissal of her case because the outcome was not favorable to her. The case was dismissed due to inadequate service of process and further, and for Plaintiff's abuse of process. Non-party endorsements and baseless allegations do not pass muster for this late and baseless m\Motion.

III.

CONCLUSION

Based upon the foregoing, Defendants respectfully request that Plaintiff's Motion for Recusal be denied.

DATED this 20th day of October, 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

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

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 FOR RECUSAL** 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 20th day of October, 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



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 OPPOSITION TO

DEFENDANT'S CONTRA-MOTION FOR

SANCTIONS

JULIE PYLE, TAMMY WILLET, VEGAS

Department 20

SHEPHERD RESCUE AND DOES I

THROUGH X, INDIVIDUALS, AND ROE

BUSINESS ENTITIES I THROUGH X,

DEFENDANTS

COMES NOW Plaintiff, Alla Zorikova and states following:

1. Defendant filed his Contra-motion for Sanction.
2. In that Motion he demands sanctions for "frivolous motion for sanctions" filed by Plaintiff for Defendant's failure to submit to the Court Confidential Settlement

between San Bernardino County and Plaintiff as was ordered by Court.

3. I did not receive copy of the pleading in which Defendant had submitted (as he claims) to the Court Confidential Settlement between San Bernardino County and Plaintiff as he was ordered.
4. Furthermore, I had asked Defendant to provide me with that copy especially after I had received notification from Court that he filed Contra-Motion for Sanctions.
(Exhibit 1)
5. I did not receive any reply from Defendant as he never replies on any of my correspondence. For a year and 3 months of initial demands by my attorneys and myself to return my dogs and emails sent to him during litigations, neither my attorneys nor I had not received a single reply from Gish, nor from Defendant Pyle.
6. This Defendant provides Court with knowingly false statements and lies, facts of falsity of those Defendant's statements submitted to the Court multiple times, particularly in Plaintiff's Motion for Sanctions for False Statements. Each Plaintiff's allegation for false Defendant's statement supported with clearly undisputable evidences (Plaintiff's Motion for Sanctions for False Statements to Court attached as Exhibit 2).
7. Plaintiff confronted Defendant multiple times with requests to amend his falsehood's pleadings or withdraw it.

8. Defendant had not replied.
9. What he did instead is attempted to fabricate a case against Plaintiff via attempt to set her up for "false service and false Affidavits of Service", while Plaintiff had hired Olivia Jeong for service, who signed affidavits and Plaintiff filed those with the Court without any personal knowledge regarding how service was done on Oct 05,09 of 2020 by Olivia Jeong.
10. Defendant shamelessly submits constantly evasive falsehoods to the Court and unfortunately for Defendant, each and every false statement by Defendant expose it's falsity by undisputable and clear evidences presented by Plaintiff.
11. Regarding forgotten Memorandum of Points and Authorities in Plaintiff's Motion for Sanctions: Defendant failed to address any statutes nor legal grounds regarding that it would be justified to apply on person monetary sanctions for omission of Points and Authorities. There is no statutes allowing sanctions for omitting Memorandum of Law in the motion, and there is no statutes nor legal grounds that would justify such motion as frivolous based on the omission of authorities.
12. Plaintiff filed electronically multiple files at the time of filing that motion and point of authorities most likely failed to come through electronic filing.
13. Defendant failed to notify Plaintiff that Point of Authorities had been omitted, otherwise, Plaintiff would refile it right away.
14. Defendant was notified (Exhibit 3) that pursuant to CA Criminal Penal Code

Ch.5 849, 851 Plaintiff had never been "arrested", but only "detained" based on the very well known to Defendant facts that District Attorney had never filed neither case against Plaintiff nor charges and by law it is only "detention" instead of "arrest".

15. Plaintiff requested Defendant to remove false instances of his falsehoods regarding "Plaintiff's arrest" (Exhibit 3); however, Defendant failed of doing so.

16. There is Animal Enterprise Terrorism Act implemented into law after FBI had completed their investigations and charged animal rights terrorists with up to 20 years in jail. (Exhibit 4).

WHEREFORE, I ask this Court to deny Defendants baseless motion for sanctions as Defendant has been misleading the Court constantly, fabricating his (because clearly Ms Pyle is not participating in it, but Gish does) baseless attacks on Plaintiff and defending himself by trying to frame Plaintiff with faults that have been actually committed by Defendant.

Sincerely,

Alla Zorikova

10/18/2021

• 

- CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 10/25/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

10/25/2021

A handwritten signature in black ink, appearing to be 'Alla Zorikova', 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 SANCTIONS

Department 20

JULIE PYLE, TAMMY WILLET, VEGAS

SHEPHERD RESCUE AND DOES I

HEARING REQUESTED

THROUGH X, INDIVIDUALS, AND ROE

BUSINESS ENTITIES I THROUGH X,

DEFENDANTS

COMES NOW Plaintiff, Alla Zorikova and states following:

1. On September 02 of 2021 Court entered order, in which Defendant was ordered to provide Court with Copy of his "found via Freedom of Information Act" Plaintiff's CONFIDENTIAL settlement with San Bernardino County.

2. As today, Oct 06 of 2021, Defendant failed to provide Court with that settlement.

WHEREFORE, Plaintiff asks this Court to apply monetary or other Sanctions for not compliance with the Court's order

Sincerely,

Alla Zorikova

10/06/2021

• 

• CERTIFICATE OF SERVICE

I, Alla Zorikova, certify that I had emailed the copy of the same on 10/06/2021 to Casey Gish through Court's electronic service.

Alla Zorikova

10/06/2021

JP

then animals are considered legitimate targets... you never know when your house, your car even, might go boom... Or maybe it will be a shot in the dark... We will now be doubling the size of every device we make. Today it is 10 pounds, tomorrow 20... until your buildings are nothing more than rubble. It is time for this war to truly have two sides. No more will all the killing be done by the oppressors, now the oppressed will strike back." It should be noted that the FBI Joint Terrorism Task Force in San Francisco has identified and charged known activist Daniel Andreas San Diego, who is currently a fugitive from justice, in connection with these bombings. While no deaths or injuries have resulted from this threat or the blasts at Chiron and Shaklee, it demonstrates a new willingness on the part of some in the movement to abandon the traditional and publicly stated code of nonviolence in favor of more confrontational and aggressive tactics designed to threaten and intimidate legitimate companies into abandoning entire projects or contracts.


Despite these ominous trends, by far the most destructive practice of the ALF/ELF to date is arson. The ALF/ELF extremists consistently use improvised incendiary devices equipped with crude but effective timing mechanisms. These incendiary devices are often constructed based upon instructions found on the ALF/ELF websites. The ALF/ELF criminal incidents often involve pre-activity surveillance and well-planned operations. Activists are believed to engage in significant intelligence gathering against potential targets, including the review of industry/trade publications and other open source information, photographic/video surveillance of potential targets, obtaining proprietary or confidential information about intended victim companies through theft or from sympathetic insiders, and posting details about potential targets on the Internet for other extremists to use as they see fit.

In addition to the upswing in violent rhetoric and tactics observed from animal rights extremists in recent years, new trends have emerged in the eco-terrorist movement. These trends include a greater frequency of attacks in more populated areas, as seen in Southern California, Michigan and elsewhere, and the increased targeting of

PLAINTIFF'S EXHIBIT "A "

"FBI SPECIAL AGENT

JOHN E LEWIS INVESTIGATION OF ANIMAL
RIGHTS EXTREMISTS FOLLOW UP"



Sanctions



Кому: Casey@gishlawfirm.com

Сегодня, 17:55

[Подробнее](#) ▼

Gish, send me pleading/document in which you, as you claiming, submitted to court San Bernardino County settlement



Ответить



Переслать



Info important

A-20-821249-C

Alina S. Gish

Кому: Casey@gishlawfirm.com

Сегодня, 12:21

[Подробнее](#) ▾

Dear Casey Gish,

CA code (criminal procedure) ch.5 849, 851 classifies detention of Alla Zorikova On 08/08/21 as a "DETENTION" instead of "arrest".

You hereby requested to stop immediately any false reference to detention that took place as an "arrest". You have been notified and failure to amend all your pleadings to the court as well as to advise to your client Bryan Pease in defamation case Zorikova v Pease to immediately withdraw any and all reference to "arrest" of Ms Zorikova that he posted publicly, will result in additional damages that will be demanded from you and your client.

This information should make your Sunday better :).

Sincerely,

Ms Zorikova



Ответить



Ответить всем



Переслать

1 **DAO**

2 **EIGHTH JUDICIAL DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4
5 ALLA ZORIKOVA,

6 Plaintiff,

7 vs.

Case No. A-20-821249-C

8 JULIE PYLE, ET AL.,

Dept. No. XX

9 Defendant.

10
11 **DECISION AND ORDER**

12 Plaintiff Alla Zorikova filed an Affidavit of Prejudice on September 8, 2021, and then filed a
13 Motion to Recuse Judge Eric Johnson on October 6, 2021. Judge Johnson responded to the Motion
14 on October 7, 2021. In her Affidavit and Motion, Plaintiff alleges 1) Judge Johnson¹ is biased
15 against her due to her political beliefs, nationality, and status as a dog breeder, 2) that Judge
16 Johnson's endorsement from "Animal Rights Activists Group" is disqualifying, and 3) that Judge
17 Johnson's decisions and rulings in the matter demonstrate bias and/or prejudice against her. Based
18 on a review of the papers, Judge Johnson's response, and pursuant to EDCR 2.23(c), Plaintiff's
19 motion is denied.

20 **I. Factual and Procedural Background**

21 On September 15, 2020, Plaintiff Alla Zorikova filed a complaint against Julie Pyle, Tammy
22 Willet, and Vegas Shepherd Rescue. Plaintiff's complaint alleged six causes of action, including
23 theft, civil conspiracy, property damage, intentional infliction of emotional distress, fraud and
24 trespass. Plaintiff's complaint stated she owns, trains and sells German Shepherds from a San
25 Bernardino, CA property. Plaintiff further alleged that from August 8-10, 2020, the Defendants
26

27 ¹ The Court notes that Plaintiff's Affidavit refers to a "Judge Foster," as well as Judge Eric Johnson. Plaintiff cites
28 "Judge Foster (Dep 20)," which is Judge Johnson's department number. For the purposes of this decision, the Court
assumes that all allegations of bias in the Affidavit and Motion pertain to Judge Johnson.

1 “intentionally organized [the] act of stealing Dogs from Plaintiff’s private property,” and she later
2 discovered 25 of the 50 dogs were in the possession of Vegas Pet Rescue Project, while the
3 remaining dogs were located at Devore Animal Shelter in California. On the day of the alleged theft,
4 August 8, 2020, Plaintiff’s complaint states that she and her daughter were arrested, but no charges
5 were filed as of the date of the complaint filing.

6 After numerous papers and motions were filed in the present case, the matter came before
7 Judge Johnson on August 18, 2021 for an evidentiary hearing to determine whether service of the
8 summons and complaint were proper under NRCP 4 and 4.2. After testimony and evidence were
9 presented, the court found that Plaintiff’s witness’s testimony regarding service of process was
10 inconsistent and evasive, and therefore not credible. The court further found that Plaintiff’s own
11 testimony was not credible, and that she provided false testimony to the court. Finally, based upon
12 video evidence submitted by Defendants and Plaintiff’s testimony, the court found that Plaintiff
13 herself effected service, which is improper under NRCP 4(c)(3). As a result of the August 18, 2021
14 evidentiary hearing, the court dismissed the present action with prejudice and found Plaintiff abused
15 the judicial process through her false and misleading testimony to the court. The court sanctioned
16 Plaintiff in the form of Defendants’ attorney’s fees and costs.

17 Following Judge Johnson’s September 2, 2021 order of dismissal, Plaintiff filed an
18 “Affidavit of Prejudice” on September 8, 2021. Plaintiff placed a header in her Affidavit stating “To:
19 Eight [sic] Judicial District Court, Clark County, CC: To Presiding Judge,” but provided no
20 certificate of service demonstrating that service was proper pursuant to NRS 1.235(4). In her
21 Affidavit, Plaintiff alleged that she observed bias and prejudice from Judge Johnson² and that she
22 felt discriminated against on the basis of her nationality (Russian). Plaintiff further stated “Judge
23 Johnson is clearly biased, politically involved and prejudicial toward Russian/German Female,
24 Trump Supporter, Dog Breeder, ProSe Plaintiff” and that her constitutional rights were violated.
25 Plaintiff suggests that Judge Johnson is biased in favor of Defendants’ counsel, who Plaintiff
26 describes as animal rights activists. On October 6, 2021, following the Affidavit, Plaintiff filed a

27 ² Named “Judge Foster” on page 1 of the Affidavit, but as stated previously, this Court assumes all allegations pertain to
28 Judge Johnson for the purposes of this decision.

1 Motion for Recusal pursuant to NRS 1.230 and 1.235. The Motion included a certificate of service
2 stating opposing counsel was provided a copy of the Motion, but did not provide for service upon
3 the judge, as required by NRS 1.235(4).

4 On October 7, 2021, Judge Johnson responded to Plaintiff's Motion for Recusal. Judge
5 Johnson stated he was not served with either the Affidavit or the Motion pursuant to NRS 1.235. He
6 further stated he has not exercised bias or prejudice against any party to the matter, and that he has
7 no conflict of interest in the case, nor is he related to any party in the matter. Judge Johnson stated
8 that he has not been endorsed to his knowledge by Defendant Vegas Shepherds Rescue, but that he
9 was previously endorsed by Nevada Political Action for Animals (not a party to the matter).
10 Regardless, Judge Johnson stated, even had a party in the present case endorsed him, it would not
11 require his disqualification so long as he could be impartial. Judge Johnson reiterated his duty to
12 preside over cases assigned to him, pursuant to Nevada's Code of Judicial Conduct (NCJC) 2.7.
13 Judge Johnson denies Plaintiff's allegations that he is biased against her nationality, political beliefs
14 or status as a dog breeder, and noted that Plaintiff did not provide specific facts to the allegations.
15 Judge Johnson also denied suggestion from Plaintiff that he had "consulted defendants' attorney"
16 multiple times, stating that he had no contact with Defendants' counsel outside of the courtroom and
17 that he has no personal or professional relationship with counsel outside the present case. Finally,
18 Judge Johnson stated that Plaintiff's primary grievance appears to rest with his decisions and actions
19 in official proceedings—namely the August 18, 2021 evidentiary hearing—and such rulings and
20 actions are insufficient grounds for judicial disqualification.

21 22 **II. Discussion**

23 **A. Legal Standard**

24 Nevada Revised Statute 1.230 provides the statutory grounds for disqualifying district Court
25 judges. The statute in pertinent part provides:

- 26 1. A judge shall not act in an action or proceeding when the judge entertains actual
27 bias or prejudice for or against one of the parties to the action.
28 2. A judge shall not act as such in an action or proceeding when implied bias exists
in any of the following respects:

- 1 (a) When the judge is a party to or interested in the action or proceeding.
- 2 (b) When the judge is related to either party by consanguinity or affinity within the third degree.
- 3 (c) When the judge has been attorney or counsel for either of the parties in the particular action or proceeding before the court.
- 4 (d) When the judge is related to an attorney or counselor for either of the parties by consanguinity or affinity within the third degree. This paragraph does not apply to the presentation of ex parte or contested matters, except in fixing fees for an attorney so related to the judge.

6 Rule 2.7 of the Revised Nevada Code of Judicial Conduct provides that a “judge shall hear and
7 decide matters assigned to the judge, except when disqualification is required by Rule 2.11,” the rule
8 which details substantive grounds for judicial disqualification. Pursuant to NCJC 2.11(A):

9 (A) A judge shall disqualify himself or herself in any proceeding in which the
10 judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

11 (1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.

12 (2) The judge knows that the judge, the judge’s spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:

13 ...

14 (c) a person who has more than a de minimis interest that could be substantially affected by the proceeding; or

15 ...

16
17 A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might be reasonably questioned. Ybarra v. State, 247 P.3d 269, 271 (Nev. 2011). The
18 test for whether a judge’s impartiality might be reasonably questioned is objective and courts must
19 decide whether a reasonable person, knowing all the facts, would harbor reasonable doubts about a
20 judge’s impartiality. Id. at 272.

21
22 The burden is on the party asserting the challenge to establish sufficient factual and legal grounds warranting disqualification. Las Vegas Downtown Redevelopment Agency v. District Court, 116 Nev. 640, 643 (2000). A judge has a duty to preside to the conclusion of all proceedings, in the absence of some statute, rule of court, ethical standard, or compelling reason otherwise. Id. A judge is presumed to be unbiased. Millen v. District Court, 148 P.3d 694, 701 (Nev. 2006). A judge is presumed to be impartial, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. Ybarra, 247 P.3d at 272. Additionally, the

1 Court must give substantial weight to a judge's determination that the judge may not voluntarily
2 disqualify themselves, and the judge's decision cannot be overturned in the absence of clear abuse of
3 discretion. In re Pet. To recall Dunleavy, 104 Nev. 784 (1988).

4 The Nevada Supreme Court has stated "rulings and actions of a judge during the course of
5 official judicial proceedings do not establish legally cognizable grounds for disqualifications." Id. at
6 1275. The personal bias necessary to disqualify must "stem from an extrajudicial source and result
7 in an opinion on the merits on some basis other than what the judge learned from participation in the
8 case." Id. "To permit an allegation of bias, partially founded upon a justice's performance of his [or
9 her] constitutionally mandated responsibilities, to disqualify that justice from discharging those
10 duties would nullify the court's authority and permit manipulation of justice, as well as the court."
11 Id.

12 **B. Disqualification is not warranted because Ms. Zorikova has not established sufficient**
13 **factual and legal grounds for disqualification.**

14 As the party seeking disqualification, Plaintiff bears the burden of establishing sufficient
15 factual grounds to warrant disqualification. Las Vegas Downtown Redevelopment Agency v.
16 District Court, 5 P.3d 1059, 1061 (Nev. 2000). However, the rulings and actions of a judge during
17 the course of official judicial proceedings do not establish legally cognizable grounds for
18 disqualification. In re Pet. To recall Dunleavy, 104 Nev. 784, 789 (1988).

19 Here, Ms. Zorikova has failed to establish sufficient factual grounds to warrant
20 disqualification of Judge Johnson because her claims stem from Judge Johnson's decisions during
21 official court proceedings and rulings. The facts do not demonstrate the extreme bias or prejudice
22 against Ms. Zorikova that would be necessary for Judge Johnson's disqualification. There is no
23 evidence that Judge Johnson's actions or rulings have been influenced by bias toward or prejudice
24 against any party to this case.

25 In addition to Judge Johnson's substantive decisions and rulings, Plaintiff alleges that
26 because Judge Johnson was endorsed by "Animal Rights Activists Group," and Defendants' counsel
27 are "Animal Rights Activists," that disqualification is warranted. However, the Nevada Supreme
28 Court has held that statements and legal campaign contributions made during elections do not

1 demonstrate the extreme bias needed to disqualify a judge, absent other extreme circumstances. *See*,
2 Ivey v. Dist. Ct., 129 Nev. 154, 159 (2013); City of Las Vegas Downtown Redevelopment Agency
3 v. Hecht, 113 Nev. 632, 636 (1997); Dunleavy, at 789-790; and City of Las Vegas Downtown
4 Redevelopment Agency v. Eighth Jud. Dist. Ct. ex rel. Cty. of Clark, 116 Nev. 640, 644 (2000). No
5 such “extreme” circumstances or facts relating to bias or prejudice are present here that would
6 require disqualification of Judge Johnson. The record does not indicate bias in favor of defense
7 counsel, and outside of Plaintiff’s general allegations that Judge Johnson has been previously
8 endorsed by “Animal Rights Activists Group”—which Judge Johnson acknowledges, though denies
9 such endorsement has led to bias or prejudice in this matter—and that defense counsel are “Animal
10 Rights Activists,” no other facts are alleged to support disqualification.

11 The primary concerns of Ms. Zorikova revolve around the substantive rulings of Judge
12 Johnson and the previous endorsement he received from a nonparty entity, which she believes
13 indicates bias against her. As discussed above, absent extreme circumstances which do not appear in
14 this matter, any legally permissible campaign contributions or endorsements made to Judge Johnson
15 do not suggest facts or legal grounds to disqualify him. A motion or affidavit for disqualification is
16 an inappropriate vehicle to attack the substantive rulings of the underlying case. As a result, the
17 Motion for Recusal and Affidavit are DENIED.

18 19 Conclusion

20 Ms. Zorikova does not bring any cognizable claims supported by factual or legal allegations
21 against Judge Johnson. The record does not support Ms. Zorikova’s allegations of bias by Judge
22 Johnson, and Judge Johnson’s rulings and actions in the course of official judicial proceedings are
23 not evidence of bias or prejudice. Thus, Ms. Zorikova’s request to disqualify Judge Johnson is
24 denied.

Dated this 27th day of October, 2021

25
26 

27
28

628 F55 D424 D14F
Linda Marie Bell
District Court Judge

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 Decision and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/27/2021

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
21
22
23
24
25
26
27
28



RPLY

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

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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' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS'
APPLICATION FOR FEES, COSTS, AND DISBURSEMENTS AS A RESULT OF
PLAINTIFF'S MOTION TO SET ASIDE**

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.

1 SHANA D. WEIR, ESQ., of WEIR LAW GROUP, LLC, and hereby replies to Plaintiff's
2 Opposition to Defendants' Application for an award of attorney's fees and costs pursuant to NRS
3 18.005, NRS 18.010, NRS 18.020, NRS 17.130 and NRCP 68 incurred as a result of Plaintiff's
4 Motion to Set Aside. This Reply is supported by the attached Points and Authorities, Defendants'
5 Memorandum of Costs and Disbursements, the pleadings and papers on file herein, and any
6 argument allowed by the court.
7

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **I.**

10 **LEGAL ARGUMENT**

11 **A. PLAINTIFF'S OPPOSITION LACKS THE REQUIRED MEMORANDUM OF 12 POINTS AND AUTHORITIES AND MUST THEREFORE BE DENIED**

13 Plaintiff's Opposition does not contain a Memorandum of Points and Authorities as required
14 by Nevada law and the Nevada Rules of Civil Procedure. NRCP 13(2) requires that all Motions
15 and Oppositions be supported by a Memorandum of Points and Authorities. The absence of a
16 supporting Memorandum of Points and Authorities is to be construed by the Court as an admission
17 that the motion is meritorious and cause for its denial or as a waiver of all grounds not so supported.
18

19 Based upon the Plaintiff's failure to support her Opposition with an adequate Memorandum
20 of Points and Authorities under NRCP 13(2), the Application for Fees and Costs should be granted.
21

22 **B. DEFENDANTS ARE ENTITLED TO AN AWARD OF ATTORNEY'S FEES**

23 Pursuant to NRS 18.010(2)(a), the court may make an allowance for attorney's fees "when
24 the prevailing party has not recovered more than \$20,000.00." Thus, while the district court has
25 virtually no discretion to deny a fee award to a prevailing party, the court has discretion in
26 determining the amount of said award, which "is tempered only by reason and fairness." *University*
27 *of Nevada, Las Vegas v. Tarkanian*, 110 Nev. 581,590-591,879 P.2d 1180,1186 (1994).
28

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).

C. 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

1 record of discipline in either state. Ms. Weir has been a practicing attorney in the State of Nevada
2 for over 15 years with no record of discipline.

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

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

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

4 Both Mr. Gish and Ms. Weir are well known in the Las Vegas community for practicing in
5 the area of animal rights and for donating their time and resources in animal cruelty cases. Due to
6 their extensive experience in this area of law, they have both become experts in their fields of
7 practice. Based upon their expertise, experience, and specialized knowledge of animal cruelty
8 cases, a rate of \$500/hour is justified in this matter. In addition, the number of hours spent by
9 counsel for the Defendants in preparing the extensive the Opposition to the Motion to Set Aside (8
10 pages, plus exhibits). The amount of attorney time required just to prepare these papers was
11 enormous, and the amount of attorney time required to research and review the facts and documents
12 underlying and supporting these papers was even more extensive. In addition, the number of hours
13 spent by counsel for the Defendants in preparing the Defendants' Opposition to Plaintiff's Motion
14 to Set Aside and preparation for and attendance at two separate hearings on the Motion, were
15 reasonable, warranted, and justified.

16
17
18 Second, animal cruelty cases are very specialized and difficult by nature. They are factually
19 and legally intensive. While there may be more technically complex matters, animal cruelty cases
20 clearly require attention to detail and an understanding of the presentation of defenses to complex
21 veterinary evidence in order to establish damages and defenses. Animal cruelty cases often times
22 require several different veterinary disciplines and legal disciplines to understand and present to
23 enable a claimant or a defendant to achieve the best results. Counsel's understanding of the various
24 issues that are needed to successfully present, or defend, a case supports the conclusion that the
25 attorney's fees were earned and are fair and reasonable. At the end of the day, Defendants' attorneys
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1 diligently and successfully represented them in this case through the two hearings on the Plaintiff's
2 Motion to Set Aside, achieving a denial of the Motion.

3 Third, counsel's skill, time, and attention given to this case were above average. The
4 preparation was thorough and complete. Counsel for Plaintiff spent numerous hours reviewing
5 voluminous filings from Plaintiff, reviewing documents, reviewing potential testimony and
6 potential discovery, drafting and repeatedly revising the Opposition to the Motion to Set Aside and
7 preparing for and attending both hearings on the Motion to Set Aside. Considering the amount of
8 time and effort exerted by Defendants' counsel, and both attorneys' considerable expertise in this
9 area of practice, the fees are clearly substantiated. Based upon their expertise, experience, and
10 specialized knowledge of animal cruelty cases, a rate of \$500/hour is justified in this matter. In
11 addition, the number of hours spent by counsel for the Defendants in preparing the Opposition to
12 Plaintiff's Motion to Set Aside (8 pages, plus exhibits) and preparation for and attendance at the
13 TWO hearings on the Motion to Set Aside was significant. The amount of attorney time required
14 just to prepare these papers was extensive, and the amount of attorney time required to research and
15 review the facts and documents underlying and supporting these papers and attend both hearings
16 requested by Plaintiff was even more extensive. Therefore, Defendants request that all of their
17 attorneys' fees incurred by each of their counsel pertaining to the Plaintiff's Motion to Set Aside,
18 in the total amount of (14.5 hours billed by Gish – 3.2 hours billed by Weir) at the rate of \$500/hr,
19 for the total amount of \$8,850.00 (\$7,250.00 billed by Gish - \$1,600.00 billed by Weir), be awarded
20 to Defendants from Plaintiff.
21
22
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25 Fourth, the result speaks for itself. The favorable award of denial of Plaintiff's Motion to
26 Set Aside is attributable in substantial part to the diligence, determination, hard work, expertise,
27 and skill of Defendants' counsel, who developed, litigated, and obtained this favorable result.
28 Defendants achieved the objective they sought, denial of Plaintiff's Motion to Set Aside. Although



1 the Court has the final decision on the matter, counsel respectfully submits the quality of its work
2 product reflects the hours spent on the case.

3 Plaintiff's Opposition claims that \$500.00 per hour for attorneys fees is unreasonable.
4 Plaintiff's Opposition is without merit. The Clark County District Court regularly awards attorneys
5 fees in the amount of \$500.00 per hour in much simpler car accident cases. The subject case is
6 much more complex, factually and legally, than most car accident cases, and an award of at least
7 \$500.00 per hour for the work performed in this case by counsel for Defendants is demonstrated
8 and warranted. Here, the factual and legal issues were much more complex than a simple motor
9 vehicle accident. Animal cruelty cases are much more factually intensive and legally intensive than
10 Plaintiff would suggest. And the complexity of this matter was due to the actions of the Plaintiff,
11 not the Defendants. Therefore, Plaintiff should be required to compensate Defendants' counsel for
12 the specialized and complex work that was required in this case.
13
14

15 **D. DEFENDANTS' COSTS ARE RECOVERABLE AS A MATTER OF RIGHT**

16 Under NRS 18.010(1), a prevailing party claiming costs can serve and file a verified
17 memorandum of costs before entry of judgment. *Las Vegas Fetish & Fantasy Halloween Ball, Inc.*
18 *v. Ahern Rentals, Inc.*, 124 Nev. 272, 278, 182 P.3d 764, 768 (2008). A prevailing party is required
19 to file a verified memorandum of costs within 5 days after entry of judgment, or such further time
20 as the court or judge may grant, stating under oath that the cost items are correct and "have been
21 necessarily incurred in the action or proceeding." *Village Builders 96 v. U.S. Labs*, 121 Nev. 261,
22 276-277, 112 P.3d 1082, 1092 (2005).
23
24

25 Pursuant to NRS 18.020, Defendants are entitled to an award of costs. Pursuant to NRS
26 18.005, Defendant's recoverable costs and disbursements as a result of Plaintiff's Motion to Set
27 Aside are **\$14,30**.
28

E. 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 the Application for Fees is Granted, Defendants respectfully request that the posted security funds be immediately released to Defendants' counsel for disbursement.

F. PLAINTIFF'S OPPOSITION IS NOTHING BUT AN 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 **\$14.30** for costs/disbursements, and **\$8,850** for attorney's fees for a total amount of **\$8,864.30**. It is further requested that any security

1 funds that were deposited by Plaintiff with this Court for security of costs pursuant to NRS 18.130,
2 be immediately released by the Court to counsel for the Defendants.

3 DATED this 27th day of October, 2021.

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

5 /s/ Casey D. Gish

6 CASEY D. GISH, ESQ.

7 Nevada Bar No. 006657

8 5940 S. Rainbow Blvd

9 Las Vegas, NV 89118

10 Casey@GishLawFirm.com

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

13 **WEIR LAW GROUP, LLC**

14 /s/ Shana D. Weir

15 SHANA D. WEIR, ESQ.

16 Nevada Bar No. 9468

17 6220 Stevenson Way

18 Las Vegas, NV 89120

19 *Co-counsel for Defendants Julie Pyle, Tammy*
20 *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 **DEFENDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANTS' APPLICATION FOR FEES, 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
Plaintiff

Executed on the 27th day of October, 2021.

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

ORDER

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

THE LAW OFFICE OF CASEY D. GISH

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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.

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

Hearing Date: 10/06/2021

Hearing Time: 9:00 a.m.

**ORDER DENYING PLAINTIFF'S MOTION TO SET ASIDE ORDER TO DISMISS
WITH PREJUDICE**

THIS MATTER came on for hearing on the 29th day of September, 2021 at 10:30 a.m.
and, due to Plaintiff's alleged inability to sign on to the Court's video link for the hearing via
Blue Jeans, again on the 6th day of October, 2021 at 9:00 a.m. before the HONORABLE ERIC
JOHNSON; Plaintiff ALLA ZORIKOVA, appearing Pro Se; Defendants, JULIE

1 PYLE, TAMMY WILLET and VEGAS SHEPHERD RESCUE appearing by and through their
2 counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH; the Court
3 having reviewed the papers and pleadings on file herein finds that Plaintiff's Motion to Set Aside
4 Order of dismissal with prejudice is tantamount to one for reconsideration. Plaintiff failed to
5 present any new facts or evidence and failed to present any reason for reconsideration.

6
7 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Set Aside
8 Order to Dismiss with Prejudice is hereby DENIED.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's In Forma
10 Pauperis status is hereby revoked, as a result of Defendants providing this Court with evidence
11 of Plaintiff's recent receipt of a \$325,000 settlement, and Plaintiff's failure to provide any
12 objection to revocation prior to August 27, 2021, as ordered by the Court.

13
14 IT IS FURTHER ADJUDGED AND DECREED that Defendants' counsel, Casey D.
15 Gish, Esq. and Shana D. Weir, Esq. are permitted to recover their attorney's fees and costs
16 associated with having to defend and appear for the instant motion on September 29, 2021, and
17 the subsequent hearing on October 6, 2021 and Casey D. Gish, Esq. and Shana Weir, Esq.
18 having to appear for the instant motion on September 29, 2021, and Casey D. Gish, Esq. again
19 having to appear on October 6, 2021; and they shall file a timely Memorandum of Costs and an
20 Application for Attorneys Fees incurred as a result of defending the instant Motion and
21 appearing for the September 29, 2021 hearing and the re-scheduled hearing on October 6, 2021.

22
23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
24 New Trial and Plaintiff's Motion for Relief From Final Order currently set for hearing on
25 October 20, 2021, are vacated as moot.

Dated this 28th day of October, 2021

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DISTRICT COURT JUDGE

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Eric Johnson
District Court Judge

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Submitted by:

CASEY D. GISH, ESQ.
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Approved as to form:

Alla Zorikova
Plaintiff, Pro Se

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



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: 10/28/2021

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

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1 **DAO**

2 **EIGHTH JUDICIAL DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4
5 ALLA ZORIKOVA,

6 Plaintiff,

7 vs.

Case No. A-20-821249-C

8 JULIE PYLE, ET AL.,

Dept. No. XX

9 Defendant.

10
11 **DECISION AND ORDER**

12 Plaintiff Alla Zorikova filed an Affidavit of Prejudice on September 8, 2021, and then filed a
13 Motion to Recuse Judge Eric Johnson on October 6, 2021. Judge Johnson responded to the Motion
14 on October 7, 2021. In her Affidavit and Motion, Plaintiff alleges 1) Judge Johnson¹ is biased
15 against her due to her political beliefs, nationality, and status as a dog breeder, 2) that Judge
16 Johnson's endorsement from "Animal Rights Activists Group" is disqualifying, and 3) that Judge
17 Johnson's decisions and rulings in the matter demonstrate bias and/or prejudice against her. Based
18 on a review of the papers, Judge Johnson's response, and pursuant to EDCR 2.23(c), Plaintiff's
19 motion is denied.

20 **I. Factual and Procedural Background**

21 On September 15, 2020, Plaintiff Alla Zorikova filed a complaint against Julie Pyle, Tammy
22 Willet, and Vegas Shepherd Rescue. Plaintiff's complaint alleged six causes of action, including
23 theft, civil conspiracy, property damage, intentional infliction of emotional distress, fraud and
24 trespass. Plaintiff's complaint stated she owns, trains and sells German Shepherds from a San
25 Bernardino, CA property. Plaintiff further alleged that from August 8-10, 2020, the Defendants

26
27 ¹ The Court notes that Plaintiff's Affidavit refers to a "Judge Foster," as well as Judge Eric Johnson. Plaintiff cites
28 "Judge Foster (Dep 20)," which is Judge Johnson's department number. For the purposes of this decision, the Court
assumes that all allegations of bias in the Affidavit and Motion pertain to Judge Johnson.

1 “intentionally organized [the] act of stealing Dogs from Plaintiff’s private property,” and she later
2 discovered 25 of the 50 dogs were in the possession of Vegas Pet Rescue Project, while the
3 remaining dogs were located at Devore Animal Shelter in California. On the day of the alleged theft,
4 August 8, 2020, Plaintiff’s complaint states that she and her daughter were arrested, but no charges
5 were filed as of the date of the complaint filing.

6 After numerous papers and motions were filed in the present case, the matter came before
7 Judge Johnson on August 18, 2021 for an evidentiary hearing to determine whether service of the
8 summons and complaint were proper under NRCP 4 and 4.2. After testimony and evidence were
9 presented, the court found that Plaintiff’s witness’s testimony regarding service of process was
10 inconsistent and evasive, and therefore not credible. The court further found that Plaintiff’s own
11 testimony was not credible, and that she provided false testimony to the court. Finally, based upon
12 video evidence submitted by Defendants and Plaintiff’s testimony, the court found that Plaintiff
13 herself effected service, which is improper under NRCP 4(c)(3). As a result of the August 18, 2021
14 evidentiary hearing, the court dismissed the present action with prejudice and found Plaintiff abused
15 the judicial process through her false and misleading testimony to the court. The court sanctioned
16 Plaintiff in the form of Defendants’ attorney’s fees and costs.

17 Following Judge Johnson’s September 2, 2021 order of dismissal, Plaintiff filed an
18 “Affidavit of Prejudice” on September 8, 2021. Plaintiff placed a header in her Affidavit stating “To:
19 Eight [sic] Judicial District Court, Clark County, CC: To Presiding Judge,” but provided no
20 certificate of service demonstrating that service was proper pursuant to NRS 1.235(4). In her
21 Affidavit, Plaintiff alleged that she observed bias and prejudice from Judge Johnson² and that she
22 felt discriminated against on the basis of her nationality (Russian). Plaintiff further stated “Judge
23 Johnson is clearly biased, politically involved and prejudicial toward Russian/German Female,
24 Trump Supporter, Dog Breeder, ProSe Plaintiff” and that her constitutional rights were violated.
25 Plaintiff suggests that Judge Johnson is biased in favor of Defendants’ counsel, who Plaintiff
26 describes as animal rights activists. On October 6, 2021, following the Affidavit, Plaintiff filed a

27 ² Named “Judge Foster” on page 1 of the Affidavit, but as stated previously, this Court assumes all allegations pertain to
28 Judge Johnson for the purposes of this decision.

1 Motion for Recusal pursuant to NRS 1.230 and 1.235. The Motion included a certificate of service
2 stating opposing counsel was provided a copy of the Motion, but did not provide for service upon
3 the judge, as required by NRS 1.235(4).

4 On October 7, 2021, Judge Johnson responded to Plaintiff's Motion for Recusal. Judge
5 Johnson stated he was not served with either the Affidavit or the Motion pursuant to NRS 1.235. He
6 further stated he has not exercised bias or prejudice against any party to the matter, and that he has
7 no conflict of interest in the case, nor is he related to any party in the matter. Judge Johnson stated
8 that he has not been endorsed to his knowledge by Defendant Vegas Shepherds Rescue, but that he
9 was previously endorsed by Nevada Political Action for Animals (not a party to the matter).
10 Regardless, Judge Johnson stated, even had a party in the present case endorsed him, it would not
11 require his disqualification so long as he could be impartial. Judge Johnson reiterated his duty to
12 preside over cases assigned to him, pursuant to Nevada's Code of Judicial Conduct (NCJC) 2.7.
13 Judge Johnson denies Plaintiff's allegations that he is biased against her nationality, political beliefs
14 or status as a dog breeder, and noted that Plaintiff did not provide specific facts to the allegations.
15 Judge Johnson also denied suggestion from Plaintiff that he had "consulted defendants' attorney"
16 multiple times, stating that he had no contact with Defendants' counsel outside of the courtroom and
17 that he has no personal or professional relationship with counsel outside the present case. Finally,
18 Judge Johnson stated that Plaintiff's primary grievance appears to rest with his decisions and actions
19 in official proceedings—namely the August 18, 2021 evidentiary hearing—and such rulings and
20 actions are insufficient grounds for judicial disqualification.

21 22 **II. Discussion**

23 **A. Legal Standard**

24 Nevada Revised Statute 1.230 provides the statutory grounds for disqualifying district Court
25 judges. The statute in pertinent part provides:

- 26 1. A judge shall not act in an action or proceeding when the judge entertains actual
27 bias or prejudice for or against one of the parties to the action.
28 2. A judge shall not act as such in an action or proceeding when implied bias exists
in any of the following respects:

- (a) When the judge is a party to or interested in the action or proceeding.
- (b) When the judge is related to either party by consanguinity or affinity within the third degree.
- (c) When the judge has been attorney or counsel for either of the parties in the particular action or proceeding before the court.
- (d) When the judge is related to an attorney or counselor for either of the parties by consanguinity or affinity within the third degree. This paragraph does not apply to the presentation of ex parte or contested matters, except in fixing fees for an attorney so related to the judge.

Rule 2.7 of the Revised Nevada Code of Judicial Conduct provides that a “judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11,” the rule which details substantive grounds for judicial disqualification. Pursuant to NCJC 2.11(A):

(A) A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judge knows that the judge, the judge’s spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:

...

(c) a person who has more than a de minimis interest that could be substantially affected by the proceeding; or

...

A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might be reasonably questioned. Ybarra v. State, 247 P.3d 269, 271 (Nev. 2011). The test for whether a judge’s impartiality might be reasonably questioned is objective and courts must decide whether a reasonable person, knowing all the facts, would harbor reasonable doubts about a judge’s impartiality. Id. at 272.

The burden is on the party asserting the challenge to establish sufficient factual and legal grounds warranting disqualification. Las Vegas Downtown Redevelopment Agency v. District Court, 116 Nev. 640, 643 (2000). A judge has a duty to preside to the conclusion of all proceedings, in the absence of some statute, rule of court, ethical standard, or compelling reason otherwise. Id. A judge is presumed to be unbiased. Millen v. District Court, 148 P.3d 694, 701 (Nev. 2006). A judge is presumed to be impartial, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. Ybarra, 247 P.3d at 272. Additionally, the

1 Court must give substantial weight to a judge's determination that the judge may not voluntarily
2 disqualify themselves, and the judge's decision cannot be overturned in the absence of clear abuse of
3 discretion. In re Pet. To recall Dunleavy, 104 Nev. 784 (1988).

4 The Nevada Supreme Court has stated "rulings and actions of a judge during the course of
5 official judicial proceedings do not establish legally cognizable grounds for disqualifications." Id. at
6 1275. The personal bias necessary to disqualify must "stem from an extrajudicial source and result
7 in an opinion on the merits on some basis other than what the judge learned from participation in the
8 case." Id. "To permit an allegation of bias, partially founded upon a justice's performance of his [or
9 her] constitutionally mandated responsibilities, to disqualify that justice from discharging those
10 duties would nullify the court's authority and permit manipulation of justice, as well as the court."
11 Id.

12 **B. Disqualification is not warranted because Ms. Zorikova has not established sufficient**
13 **factual and legal grounds for disqualification.**

14 As the party seeking disqualification, Plaintiff bears the burden of establishing sufficient
15 factual grounds to warrant disqualification. Las Vegas Downtown Redevelopment Agency v.
16 District Court, 5 P.3d 1059, 1061 (Nev. 2000). However, the rulings and actions of a judge during
17 the course of official judicial proceedings do not establish legally cognizable grounds for
18 disqualification. In re Pet. To recall Dunleavy, 104 Nev. 784, 789 (1988).

19 Here, Ms. Zorikova has failed to establish sufficient factual grounds to warrant
20 disqualification of Judge Johnson because her claims stem from Judge Johnson's decisions during
21 official court proceedings and rulings. The facts do not demonstrate the extreme bias or prejudice
22 against Ms. Zorikova that would be necessary for Judge Johnson's disqualification. There is no
23 evidence that Judge Johnson's actions or rulings have been influenced by bias toward or prejudice
24 against any party to this case.

25 In addition to Judge Johnson's substantive decisions and rulings, Plaintiff alleges that
26 because Judge Johnson was endorsed by "Animal Rights Activists Group," and Defendants' counsel
27 are "Animal Rights Activists," that disqualification is warranted. However, the Nevada Supreme
28 Court has held that statements and legal campaign contributions made during elections do not

1 demonstrate the extreme bias needed to disqualify a judge, absent other extreme circumstances. *See*,
2 Ivey v. Dist. Ct., 129 Nev. 154, 159 (2013); City of Las Vegas Downtown Redevelopment Agency
3 v. Hecht, 113 Nev. 632, 636 (1997); Dunleavy, at 789-790; and City of Las Vegas Downtown
4 Redevelopment Agency v. Eighth Jud. Dist. Ct. ex rel. Cty. of Clark, 116 Nev. 640, 644 (2000). No
5 such “extreme” circumstances or facts relating to bias or prejudice are present here that would
6 require disqualification of Judge Johnson. The record does not indicate bias in favor of defense
7 counsel, and outside of Plaintiff’s general allegations that Judge Johnson has been previously
8 endorsed by “Animal Rights Activists Group”—which Judge Johnson acknowledges, though denies
9 such endorsement has led to bias or prejudice in this matter—and that defense counsel are “Animal
10 Rights Activists,” no other facts are alleged to support disqualification.

11 The primary concerns of Ms. Zorikova revolve around the substantive rulings of Judge
12 Johnson and the previous endorsement he received from a nonparty entity, which she believes
13 indicates bias against her. As discussed above, absent extreme circumstances which do not appear in
14 this matter, any legally permissible campaign contributions or endorsements made to Judge Johnson
15 do not suggest facts or legal grounds to disqualify him. A motion or affidavit for disqualification is
16 an inappropriate vehicle to attack the substantive rulings of the underlying case. As a result, the
17 Motion for Recusal and Affidavit are DENIED.

18 19 Conclusion

20 Ms. Zorikova does not bring any cognizable claims supported by factual or legal allegations
21 against Judge Johnson. The record does not support Ms. Zorikova’s allegations of bias by Judge
22 Johnson, and Judge Johnson’s rulings and actions in the course of official judicial proceedings are
23 not evidence of bias or prejudice. Thus, Ms. Zorikova’s request to disqualify Judge Johnson is
24 denied.

Dated this 27th day of October, 2021

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628 F55 D424 D14F
Linda Marie Bell
District Court Judge

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 Decision and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/27/2021

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
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Electronically Filed
10/28/2021 7:59 PM
Steven Z. Grier
CLERK OF THE COURT

Steven Z. Grier

ORDER

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

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Las Vegas, NV 89118

Casey@GishLawFirm.com

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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.

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

Hearing Date: 10/06/2021

Hearing Time: 9:00 a.m.

**ORDER DENYING PLAINTIFF'S MOTION TO SET ASIDE ORDER TO DISMISS
WITH PREJUDICE**

THIS MATTER came on for hearing on the 29th day of September, 2021 at 10:30 a.m.
and, due to Plaintiff's alleged inability to sign on to the Court's video link for the hearing via
Blue Jeans, again on the 6th day of October, 2021 at 9:00 a.m. before the HONORABLE ERIC
JOHNSON; Plaintiff ALLA ZORIKOVA, appearing Pro Se; Defendants, JULIE

1 PYLE, TAMMY WILLET and VEGAS SHEPHERD RESCUE appearing by and through their
2 counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH; the Court
3 having reviewed the papers and pleadings on file herein finds that Plaintiff's Motion to Set Aside
4 Order of dismissal with prejudice is tantamount to one for reconsideration. Plaintiff failed to
5 present any new facts or evidence and failed to present any reason for reconsideration.

6
7 IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion to Set Aside
8 Order to Dismiss with Prejudice is hereby DENIED.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's In Forma
10 Pauperis status is hereby revoked, as a result of Defendants providing this Court with evidence
11 of Plaintiff's recent receipt of a \$325,000 settlement, and Plaintiff's failure to provide any
12 objection to revocation prior to August 27, 2021, as ordered by the Court.

13
14 IT IS FURTHER ADJUDGED AND DECREED that Defendants' counsel, Casey D.
15 Gish, Esq. and Shana D. Weir, Esq. are permitted to recover their attorney's fees and costs
16 associated with having to defend and appear for the instant motion on September 29, 2021, and
17 the subsequent hearing on October 6, 2021 and Casey D. Gish, Esq. and Shana Weir, Esq.
18 having to appear for the instant motion on September 29, 2021, and Casey D. Gish, Esq. again
19 having to appear on October 6, 2021; and they shall file a timely Memorandum of Costs and an
20 Application for Attorneys Fees incurred as a result of defending the instant Motion and
21 appearing for the September 29, 2021 hearing and the re-scheduled hearing on October 6, 2021.

22
23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion for
24 New Trial and Plaintiff's Motion for Relief From Final Order currently set for hearing on
25 October 20, 2021, are vacated as moot.

Dated this 28th day of October, 2021

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DISTRICT COURT JUDGE

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Eric Johnson
District Court Judge

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Submitted by:

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Approved as to form:

Alla Zorikova
Plaintiff, Pro Se

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Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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5
6 Alla Zorikova, Plaintiff(s) | CASE NO: A-20-821249-C
7 vs. | DEPT. NO. Department 20
8 Julie Pyle, Defendant(s)
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Electronically Filed
10/28/2021 8:06 PM
Steven Z. Grier
CLERK OF THE COURT

Steven Z. Grier

ORDER

CASEY D. GISH, ESQ.

Nevada Bar No. 006657

THE LAW OFFICE OF CASEY D. GISH

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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.

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

Hearing Date: 10/06/2021

Hearing Time: 9:00 a.m.

**ORDER DENYING PLAINTIFF'S MOTION TO SET ASIDE ORDER TO DISMISS
WITH PREJUDICE**

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and, due to Plaintiff's alleged inability to sign on to the Court's video link for the hearing via
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JOHNSON; Plaintiff ALLA ZORIKOVA, appearing Pro Se; Defendants, JULIE

1 PYLE, TAMMY WILLET and VEGAS SHEPHERD RESCUE appearing by and through their
2 counsel, CASEY D. GISH, ESQ. of THE LAW OFFICES OF CASEY D. GISH; the Court
3 having reviewed the papers and pleadings on file herein finds that Plaintiff's Motion to Set Aside
4 Order of dismissal with prejudice is tantamount to one for reconsideration. Plaintiff failed to
5 present any new facts or evidence and failed to present any reason for reconsideration.

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17 the subsequent hearing on October 6, 2021 and Casey D. Gish, Esq. and Shana Weir, Esq.
18 having to appear for the instant motion on September 29, 2021, and Casey D. Gish, Esq. again
19 having to appear on October 6, 2021; and they shall file a timely Memorandum of Costs and an
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24 New Trial and Plaintiff's Motion for Relief From Final Order currently set for hearing on
25 October 20, 2021, are vacated as moot.

Dated this 28th day of October, 2021

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DISTRICT COURT JUDGE

2 64B 06B 066A 1395
Eric Johnson
District Court Judge

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Submitted by:

CASEY D. GISH, ESQ.
Nevada Bar No. 006657
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Casey@GishLawFirm.com

SHANA D. WEIR, ESQ.
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Approved as to form:

Alla Zorikova
Plaintiff, Pro Se

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Phone (702) 583-5883 Fax (702) 483-4608
Email Casey@GishLawFirm.com



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

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18 Alla Zorikova olivia.car@mail.ru
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

June 09, 2021

A-20-821249-C	Alla Zorikova, Plaintiff(s) vs. Julie Pyle, Defendant(s)
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June 09, 2021	8:30 AM	Motion for Temporary Restraining Order
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HEARD BY: Johnson, Eric	COURTROOM: RJC Courtroom 12A
--------------------------------	-------------------------------------

COURT CLERK: Erin Burnett
Shelley Boyle

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Gish, Casey D.	Attorney
--------------------------------	----------

JOURNAL ENTRIES

- Parties appeared via Bluejeans.

Argument and colloquy regarding the require Security Bond posting by Pltf. COURT NOTED, the Bond was posted 04.21.21. Mr. Gish stated he never received notice of the Bond posting. Statement by Ms. Zorikova. COURT ADVISED, Mr Gish will have until 06.18.21 to file a Motion to Dismiss, and ORDERED, matter CONTINUED; Pltf's. Response DUE 06.25.21, Deft's. Reply DUE 07.02.21. Pltf's. Motion for Leave of Court to Amend Compliant by Adding Defts., SET 06.30.21, RESET.

07.07.21 9:00 A.M. PLTF'S MOTION FOR LEAVE OF COURT TO AMEND COMPLIANT TO ADD DEFT'S....HEARING ON PLTF'S EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER FROM CUSTODY OF PLTF'S DOGS AND FOR ORDER TO RETURN PLTF'S DOGS AND PLTF'S DECLARATION IN SUPPORT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

July 06, 2021

A-20-821249-C	Alla Zorikova, Plaintiff(s) vs. Julie Pyle, Defendant(s)
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July 06, 2021	11:30 AM	Minute Order
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HEARD BY: Johnson, Eric

COURTROOM: Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Plaintiff Alla Zorikova filed an Ex-Parte Motion to Extend Plaintiff s Deadline to Respond to Defendant s Motion to Dismiss and/or Continue Hearing on Defendant s Motion to Dismiss and Declaration in Support on July 5, 2021. The matter was subsequently scheduled for hearing on August 11, 2021.

Good cause appearing, pursuant to EDCR 2.23(c) the Court hereby GRANTS the Ex-Parte Motion to Extend Plaintiff s Deadline to Respond to Defendant s Motion to Dismiss and/or Continue Hearing on Defendant s Motion to Dismiss and Declaration in Support. The new briefing schedule for Defendants June 18, 2021 Motion to Dismiss is as follows: Plaintiff Zorikova s Opposition is due July 14, 2021, and Defendants Reply is due July 21, 2021.

The Court hereby VACATES the August 11, 2021 hearing on Plaintiff s Ex-Parte Motion to Extend Plaintiff s Deadline to Respond to Defendant s Motion to Dismiss and/or Continue Hearing on Defendant s Motion to Dismiss and Declaration in Support. The remaining motions set for hearing on July 14, 2021 have been continued to August 11, 2021 at 8:30 a.m.

Plaintiff is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

PRINT DATE: 11/17/2021

Page 2 of 12

Minutes Date: June 09, 2021

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve.7/6/2021 khm

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****August 10, 2021**

A-20-821249-C Alla Zorikova, Plaintiff(s)
 vs.
 Julie Pyle, Defendant(s)

August 10, 2021 1:00 PM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff Zorikova filed an Ex-Parte Motion for TRO on October 24, 2020, a Motion for Leave to Amend Complaint on May 28, 2021 and a Motion for Default Judgment on June 8, 2021. Subsequently, Defendants Julie Pyle, Tammy Willet and Vegas Shepherd Rescue filed an Opposition thereto and Countermotion to Dismiss Plaintiff s Complaint. The matter was subsequently scheduled for hearing on August 11, 2021.

After considering the pleadings and argument of counsel, the Court is setting an evidentiary hearing for Wednesday, August 18, 2021 at 9:15 a.m. as to the issue of the process server s identity. In particular, the Court expects Defendants to provide video of the process server whom they allege is Plaintiff Zorikova. Since this will be determinative as to the other motions, the August 11, 2021 hearing on Plaintiff s Ex-Parte Motion for TRO, Plaintiff s Motion for Leave to Amend Complaint, Plaintiff s Motion for Default Judgment, Defendants Julie Pyle, Tammy Willet and Vegas Shepherd Rescue s Opposition thereto and Countermotion to Dismiss Plaintiff s Complaint are rescheduled to August 18, 2021 at 9:15 a.m.

08/18/2021 9:15 AM EVIDENTIARY HEARING

MOTIONS RESCHEDULED TO: 08/18/2021 9:15 AM

PRINT DATE: 11/17/2021

Page 4 of 12

Minutes Date: June 09, 2021

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 8/10/21 KHM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

August 18, 2021

A-20-821249-C Alla Zorikova, Plaintiff(s)
vs.
Julie Pyle, Defendant(s)

August 18, 2021 9:15 AM All Pending Motions

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Trisha Garcia

REPORTER:

PARTIES

PRESENT:	Gish, Casey D.	Attorney
	Pyle, Julie	Defendant
	Weir, Shana	Attorney
	Zorikova, Alla	Plaintiff

JOURNAL ENTRIES

- EVIDENTIARY HEARING . . 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 DEFENDANTS COUNTER-MOTION TO DISMISS PLAINTIFF'S COMPLAINT . . . PLAINTIFF'S MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT BY ADDING DEFENDANTS . . PLAINTIFF'S MOTION FOR LEAVE OF COURT TO AMEND COMPLAINT BY ADDING DEFENDANTS . . . PLAINTIFF'S PRO PER MOTION FOR DEFAULT JUDGMENT AND PLAINTIFF'S DECLARATION IN SUPPORT . . . HEARING ON 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

Court noted the evidentiary hearing was to determine if the complaint was served by the Plaintiff, Ms. Zorikova or a process server. Arguments by Ms. Zorikova and Mr. Gish. Witness testimony and exhibits presented. (see lists). Colloquy regarding ability to contact Ms. Zorikova's daughter to testify.

PRINT DATE: 11/17/2021

Page 6 of 12

Minutes Date: June 09, 2021

Court allowed Ms. Zorikova to retrieve her cell phone from her car which contained her daughter's contact information and ORDERED, her not to contact anyone until she was back in the courtroom. Mr. Gish orally requested a staff member accompany the Plaintiff; Court GRANTED the request and a department staff member accompanied her. MATTER TRAILED:

MATTER RECALLED: all parties present as before. Testimony continued. Further arguments by Ms. Zorikova and Mr. Gish. COURT stated its FINDINGS and ORDERED, CASE DISMISSED with Prejudice. COURT FURTHER ORDERED, Deft.s counsel may receive attorney's fees for the portion of the motion for dismissal, for preparation, service and for the hearing. Counsel to submit their bills and Brunzell factors by August 27, 2021, Plaintiff's response due September 10, 2021 and Defense reply due by September 17, 2021. Mr. Gish to prepare an order, circulate to opposing party and submit to the department.

Ms. Zorikova stated she planned to file an appeal. Court explained the appeal time clock starts once the order was signed. Colloquy regarding notification of order and how to receive transcripts.

Mr. Gish orally requested to have the Plaintiff's in forma pauperis changed arguing the Plaintiff received a 1/3 of a million dollar settlement. Upon Court's inquiry, Ms. Zorikova stated that information was confidential. Mr. Gish explained how the information was obtained. Mr. Gish stated the request was not included with his paperwork. Colloquy regarding the information being reference in Defense's reply on page 21. Mr. Gish stated they could file the documents by tomorrow. Court instructed, counsel to file a copy of the settlement agreement as a supplement to their motion; to decertify in forma pauperis for the Plaintiff. Ms. Zorikova stated she would have her attorney address the matter as to who breached the confidential agreement and noted it could be put in writing that she no longer needed in forma pauperis status. Mr. Gish stated he would put it in writing. Following colloquy regarding whether it was a voluntary withdraw, Court directed defense counsel to file the supplement and allowed Plaintiff until August 27, 2021 to respond. Colloquy regarding whether Ms. Zorikova could file a motion to reconsider. Further colloquy regarding which law firm Ms. Weir worked at and the Court's endorsements.

COURT ADDITIONALLY ORDERED, the 9/15/2021 hearing VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

September 29, 2021

A-20-821249-C Alla Zorikova, Plaintiff(s)
vs.
Julie Pyle, Defendant(s)

September 29, 2021 10:30 AM Motion to Set Aside

HEARD BY: Johnson, Eric

COURTROOM: RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Gish, Casey D. Attorney
 Weir, Shana Attorney

JOURNAL ENTRIES

- Plaintiff not present.

Court stated it received the Plaintiff's motion and the opposition. Court stated it was treating the Motion to Set Aside as a motion for reconsideration; FINDING, the Plaintiff failed to establish the Court was incorrect and did not provide new evidence to change the Court's mind as to dismissal for proper service and providing false testimony to the Court and ORDERED, Motion DENIED. Court allowed reasonable fees for the Defendants for appearing and directed defense counsel to submit a supplement to the opposition with fees and costs. COURT FURTHER ORDERED, Plaintiff Zorikova's informia pauperis status WITHDRAWN, and stated its FINDINGS. Court noted Plaintiff's Motion for a New Trial and Motion for Relief from Final Order were scheduled for October 21, 2021; FINDS in light of the case being dismissed and Plaintiff's Motion for Relief from Final Order essentially being the same as the Motion to Set Aside these motion were moot and ADDITIONALLY ORDERED, Plaintiff's Motion for New Trial and Motion for Relief from Final Order MOOT and the hearings VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort**COURT MINUTES****October 06, 2021**

A-20-821249-C Alla Zorikova, Plaintiff(s)
 vs.
 Julie Pyle, Defendant(s)

October 06, 2021 9:00 AM Motion to Set Aside

HEARD BY: Johnson, Eric **COURTROOM:** RJC Courtroom 12A

COURT CLERK: Kathryn Hansen-McDowell

RECORDER: Angie Calvillo

REPORTER:

PARTIES

PRESENT: Gish, Casey D. Attorney
 Zorikova, Alla Plaintiff

JOURNAL ENTRIES

- Court noted Plaintiff's Motion to Set Aside Order to Dismiss was heard last week on September 29, 2021 and the Plaintiff, Ms. Zorikova, was not present; after the hearing Ms. Zorikova contact the department indicating she had trouble connecting to the video system therefore the matter was reset for today. Court stated it viewed the Motion to Set Aside essentially as a motion for reconsideration and as stated in the Court's Order under the rules service was not proper as to the individual persons or to the organization. Court further stated the issue the Court found was that Ms. Zorikova and her daughter testified falsely under oath at the evidentiary hearing. Ms. Zorikova argued an affidavit of prejudice and bias was filed and the Court no longer had jurisdiction of this matter. Court stated it was not aware of a motion for recusal being filed and served on this Court. Ms. Zorikova stated the affidavit was filed and served on the Court and to the Chief Judge. Colloquy regarding how the affidavit was served. Mr. Gish stated he believed Ms. Zorikova was referring to an affidavit she included in her Motion and filed as an exhibit. Continued argument by Ms. Zorikova. COURT FINDS a motion to disqualify the court needs to be served on the Court and filing an affidavit seeking to disqualify the Court as an exhibit to another motion and generally in the case record did not qualify and ORDERED, Plaintiff's Motion to Set Aside DENIED under the same basis' of its prior decision.

Court stated it would review the statutes and local rules to determine if Plaintiff's affidavit of

prejudice and lack of service required the Chief Judge to determine if the Court should be disqualified. Court directed, Mr. Gish to submit a proposed order denying the Motion to Set Aside in the meantime. Ms. Zorikova argued a Motion for Reconsideration was filed separately and a hearing was set for October 29, 2021. Mr. Gish orally requested, defense counsel be granted costs and fees for appearing for the Motion to Set Aside twice. COURT GRANTED, defense counsel costs and fees for appearing. Mr. Gish to submit a memorandum within 5 days. Court further directed, Mr. Gish to include in the proposed order that Ms. Zorikova no longer needed the "In Forma Pauperis" status due to the award she received in California.

COURT FURTHER ORDERED, Plaintiff's Motion to Reschedule Hearing VACATED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

November 02, 2021

A-20-821249-C Alla Zorikova, Plaintiff(s)
vs.
Julie Pyle, Defendant(s)

November 02, 2021 8:00 AM Minute Order

HEARD BY: Johnson, Eric **COURTROOM:** Chambers

COURT CLERK: Kathryn Hansen-McDowell

RECORDED:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Plaintiff filed a Motion for Sanctions and a Motion to Provide Statement of Facts on October 06, 2021. Defendants filed their Opposition to Plaintiff's Motion for Sanctions and Countermotion for Sanctions on October 20, 2021. All three motions were set for hearing in Department XX on November 17, 2021.

This case was dismissed with prejudice on August 18, 2021 following an evidentiary hearing. Plaintiff subsequently filed a Notice of Appeal on September 04, 2021. The Court denied Plaintiff's equivalent motion to reconsider filed as "Motion to Set Aside Order to Dismiss with Prejudice" on October 06, 2021. As of November 02, 2021, Plaintiff's appeal, Supreme Court No. 83478, is active and shows there is "briefing in progress". Accordingly, the motions are MOOT and this Court declines to rule on the above-mentioned motions as the case was dismissed and is on appeal. The Court will take Defendants' Application for Attorney's Fees, Costs, and Disbursements UNDER ADVISEMENT.

The Court hereby VACATES the November 17, 2021 hearings. Counsel for Defendants is directed to prepare a proposed order and to circulate it to opposing counsel for approval as to form and content before submitting it to chambers for signature. Counsel is directed to email a word and pdf copy of the proposed order to dc20inbox@clarkcountycourts.us.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey
File & Serve. 11/2/21KHM

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated November 3, 2021, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises four volumes with pages numbered 1 through 907.

ALLA ZORIKOVA,

Plaintiff(s),

vs.

JULIE PYLE; TAMMY WILLET; VEGAS
SHEPHERD RESCUE,

Defendant(s),

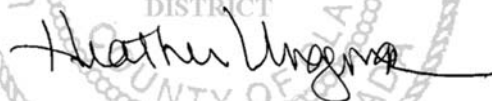
Case No: A-20-821249-C

Dept. No: XX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 17 day of November 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

