

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JIMMY WILSON, individually;
TWANA HATCHER, individually,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA AND THE HONORABLE
CHRISTY CRAIG, DISTRICT COURT
JUDGE,

Respondents,

TYRONE SPREWELL,

Real Party in Interest.

APPEALS COURT NO. 84139-COA

SUPREME COURT NO. 84319

District Court Case No. A-19-789252-C
Mar 21 2022 03:44 p.m.

Electronically Filed
Elizabeth A. Brown
Clerk of Supreme Court

**JIMMY WILSON AND TWANA
HATCHER'S EMERGENCY
MOTION FOR STAY OF HEARING
ON MARCH 23, 2022**

From the Eighth Judicial District Court, Clark County:

The Honorable Christy Craig, District Court Judge;

HATFIELD & ASSOCIATES, LTD.
TREVOR J. HATFIELD, ESQ.
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Attorney of Record for Petitioner

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal. Petitioners are individuals residing in the State of Nevada and there is no parent corporation or public held company that owns 10% or more of the stock.

Law firms who have appeared or are expected to appear for Petitioners is Trevor J. Hatfield, Esq. of Hatfield & Associates, Ltd.

DATED this 21st day of March 2022.

HATFIELD & ASSOCIATES, LTD.

/s/ Trevor J. Hatfield

By:_____

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND PROCEDURAL HISTORY

On March 3, 2022, Petitioners Jimmy L. Wilson and Twana Hatcher submitted their original Petition for Writ of Mandamus from the Eighth Judicial District Court, Clark County, the Honorable Christy Craig, District Judge (Supreme Court No. 84319). The Petition was subsequently transferred to The Court of Appeals of the State of Nevada on March 11, 2022. (Appeals Court No. 84319-CO) Petitioner filed an Errata to Petitioner's Original Petition for Writ of Mandamus on March 17, 2022 in The Court of Appeals of the State of Nevada.

The relief Petitioners are seeking is a writ of mandamus or prohibition directing the district court to vacate its Order denying Petitioner's motion to dismiss or summary judgment; vacate the Order granting Plaintiff's countermotion for sanctions pursuant to EDCR 7.60; vacate the Order granting Plaintiff's countermotion for additional sanctions pursuant to EDCR 7.60; the Entry of Summary Judgment in favor of Petitioner, or, in the alternative, to Stay the Execution of the Court's Order granting Plaintiff's countermotion for additional sanctions pursuant to EDCR 7.60. *See* **Exhibit 1**, Petition for Writ of Mandamus.

At the time of filing the Petition all of the above orders had been filed. *See* **Exhibit 2**, Notice of Entry of Order and Order Denying Defendants' Additional

Motions and Granting Plaintiff additional Sanctions to be paid by January 28, 2022.

On February 11, 2022, in district court, Plaintiff filed a Motion for Order Holding Defendants in Contempt for Intentionally and Willfully Violating the Court's Order Pursuant to NRS 22.010(3) and for Attorney's Fees Pursuant to E.D.C.R. 7.60(b)(3) and/or (5). See **Exhibit 3**, Plaintiff's Motion.

On February 14, 2022, the Court filed a Notice of Hearing for Plaintiff's Motion for Order Holding Defendants in Contempt; Defendants' Countermotion for Stay to take place on March 23, 2022 at 8:30 a.m. See **Exhibit 4**, Notice of Hearing.

On March 1, 2022, in district court, Petitioners filed their Response to Plaintiff's Motion for Order Holding Defendants in Contempt; Defendants' Countermotion for Stay or Other Relief from the Court's Order. See **Exhibit 5**, Defendants/Counterclaimants' Response and Countermotion for Stay.

On March 16, 2022, in district court Plaintiff filed his Reply in Support of Motion for Order Holding Defendants in Contempt, and Opposition to Countermotion for Stay or Other Relief from the Court's Order. See **Exhibit 6**, Plaintiff's Reply in Support of Motion and Opposition to Countermotion for Stay. The appellate court has not taken any action at this time.

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With the hearing on Plaintiff's Motion for Order Holding Defendants in Contempt and Defendants' Countermotion for Stay scheduled for March 23, 2022 at 8:30 a.m. and the trial in this matter currently scheduled to proceed on a five-week stack beginning on April 18, 2022, Petitioners respectfully request a stay of the Hearing scheduled for Wednesday, March 23, 2022, at 8:30 a.m. pending a decision on Petitioners' writ petition from either the Supreme Court of Nevada or the Nevada Court of Appeals, or other relief as may be appropriate.

II. LEGAL ARGUMENT

Pursuant to NRAP 8, a party may move for a stay or injunction pending appeal or resolution of original writ proceedings.

NRAP 8(a)(2) states as follows:

(2) Motion in the Court; Conditions on Relief. A motion for the relief mentioned in Rule 8(a)(1) may be made to the Supreme Court or the Court of Appeals or to one of its justices or judges.

(A) The Motion shall:

(i) show that moving first in the district court would be impracticable; or

(ii) state that, a motion having been made, the district court denied the motion or failed to afford the relief requested and state any reasons given by the district court for its action.

(B) The motion shall also include:

(i) the reasons for granting the relief requested and the facts relied on;

(ii) originals or copies of affidavits or other sworn statements supporting facts subject to dispute; and

(iii) relevant parts of the record.

(C) The moving party must give reasonable notice of the motion to all parties.

(D) In an exceptional case in which time constraints make consideration by a panel impracticable, the motion may be considered by a single justice or judge.

(E) The court may condition relief on a party's filing a bond or other appropriate security in the district court.

Here Petitioners filed a countermotion to stay execution pursuant to NRC 62 whereby Petitioners are relieved of the Order to pay sanctions pending the outcome of Petitioners' writ or mandamus or prohibition and motion for stay. See, NRC 8. Alternatively, Petitioners request that the Court stay enforcement of payment of the sanctions pending the outcome of trial, which is currently scheduled to proceed on April 18, 2022 on a five-week track, and either add to the judgment, if in favor of Plaintiff, or deduct the sanctions from the judgment, if in favor of Petitioners.

Alternatively, Petitioners request that the court permit Petitioners to post a supersedeas bond in lieu of paying the sanctions ordered.

Reasons for Granting the Requested Relief

In deciding whether to issue a stay, the Court generally considers the following factors:

(1) Whether the object of the appeal or writ petition will be defeated if the stay is denied;

(2) Whether appellant/petitioner will suffer irreparable or serious injury if the stay is denied;

(3) Whether respondent/real party in interest will suffer irreparable or serious injury if the stay is granted; and

(4) Whether- appellant/petitioner is likely to prevail on the merits in the appeal or writ petition. *Hansen v: Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 132 Nev. 650, 657, 367 P.3d 982, 986 (2000). NRAP 8(c).

Here, the object of Petitioners' writ petition will be defeated if the stay is denied, as the whole purpose of the writ petition is to determine whether the holding of holding of *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016), should apply to this case and whether the district court judge erred in denying Petitioner's motion(s) and granting Defendant's countermotion for sanctions pursuant to EDCR 7.60, and whether the district court judge erred in denying Petitioner's motion to alter or amend the Court's denial of Petitioner's motion(s) and granting of Defendant's countermotion for additional sanctions pursuant to EDCR 7.60.

Petitioner will also suffer irreparable injury if the stay is denied, as once judgment debtor collection of the sanctions granted to Plaintiffs occurs, either by collection efforts or by finding Petitioners in contempt and compelling payment, before the Writ can be decided, the damage cannot be undone. Petitioners should not have to suffer contempt proceedings and potential payment or collection efforts when they have a writ petition pending as to the issues set forth above.

No irreparable injury will result to the real party in interest if the stay is granted. The judgment was only recently entered November 29, 2021 See **Exhibit 2**.

Finally, Petitioners believe that they are likely to prevail on the merits of their writ petition. As set forth in the writ petition, the underlying judgment was only granted because Plaintiff misrepresented the law to the district court and therefore the district court has failed to correctly apply the law and has erroneously sanctioned Petitioners.

CONCLUSION

Accordingly, due to the urgency of this matter Petitioners seek an emergency stay of proceedings until at least the trial court makes a decision regarding Petitioner's motion for stay.

DATED this 21st day of March 2022.

Respectfully submitted,

HATFIELD & ASSOCIATES, LTD.

/s/ Trevor J. Hatfield
By: _____

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Attorney of Record for Petitioners

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On March 21, 2022, I submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case and served a true and correct copy of the foregoing **JIMMY WILSON AND TWANA HATCHER's MOTION FOR EMERGENCY STAY OF HEARING ON MARCH 23, 2022 PETITION FOR WRIT OF MANDAMUS** upon the following by the method indicated:

Via electronic mial as set forth below:

TYRONE SPREWELL
c/o HONG & HONG LAW OFFICE
Joseph Y. Hong, Esq.
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
yosuphonglaw@gmail.com
Real Party in Interest

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Via electronic mail on March 21, 2022 of the documents(s) listed above
addressed as set forth below:

Honorable Christy Craig, Dept. 32
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155
Respondent

/s/ Freda P. Brazier
An employee of Hatfield & Associates, Ltd.

EXHIBIT ONE

EXHIBIT ONE

IN THE SUPREME COURT OF THE STATE OF NEVADA

84319-CON

JIMMY WILSON, individually;
TWANA HATCHER, individually,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, AND THE HONORABLE
CHRISTY CRAIG, DISTRICT
COURT JUDGE

TYRONE SPREWELL,

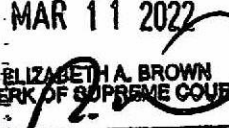
Real Party in Interest.

SUPREME COURT NO.

Case No. A-19-789252

Electronically Filed
Mar 03 2022 08:33 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
JIMMY WILSON AND TWANA
HATCHER'S PETITION FOR WRIT
OF MANDAMUS OR
PROHIBITION

MAR 11 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

FILED

ORIGINAL PETITION

From the Eighth Judicial District Court, Clark County:

The Honorable Christy Craig, District Court Judge;

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22-07868

NRAP 26.1 DISCLOSURE

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal. Petitioners are individuals residing in the State of Nevada and there is no parent corporation or public held company that owns 10% or more of the stock.

Law firms who have appeared or are expected to appear for Petitioners is Trevor J. Hatfield, Esq. of Hatfield & Associates, Ltd.

DATED this 2nd day of March 2022.

HATFIELD & ASSOCIATES, LTD.

/s/ Trevor J. Hatfield
By: _____

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ROUTING STATEMENT

This petition involves pre-judgment relief denying Petitioner Jimmy Wilson and Twana Hatcher's (collectively "Petitioner" or "Wilson") motion to dismiss or summary judgment; the denial of Petitioner's motion for judgment on the pleadings and granting of Defendant's countermotion for sanctions of \$2,150.00 pursuant to EDCR 7.60; the denial of Petitioner's motion to alter or amend the Court's denial of Petitioner's motion for judgment on the pleadings and the granting of Defendant's countermotion for additional sanctions of \$5,000.00 pursuant to EDCR 7.60; and the Court's denial of Petitioner's (second) motion for judgment on the pleadings. Thus, this petition should be decided by the Court of Appeals pursuant to Nevada Rule of Appellate Procedure 21.

RELIEF SOUGHT

This petition seeks a writ of mandamus directing the district court to vacate its Order denying Petitioner's motion to dismiss or summary judgment; vacate the Order granting of Defendant's countermotion for sanctions pursuant to EDCR 7.60; vacate the Order granting Defendant's countermotion for additional sanctions pursuant to EDCR 7.60; the Entry of Summary Judgment in favor of Petitioner, or, in the alternative, to Stay the Execution of the Court's Order granting Defendant's countermotion for additional sanctions pursuant to EDCR 7.60.

ISSUE PRESENTED

Did the district court judge err denying Petitioner's motion to dismiss / motion for summary judgment pursuant to the holding of *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016), did the district court judge err denying Petitioner's motion for judgment on the pleadings and granting Defendant's countermotion for sanctions pursuant to EDCR 7.60, did the district court judge err denying Petitioner's motion to alter or amend the Court's denial of Petitioner's motion for judgment on the pleadings and granting of Defendant's countermotion for additional sanctions pursuant to EDCR 7.60; and did the district court judge err denying Petitioner's (second) motion for judgment on the pleadings?

FACTS NECESSARY TO CONSIDER THE PETITION

This is a residential realty dispute. Real Party in Interest Tyrone Sprewell (Sprewell) and Petitioner Jimmy Wilson were friends. Sprewell bought a house at 7148 Charter Crest Street, North Las Vegas, Nevada. As Sprewell could not afford the house, Wilson and his sister Petitioner Twana Hatcher bought the house from Sprewell.

The parties signed a standard Greater Las Vegas Association of Realtors (GLVAR) real estate purchase agreement (RPA) in October 2016 and the parties agreed that Wilson would apply the agreed Twenty-five Thousand Dollar (\$25,000.00) down payment to pay Sprewell's past due mortgage payments, Home

Owners' Association ("HOA") dues, miscellaneous bills as well as provide him with cash necessary to move into a rental unit. The parties are not realtors.

Escrow was scheduled to close of escrow on November 1, 2016, but because Sprewell did not comply by providing information about an undisclosed home equity line of credit that Sprewell took out, of provide HOA documents, or finish moving out of the subject property, escrow was cancelled and title was not conveyed to Wilson. However, the contract for sale was never cancelled. Wilson and his sister moved in.

The parties agreed to keep the first deed of trust in Sprewell's name rather than have Wilson assume it. Wilson agreed to pay the mortgage directly and deposit monthly payments of Three Hundred Twenty-five and 00/100 Dollars (\$325.00) into Sprewell's Credit Union account to compensate him for the sale price minus current loan amount.

The parties agreed that if Sprewell needed money for living expenses or bills, Wilson would provide that to him and reduce the amount of his payment to Sprewell. Sprewell spiraled deeper and deeper in debt for gambling debts, pawn shop payments, utility payments (for his rental home), costs to get his car out of impound, rent, etc.

On or about September 2017 Sprewell began to engage in acts of bad faith to try to cheat Wilson. Sprewell first tried to sell the house out from under Wilson and

his sister despite the parties' agreement. Sprewell knew that Wilson dabbled with renting the home on Airbnb occasionally, and he reported Wilson to the homeowner's association (HOA) in an attempt to get the HOA to dispossess Wilson by arguing he was just a tenant and was violating HOA rules prohibiting short term rentals of properties in the HOA. Wilson was able to prove his equitable conversion and that he had an interest in the property by mailing a copy of the Purchase Agreement to the HOA after which the HOA dropped all demands for fees and fines and no further action was taken.

Sprewell was undaunted. In October 2017 Sprewell successfully refinanced the first mortgage without telling Wilson so Sprewell could take the value out of the property and cheat Wilson out of the equity in the property. Wilson and his sister applied for and were approved for their own mortgage loan to buy out Sprewell's first mortgage, but Sprewell refused to cooperate with Wilson and refused to provide payoff information on his original loan(s) so Wilson could not get his own mortgage and carry through with a sale of the property.

A) Sprewell's First Attempt to Dispossess Wilson.

Throughout the next year into October 2018 Sprewell refused to meet with Wilson to complete the sale of the property to him, claiming to be "busy." That was disingenuous. Sprewell was ramping up to try to evict Wilson in North Las Vegas Justice Court. The scheme failed. The justice court recognized that Wilson

and his sister were equitable owners, that an equitable owner is not a tenant and is not obligated to pay rents and threw the case out. Sprewell then filed this lawsuit in district court on February 12, 2019. **JW0001-JW0004.**

Wilson was served this lawsuit and retained counsel. Wilson's counsel was advised prior to Wilson's appearance in this case that the parties had used a standard GLVAR RPA and that there was a clause requiring the parties to mediate the case before litigation ensued, so Wilson's counsel contacted Sprewell's counsel and advised Sprewell's counsel to dismiss the case and mediate the issues pursuant to the clear holding of *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016). Sprewell, via his counsel, refused to dismiss the action without prejudice and refused to mediate and then refile the case if mediation was unsuccessful. Given Sprewell's refusal, Wilson moved to dismiss Sprewell's complaint on March 28, 2019. **JW0005-JW0028.** Sprewell opposed on April 11, 2019, and Wilson Replied on March 29, 2019.

The Court, Department I, the Honorable Ken Cory presiding, delayed ruling on Wilson's Motion to Dismiss by staying the case and ordering the parties to mediate, although mediation was not requested by Wilson. Wilson complied with the Court's directive and applied for mediation to GLVAR. GLVAR declined to host mediation, however. GLVAR noted that because the parties were not represented by realtors in the transaction of the property, GLVAR would refuse to

host a mediation. The Court denied Wilson's Motion to Dismiss as GLVAR would not host a mediation as set forth in the RPA and entered an order denying the motion on September 16, 2019. **JW0029-JW0033.**

B) Sprewell / REEC's Second Attempt to Dispossess Wilson.

Sprewell then attempted another vexatious legal abuse by again seeking an "eviction" of Wilson despite that Sprewell is not a landlord, Wilson is not a tenant, and there is no leasehold or rental agreement regarding the subject property and despite that Sprewell had filed this lawsuit to quiet title between him and Wilson.

Sprewell purported to sell the property to a Michigan company called REEC that Wilson believes is owned by Sprewell's crony (Sprewell has disclosed no proof of any consideration for this sale). REEC retained a different attorney than Sprewell's counsel and REEC recorded a quit claim deed that purported to convey REEC the subject property, and then proceeded to sue Wilson in North Las Vegas Justice Court arguing it was a recent purchaser of property and requested a writ of restitution. The sham was exposed and was unsuccessful, however.

The action was denied for lack of jurisdiction and was dismissed, as the justice court noted that Sprewell had sued Wilson in district court in this action. Thus, the North Las Vegas Justice Court was having nothing to do with Sprewell's specious arguments that Wilson was a tenant and rejected Sprewell's (and his crony's company's) arguments for a second time.

C) Pertinent Procedural History of the Case.

Sprewell then filed a Motion seeking to substitute in the REEC company or for summary judgment on February 11, 2020. **JW0034-JW0072.** Wilson opposed on March 28, 2020, and Sprewell's Motion was denied on May 5, 2020. **JW0073-JW0076.** Wilson appeared and agreed to pay the first deed of trust mortgage payments and other expenses regarding the property (payments) voluntarily as he occupies the premises and he has since made all payments.

This case was then reassigned to Department XXXII in May 2021 upon the retirement of District Court Judge Cory. On May 14, 2021, Wilson filed an NRCP 12(c) motion for judgment on the pleadings seeking dismissal of this case for the failure of Sprewell to mediate before he litigated, that there is no dispute between the parties that there is the certain RPA that required mediation, pursuant to *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016). **JW0077-JW0108.**

Sprewell opposed and countermoved on June 1, 2021, arguing that as Department I had denied Wilson's Motion for Summary Judgment early in the case by ruling mediation was a contractual "impossibility," and declining to apply *MB Am., Inc. v. Alaska Pac. Leasing* to this case, the matter was settled and it was sanctionable conduct for Wilson to have filed his Motion for Judgment on the

Pleadings on May 28, 2021. Wilson opposed, on June 11, 2021, and Sprewell replied on June 15, 2021.

Wilson's motion was denied but Department XXXII, the Honorable Christy Craig presiding, granted Sprewell's countermotion for sanctions (arguing Department I's denial of Wilson's motion for summary judgment was a final decision, and so any other motion seeking judgment pursuant to *MB Am., Inc. v. Alaska Pac. Leasing* was in bad faith, and awarded \$2,150.00 in fees to Sprewell, on August 2, 2021. **JW0109-JW0113.**

Wilson moved to alter or amend the Court's order and presented the Court, Department XXXII, with transcripts showing that Department I apparently refused to apply *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016) to this case in error and requested that, at least, if the Court would not grant judgment in Wilson's favor to vacate the order granting sanctions, on August 30, 2021. Wilson also moved for an order that Sprewell's position that Wilson has zero ownership interest in the property is incorrect, that Sprewell admits Wilson has paid him and has made mortgage payments, and that there has been an equitable conversion of the property and that the property does not revert to Sprewell, and that Sprewell cannot, as a matter of procedural and substantive law, obtain a writ of restitution, on August 30, 2021. Sprewell opposed and countermoved again for

sanctions, on September 24, 2021, Wilson opposed on October 8, 2021, and Sprewell replied on October 8, 2021.

The Court, Department XXXII, denied Wilson's motions and granted Sprewell's countermotion for additional sanctions, on November 29, 2021, **JW0114-JW0120**, despite that there is uncontroverted fact that Sprewell and Wilson entered a property sale and Wilson at least partly paid Sprewell for the property, and there is clear caselaw that Department I erred in refusing to apply *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016) to this case, that there were no procedural missteps as the denial of Wilson's Motion for Summary Judgment was interlocutory, *Clark County Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 378, 213 P.3d 496, 499, (2009) (A district court's order denying summary judgment is an interlocutory decision and is not independently appealable), and a court may review any order previously made before final judgment, *Trail v. Faretto*, 91 Nev. 401, 403, 536, P.2d 1026, 1027, (1975) "[a] court may, for sufficient cause shown, amend, correct, resettle, modify or vacate, as the case may be, an order previously made and entered on the motion in the progress of the cause or proceeding."). The Court refused to hold an evidentiary hearing regarding the award of fees to Sprewell.

As, Sprewell has obtained an order requiring sanctions be paid by January 28, 2022, Wilson Petitioner has or shall move for a stay of the execution of

judgment that was noticed in this case pursuant to NRCp 62 (b)(2) or (3) or 62 (d), and pursuant to NRCp 52.

WHY THE WRIT SHOULD ISSUE

Writ relief is available when there is no “plain, speedy and adequate remedy in the ordinary course of law..” NRS 34.170. “Because an appeal from a final judgment or order is ordinarily an adequate remedy, in most cases, we decline to exercise our discretion to consider writ petitions challenging interlocutory district court orders.” *Oxbow Constr., LLC v. Dist. Ct.*, 130 Nev. Adv. Op 86, 335 P.3d 1234 (2014). However, even if an adequate legal remedy exists, this court will consider a writ petition if an important issue of law need clarification or if review would serve a public policy or judicial economy interest.” *Mona v. Eighth Judicial Dist. Court of State in & for Cty. of Clark*, 380 P.3d 836, 840 (Nev. 2016) (citing to *Diaz v. Eighth Judicial Dist. Court*, 116 Nev. 88, 93, 993 P.2d 50, 54 (2000)). The Court examines each case individually, granting extraordinary relief if the “circumstances reveal urgency or strong necessity.” *See Jeep Corp. v. Second Judicial Dist. Court*, 98 Nev. 440, 443, 652 P.2d 1183, 1185 (1982).

A writ of mandamus will issue to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, and where there is no plain, speedy, and adequate remedy in the ordinary course of law. *Hickey v. District Court*, 105 Nev. 729, 782 P.2d 1336 (1989); NRS 34.160. A writ of

mandamus is available when the respondent has a clear, present legal duty to act, or to control an arbitrary or capricious exercise of discretion. *Round Hill Gen. Imp. Dist. V. Newman*, 97 Nev. 601, 637 P.2d 534 (1981). The writ is the appropriate remedy to compel performance of a judicial act. *Solis-Ramirez v. Eighth Judicial Dist. Court ex rel. County of Clark*, 112 Nev. 344, 913 P.2d 1293 (1996). Writs are intended to resolve legal, not factual disputes. *Round Hill Gen. Imp. Dist., supra*. The Court may, in its discretion, treat a petition for writ of mandamus as one for prohibition, or vice versa, or treat a notice of appeal interchangeably as a Petition for a Writ. *Messner v. District Court*, 104 Nev. 759, 766 P.2d 1320 (1988); *In re Temporary Custody of Five Minors*, 105 Nev. 441, 777 P.2d 901 (1989).

LEGAL ARGUMENT

Here, Petitioner filed several motions seeking the relief that should have been granted but has not only have the meritorious motions been denied, Petitioner has been unjustly sanctioned \$2,150.00 and \$5,000.00.

Reasons for Granting the Requested Relief

Nevada law is clear: a prelitigation mediation clause in a parties' contract is an enforceable condition precedent to litigation, that claiming declaratory relief is not ripe prior to exhausting mediation attempts and will not preclude dismissal, and that dismissal (not stay) and the consequences of dismissal (an award of attorney's fees) is the proper remedy for a prevailing party seeking to dismiss litigation due to

the failure of a plaintiff to mediate before initiating litigation. *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016).

Respectfully, Wilson believes the Court should have granted judgment in Wilson's favor, as Wilson's Motion to Dismiss referred to a matter outside the pleadings, the RPA between the parties, therefore conversion pursuant to NRCP 12(d) was proper for the Court to consider the Motion to Dismiss under a summary judgment standard. It was error to apply the contract doctrine of "impossibility" to this case, the doctrine is utterly inapplicable here. Impossibility is a contractual defense to nonperformance; "Impossible conditions cannot be performed; and if a person contracts to do what at the time is absolutely impossible, the contract will not bind him, because no man can be obliged to perform an impossibility; but where the contract is to do a thing which is possible in itself, the performance is not excused by the occurrence of an inevitable accident or other contingency, although it was not foreseen by the party, nor was within his control." *Jones v. United States*, 96 U.S. 24, 24 L. Ed. 644, 645, (1877).

It was also error for the court to fail to recognize the doctrine of *equitable conversion* is applicable here where there is a RPA and the parties concede that fact. In *Harrison v. Rice*, 89 Nev. 180, 183, 510 P.2d 633, 635 (1973) (citations omitted), the Nevada Supreme Court stated:

"An equitable conversion occurs when a contract for the sale of real property becomes binding upon the parties. The purchaser is deemed to

be the equitable owner of the land and the seller is considered to be the owner of the purchase price. This, because the maxim that equity considers as done that which was agreed to be done.”

Since Sprewell sold the property to Wilson, under the doctrine of equitable conversion, Sprewell holds only a legal interest in the property. *See, e.g. Herndon v. Grilz*, 112 Nev. 873, 877, 920 P.2d 998, 1000-1001, (1996). Sprewell believes that the property will revert to him if he prevails; Sprewell is incorrect. Sprewell has not sought a judicial foreclosure but if he had (Nevada law provides for both judicial and nonjudicial foreclosure sales NRS 40.430, NRS 107.080, but Sprewell seeks legal remedies and is not entitled to foreclosure nor does the property revert to Sprewell in any case as in a judicial foreclosure, which "must be conducted in the same manner as the sale of real property upon execution," NRS 40.430(4), meaning the "property shall be subject to redemption" under NRS Chapter 21, *see*, NRS 21.190), under NRS 21.210(3) Wilson has an absolute one-year right to redeem the property from the purchaser at the execution- or judicial-foreclosure sale. *Bldg. Energetix Corp. v. EHE, LP*, 129 Nev. 78, 85, 294 P.3d 1228, 1233, (2013).

Regarding the sanctions Orders, Wilson's motions were not frivolous as the motions that Petitioner filed were based upon current Nevada law and the merits of the case and should be vacated. It is axiomatic that if Petitioner's motions were meritorious then Petitioner cannot be sanctioned for filing such motions. It was error

for the Court to have sanctioned Petitioner, an error committed not once but twice.

For one, Petitioner's motions were not procedurally precluded as the denial of summary judgment is interlocutory. *Clark County Sch. Dist. v. Virtual Educ. Software, Inc.*, 125 Nev. 374, 378, 213 P.3d 496, 499, (2009). Wilson's Motion for Judgment on the Pleadings was timely filed. NRCP 12(c) allows for a motion for judgment on the pleadings: "[a]fter the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings." Here, trial is not currently scheduled until April 18, 2022. Moreover, the Court was entitled to vacate the prior order denying summary judgment. *See, Trail v. Faretto*, 91 Nev. 401, 403, 536, P.2d 1026, 1027, (1975) (a district court has inherent authority to reconsider its prior orders).

Secondly, sanctions were not warranted even if this Court were to deny judgment in Petitioner's favor. Simply stated, there was nothing frivolous in Petitioner filing the motion for judgment on the pleadings simply just because the previous Court had denied Petitioner's motion to dismiss or summary judgment. Wilson is not deserving of sanctions nor did the Court articulate any Findings of Fact and Conclusions of Law supporting granting Sprewell's Countermotion. *See, Detwiler v. Eighth Judicial Dist. Court of Nev.*, 486 P.3d 710, 713, (2021) (the sanction to be reasonable under the facts of the case). Simply stated, there is no basis for sanctions here simply because the prior Court denied the same relief

requested in Wilson's Motion for Judgment on the Pleadings, and there should never be sanctions when a prior Court has disregarded a case on point, but a case is then transferred to another Department. Here, evidently Department XXXII decided to deny Petitioner's motion for judgment on the pleadings solely because the prior Court, Department I, had denied Petitioner's motion to dismiss or for summary judgment, period, without regard to the merits of the motion, and then proceeded to sanction Petitioner without regard to the merits of the motion.

Third, the sanctions awarded to Real Party in Interest is excessive. There is no evidentiary basis for the first award of sanctions, \$2,150.00, and there is no evidentiary basis for the second, \$5,000.00. There were no billing records submitted by Real Party in Interest to support the Orders of the Court, and the Court abused its discretion in awarding sanctions.

An emergency stay here should be granted. Petitioner will suffer irreparable injury if the stay is not granted as Petitioner may have an excessive and unjust sanctions judgment collected by Real Party in Interest.

CONCLUSION

Accordingly, this petition seeks a writ of mandamus directing the district court to vacate its Order denying Petitioner's motion to dismiss or summary judgment and direct entry of summary judgment in favor of Wilson; vacate the Order granting of Defendant's countermotion for sanctions pursuant to EDCR 7.60; vacate the Order

granting Defendant's counter-motion for additional sanctions pursuant to EDCR 7.60; the Entry of Summary Judgment in favor of Petitioner, or, in the alternative, to Stay the Execution of the Court's Order granting Defendant's counter-motion for additional sanctions pursuant to EDCR 7.60.

DATED this 2nd day of March 2022.

Respectfully submitted,

HATFIELD & ASSOCIATES, LTD.

/s/ Trevor J. Hatfield
By: _____

TREVOR J. HATFIELD, ESQ.
Nevada Bar No. 007373
703 South Eighth Street
Las Vegas, Nevada 89101
(702) 388-4469 Tel.
(702) 386-9825 Fax
ihatfield@hatfieldlawassociates.com
Attorney of Record for Petitioners

VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

TREVOR J. HATFIELD, ESQ., being first duly sworn, deposes and says:


1. I am the attorney of record for Petitioners Jimmy Wilson and Twana Hatcher (hereinafter "Petitioners"). I am knowledgeable of the facts contained herein and am competent to testify thereto.
2. I have personally prepared this Petition for a Writ of Mandamus, and I know the contents thereof.
3. I certify that the statements of facts and of the procedural posture of this case are true and accurate, that I believe the Petition for a Writ of Mandamus to present a meritorious claim for relief at this time, and that the Petition is not interposed for any improper purpose.

FURTHER YOUR AFFIANT SAYAETH NAUGHT

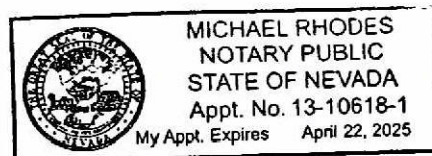


TREVOR J. HATFIELD, ESQ.

SUBSCRIBED and SWORN to before
me this 2nd day of March 2022.



Notary Public for Said County and
State



CERTIFICATE OF COMPLIANCE

1. I certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14 point Times New Roman.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 3,839 words.

3. Finally, I certify that I have read this petition, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this petition complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the petition regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying petition is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On March 2, 2022 I submitted to the above-entitled Court for electronic filing and service upon the Court's Service List for the above-referenced case and served a true and correct copy of the foregoing **JIMMY WILSON AND TWANA HATCHER's PETITION FOR WRIT OF MANDAMUS** upon the following by the method indicated:

Via electronic mail as set forth below:

TYRONE SPREWELL
c/o HONG & HONG LAW OFFICE
Joseph Y. Hong, Esq.
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
yosuphonglaw@gmail.com
Real Party in Interest

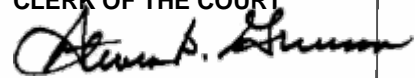
Via hand delivery on March 2, 2022 of the documents(s) listed above addressed as set forth below:

Honorable Christy Craig, Dept. 32
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89155
Respondent

/s/ Freda P. Brazier
An employee of Hatfield & Associates, Ltd.

EXHIBIT TWO

EXHIBIT TWO



1 **NEOJ**
2 **JOSEPH Y. HONG, ESQ.**
3 State Bar No. 005995
4 **HONG & HONG LAW OFFICE**
5 1980 Festival Plaza Drive, Suite 650
6 Las Vegas, Nevada 89135
7 Telephone No.: (702) 870-1777
8 Facsimile No.: (702) 870-0500
9 E-mail: yosuphonglaw@gmail.com
10 *Attorney for Plaintiff*

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

10 **TYRONE SPREWELL,**

11 **Plaintiff,**

Case No.: A-19-789252-C

Dept. No.: 32

12 **v.**

13 **JIMMY L. WILSON, et al.,**

14 **Defendants.**

NOTICE OF ENTRY OF ORDER

15 AND RELATED COUNTERCLAIM.

17 **TO: JIMMY L. WILSON and TWANA HATCHER, Defendants/Counterclaimants; and**

18 **TO: TREVOR J. HATFIELD, ESQ., HATFIELD & ASSOCIATES LTD., Attorney for**
19 **Defendants/Counterclaimants, JIMMY L. WILSON and TWANA HATCHER:**

20 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that an ORDER was
21 entered in the above-entitled matter, and filed on the 29th day of November, 2021, a copy of
22 which is attached hereto.

23 **DATED this 29th day of November, 2021.**

24 **HONG & HONG LAW OFFICE**

25 /s/ Joseph Y. Hong

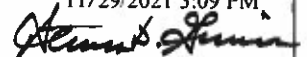
26 **JOSEPH Y. HONG, ESQ.**
27 State Bar No. 005995
28 1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Attorney for Plaintiff

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CERTIFICATE OF ELECTRONIC SERVICE

Pursuant to NRCp 5(b)(2)(E), I certify that I am an employee of Joseph Y. Hong, Esq., and that on this 29th day of November, 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** by electronic transmission through the Eighth Judicial District Court EFP system (Odyssey eFileNV) pursuant to NEFCR 9 upon each party in this case who is registered as an electronic case filing user with the Clerk.

By /s/ Debra L. Batesel
An employee of Joseph Y. Hong, Esq.


CLERK OF THE COURT

ORDER

JOSEPH Y. HONG, ESQ.
State Bar No. 005995
HONG & HONG LAW OFFICE
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone No.: (702) 870-1777
Facsimile No.: (702) 870-0500
E-mail: yosuphonglaw@gmail.com
Attorney for Plaintiff
TYRONE SPREWELL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

TYRONE SPREWELL,

Plaintiff,

vs.

JIMMY L. WILSON, et al.,

Defendants.

And Related Counterclaim.

Case No.: A-19-789252-C

Dept. No.: 32

ORDER

Date of Hearing: November 10, 2021
Time of Hearing: 8:30 a.m.

Defendants/Counterclaimants, JIMMY L. WILSON ("Defendant Wilson") and TWANA HATCHER ("Defendant Hatcher") (collectively referred to as "Defendants"), having filed their Motion for Judgment on the Pleadings ("Motion for Judgment"); Plaintiff/Counterdefendant, TYRONE SPREWELL ("Plaintiff Sprewell"), having filed his Opposition and Countermotion for Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1) and/or (3) (referred to as "Opposition" and "Countermotion 1"); Defendants having filed their Reply and Opposition to Plaintiff Sprewell's Opposition and Countermotion 1; Plaintiff Sprewell having filed his Reply in support of his

1 Countermotion 1; Defendants having filed their Motion to Alter or Amend the Court's Order of
2 August 2, 2021 ("Motion to Alter"); Plaintiff Sprewell having filed his Opposition and
3 Countermotion for Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1) and/or (3) (referred to as
4 "Opposition" and "Countermotion 2"); Defendants having filed their Reply and Opposition to
5 Plaintiff Sprewell's Opposition and Countermotion 2; the Court having considered the papers and
6 pleadings on file, and argument of counsel, and good cause appearing therefore,
7

8 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants' Motion
9 for Judgment on the Pleadings shall be denied.

10 **IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED** that
11 Defendants' Motion to Alter or Amend the Court's Order of August 2, 2021 shall be denied.

12 **IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff
13 Sprewell's Countermotions for Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1) and/or (3)
14 shall be granted wherein Defendant Wilson and Defendant Hatcher, jointly and severally, shall
15 pay to Plaintiff Sprewell, in care of his counsel, the amount of Five Thousand Dollars (\$5,000.00)
16 within sixty (60) days from the date the Notice of Entry of this Order is filed.
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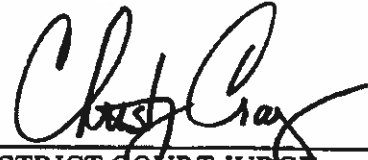
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1 **IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED** that
2 Defendants' oral request for NRCP 54(b) certification of the portion of this Order granting
3 Plaintiff Sprewell's Countermotion for Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1)
4 and/or (3) shall be granted.

Dated this 29th day of November, 2021

5 DATED this _____ day of November, 2021.

6
7 
8 _____
DISTRICT COURT JUDGE

9
10 Respectfully submitted by:

06A B2E 9812 0FBF
Christy Craig
District Court Judge

11 /s/ Joseph Y. Hong

12 JOSEPH Y. HONG, ESQ.
13 State Bar No. 005995
14 1980 Festival Plaza Drive, Suite 650
15 Las Vegas, Nevada 89135
Attorney for Plaintiff
TYRONE SPREWELL

16
17 Reviewed by:

18 /s/ Trevor J. Hatfield

19 TREVOR J. HATFIELD, ESQ.
20 Attorney for Defendants
JIMMY L. WILSON and TWANA HATCHER

----- Forwarded message -----

From: **Trevor Hatfield** <thatfield@hatfieldlawassociates.com>

Date: Tue, Nov 23, 2021 at 5:04 PM

Subject: Re: TIME SENSITIVE... Sprewell v. Wilson, Hatcher...

To: Joseph hong <yosuphonglaw@gmail.com>

Joseph, you can e-sign for me and file the proposed Order.

Trevor J. Hatfield, Esq.,
HATFIELD & ASSOCIATES, LTD.
703 S. Eighth St.
Las Vegas, NV 89101
(702) 388-4469



thatfield@hatfieldlawassociates.com

This e-mail communication is a confidential attorney communication intended only for the person to whom it is addressed above. Any dissemination, distribution, or copying of this communication is strictly prohibited.

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, you are hereby informed that any federal tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

--

Joseph Y. Hong, Esq
Hong & Hong Law Office
One Summerlin
1980 Festival Plaza Dr., Suite 650
Las Vegas, Nevada 89135
Tel: (702) 870-1777
Fax: (702) 870-0500
Cell: (702) 409-6544
Email: Yosuphonglaw@gmail.com

1 CSERV

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Tyrone Sprewell, Plaintiff(s)

CASE NO: A-19-789252-C

7 vs.

DEPT. NO. Department 32

8 Jimmy Wilson, 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: 11/29/2021

15 Trevor Hatfield

thatfield@hatfieldlawassociates.com

16 Debbie Batesel

dbhonglaw@hotmail.com

17 Joseph Hong, Esq.

yosuphonglaw@gmail.com

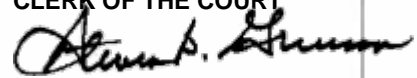
18 Freda Brazier

freda@hatfieldlawassociates.com

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EXHIBIT THREE

EXHIBIT THREE



1 **MFC**
2 JOSEPH Y. HONG, ESQ.
3 State Bar No. 005995
4 HONG & HONG LAW OFFICE
5 1980 Festival Plaza Drive, Suite 650
6 Las Vegas, Nevada 89135
Telephone No.: (702) 870-1777
Facsimile No.: (702) 870-0500
E-mail: yosuphonglaw@gmail.com
Attorney for Tyrone Sprewell

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 TYRONE SPREWELL,
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12 Plaintiff,
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14 vs.
15 JIMMY L. WILSON, et al.,
16 Defendants.
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28
AND RELATED COUNTERCLAIM.

Case No.: A-19-789252-C

Dept. No.: 32

**PLAINTIFF, TYRONE SPREWELL'S,
MOTION FOR ORDER HOLDING
DEFENDANTS, JIMMY L. WILSON
AND TWANA HATCHER, IN
CONTEMPT FOR INTENTIONALLY
AND WILLFULLY VIOLATING THE
COURT'S ORDER
PURSUANT TO NRS 22.010(3) AND
FOR ATTORNEY'S FEES PURSUANT
TO E.D.C.R. 7.60(b)(3) AND/OR (5)**

HEARING REQUESTED

COMES NOW, Plaintiff, TYRONE SPREWELL ("Plaintiff"), by and through his attorney of record, JOSEPH Y. HONG, ESQ., and hereby submits his Motion for Order Holding Defendants, JIMMY L. WILSON and TWANA HATCHER (collectively referred to as "Defendant Wilson"), in Contempt for Intentionally and Willfully Violating the Court's Order Pursuant to NRS 22.010(3) and for Attorney's Fees Pursuant to E.D.C.R. 7.60(b)(3) and/or (5) ("Motion for Contempt").

1 This Motion is based on the following points and authorities, all pleadings and papers filed
2 in this action, the attached declaration of counsel and any argument of counsel at the time of hearing.

3 DATED this 10th day of February, 2022.

4 HONG & HONG LAW OFFICE

5
6
7 /s/ Joseph Y. Hong

8 JOSEPH Y. HONG, ESQ.

9 State Bar No. 005995

10 1980 Festival Plaza Drive, Suite 650

11 Las Vegas, Nevada 89135

12 *Attorney for Tyrone Sprewell*

13 **DECLARATION OF COUNSEL IN SUPPORT OF MOTION FOR ORDER HOLDING**
14 **DEFENDANTS, JIMMY L. WILSON AND TWANA HATCHER, IN CONTEMPT**
15 **FOR INTENTIONALLY AND WILLFULLY VIOLATING THE COURT'S ORDER**
16 **PURSUANT TO NRS 22.010(3) AND FOR ATTORNEY'S FEES PURSUANT TO**
17 **E.D.C.R. 7.60(b)(3) AND/OR (5)**

18 JOSEPH Y. HONG, ESQ., being first duly sworn, and under penalty of perjury, deposes
19 and states:

20 1. Declarant is the attorney of record for Plaintiff in this action.

21 2. Declarant has personal knowledge and is competent to testify to the following facts.

22 As to those facts which are not from personal knowledge, Declarant believes them to be true, and
23 if called to testify, Declarant would and could testify competently thereto.

24 3. Plaintiff's instant Motion for Contempt is directly related to Defendant Wilson's
25 intentional and willful violation of this Court's Order that was entered and filed on November 29,
26 2021. *See filed stamped copy of Order attached to the filed stamped copy of the Notice of Entry of*
27 *Order attached hereto as Exhibit "1."* Pursuant to the Court's Order, the Court, in granting
28 Plaintiff's Countermotions for Attorney's Fees Pursuant to EDCR 7.60(b)(1) and/or (3),

1 specifically and expressly Ordered Defendant Wilson to pay to Plaintiff, through Plaintiff's counsel,
2 the amount of \$5,000.00 within 60 days from the date the Notice of Entry of the Order was filed.
3 As the Court will recall, as a courtesy/accommodation to Defendant Wilson, the Court reduced the
4 amount of \$7,903.00, as the originally requested total amount by Plaintiff pursuant to the two
5 Countermotions, to the amount of \$5,000.00. The Court, as a further courtesy/ accommodation to
6 Defendant Wilson, extended the due date for payment for 2 *months* after the filing date of the Notice
7 of Entry of Order.
8

9 4. The Notice of Entry of the Order was filed and served on November 29, 2021. *See*
10 ***Exhibit "1."*** Thus, the 60th day from November 29, 2021 was Friday, January 28, 2022. Although
11 not required to, as a courtesy, on Wednesday, February 2, 2022, I emailed a correspondence to
12 counsel for Defendant Wilson and counsel's secretary pursuant to the email addresses as listed with
13 the Court's e-service list for this case. *See copy of email correspondence of February 2, 2022*
14 *attached hereto as Exhibit "2."* Pursuant to the email correspondence, I informed counsel for
15 Defendant Wilson that the payment as Ordered by the Court had not been received as of
16 Wednesday, February 2, 2022 and how same was due on the preceding Friday, January 28, 2022 as
17 Ordered by the Court. I further informed counsel for Defendant Wilson that Plaintiff, in good faith,
18 was agreeable to extending the due date of Friday, January 28, 2022 for one week to Friday,
19 February 4, 2022 wherein if however, payment was not received by Friday, February 4, 2022,
20 Plaintiff would have no other alternative, but to seek immediate judicial intervention and would be
21 requesting additional attorney's fees related to the seeking of judicial intervention. *See Exhibit "2."*
22

23 5. No payment was received on Friday, February 4, 2022. I further waited an additional
24 6 days until Thursday, February 10, 2022 ---the date the instant Motion for Contempt was prepared-
25 -- to receive the Court Ordered payment. No payment has been received as of Thursday, February
26 10, 2022. No response of any kind to my email correspondence of February 4, 2022 has been
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28

1 received from counsel for Defendant Wilson.

2 6. Thus, by intentionally and willfully refusing to tender the amount of \$5,000.00 to
3 Plaintiff in care of my office by Friday, January 28, 2022 as expressly Ordered by this Court, and
4 by Friday, February 4, 2022 pursuant to Plaintiff's good faith extension, Defendant Wilson has
5 intentionally and willfully disobeyed and/or resisted this Court's Order and, therefore, is in per se
6 contempt of Court pursuant to NRS 22.010(3) and has per se violated E.D.C.R. Rule 7.60(b)(5).
7

8 7. As stated above, Defendant Wilson was afforded *2 months* to comply with this
9 Court's Order. If the hearing on the instant Motion for Contempt is set in the ordinary course,
10 *another month* will pass since hearings on motions are routinely set for 33 days out by the Clerk of
11 Court.
12

13 8. Due to Defendant Wilson's conduct of his per se contempt of Court, Plaintiff has
14 been forced to file the instant Motion.

15 9. The hours expended and the anticipated hours to be expended are as follows:

02/10/22 Prepare Motion for Contempt	2.50 hours
Total	2.50 hours
Anticipated hours:	
Prepare for hearing	.25 hours
Attend hearing (including wait time)	.50 hours

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22 10. Thus, the hours actually expended and the anticipated hours to be expended total
23 3.25 hours.

24 11. The above billing itemization is true and accurate and the anticipated attorney's fees
25 are based on Declarant's best belief.

26 12. It is my experience that the attorney's fees incurred by Plaintiff are reasonable and
27 customary. Further, it is my experience that the rates charged by Declarant to Plaintiff for his
28

1 services (\$150.00 per hour for a Paralegal and \$500.00 per hour for a partner at 15 minute minimum
2 increments) are reasonable and representative of the rates charged by law firms of equal caliber for
3 similar work.

4 13. Thus, Plaintiff is entitled to be reimbursed his attorney's fees in the amount of
5 \$1,625.00, which was directly related to Plaintiff being forced to prepare and file his instant Motion
6 for Contempt.
7

8 Your Declarant further sayeth naught.

9 DATED this 10th day of February, 2022.
10

11 /s/ Joseph Y. Hong
12 JOSEPH Y. HONG, ESQ.
13

14
15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16
17 **1. SUMMARY OF MOTION**

18 This is not the first time that Defendant Wilson has intentionally and willfully disobeyed
19 and/or resisted the Court's Order in this case. As the Court will recall, the Honorable Judge Cory
20 previously Ordered Defendant Wilson to tender payments to Plaintiff's counsel on or before the
21 first day of each month for his occupancy of the Subject Property during this case. Defendant
22 Wilson, however, intentionally and willfully disobeyed and/or resisted the Order by continually
23 tendering the monthly payments to Plaintiff's counsel well after the first day of each month. This
24 Court, therefore, pursuant to Plaintiff's previously filed Motion to Compel compliance, reaffirmed
25 Judge Cory's previous Order wherein only then has Defendant Wilson complied.
26

27 As stated above, this Court expressly Ordered Defendant Wilson to tender the amount of
28 \$5,000.00 to Plaintiff's counsel within 60 days from the filing of the Notice of Entry of Order. The

1 Notice of Entry of Order was filed and served on November 29, 2021. The 60th day was January
2 28, 2022. In complete disobedience and resistance to this Court's Order, no payment has been
3 tendered by Defendant Wilson. In fact, as stated above, Plaintiff's counsel emailed counsel for
4 Defendant Wilson on February 2, 2022 informing counsel for Defendant Wilson that the due date
5 of January 28, 2022, which had already passed, would be extended one week to February 4, 2022.
6 No payment has been received. No response of any kind to Plaintiff's counsel's February 2, 2022
7 email has been received.
8

9 **2. ARGUMENT**

10 **DEFENDANT WILSON IS PER SE IN CONTEMPT OF COURT PURSUANT TO**
11 **NRS 22.010(3)**

12 NRS 22.010 (3) ---Acts or omission constituting contempts --- states as follows:
13 The following **shall be deemed contempts**:

14 ...

14 (3) **Disobedience or resistance to any** lawful writ, **order**, rule or process **issued**
15 **by the court** or judge at chambers.
16 Emphasis added.

17 As stated earlier, this Court issued its Order on November 29, 2021 whereby Defendant
18 Wilson was expressly Ordered to tender the amount of \$5,000.00 to Plaintiff's counsel within 60
19 days from the filing of the Notice of Entry of Order. The Notice of Entry of Order was filed and
20 served on November 29, 2021. The 60th day was January 28, 2022. Defendant Wilson has not
21 tendered any amount to Plaintiff's counsel. Thus, this blatant intentional and willful refusal/failure
22 is a direct disobedience and/or resistance to this Court's Order wherein Defendant Wilson is **per se**
23 **in contempt** of Court pursuant to NRS 22.010(3). Defendant Wilson has also **per se violated**
24 E.D.C.R. Rule 7.60(b)(5) by failing/refusing to "comply with any order of a judge of the court."

25 This Court, therefore, should not condone this type of brazen and disobedient conduct and
26 must find Defendant Wilson to be in contempt of Court pursuant to the plain and express language
27 of NRS 22.010(3). As noted above, NRS 22.010 sets forth the categories of conduct as enumerated
28

1 in subsections (1) through (7) that “shall be deemed” as contempt. Defendant Wilson’s conduct
2 absolutely violated subsection (3).

3 As to the sanctions this Court should impose on Defendant Wilson for his per se contempt
4 of Court and per se violation of E.D.C.R. Rule 7.60(b)(5), Plaintiff respectfully defers to the Court.
5 However, at a minimum, the original amount of \$7,903.00, which this Court reduced to \$5,000.00
6 as a courtesy and accommodation to Defendant Wilson, should now be immediately due in addition
7 to the amount of \$1,625.00, the fees incurred by Plaintiff related to the instant Motion, wherein
8 Defendant Wilson should be Ordered to immediately ---within 2 judicial days from the hearing on
9 the instant Motion--- tender the total amount of \$9,528.00 for his per se contempt of Court and per
10 se violation of E.D.C.R. Rule 7.60(b)(5).
11

12 In the event the amount of \$9,528.00 is not immediately tendered by Defendant Wilson, the
13 Court should enter an Order striking Defendant Wilson’s Answer and Counterclaim and enter a
14 default judgment in favor of Plaintiff and against Defendant Wilson in this action, which is clearly
15 within this Court’s discretion to do so for Defendant Wilson being in per se contempt of Court and
16 having per se violated E.D.C.R. Rule 7.60(b)(5).
17

18 3. CONCLUSION

19 Based on the foregoing, Defendant Wilson is in per se contempt of Court and has per se
20 violated E.D.C.R. Rule 7.60(b)(5). Plaintiff, therefore, respectfully requests the Court to impose
21 sanctions against Defendant Wilson as this Court deems just and proper. Plaintiff has again
22 unnecessarily incurred additional fees and costs in being forced to prepare and file the instant
23 Motion for Contempt. It is simply inequitable for Plaintiff to incur such unnecessary additional fees
24 and costs when Defendant Wilson, like any other litigant in a case before the Eighth Judicial District
25 Court, must comply with Court Orders. Plaintiff, therefore, at a minimum, respectfully submits that
26 sanctions in the form of attorney’s fees and costs ---from the original previous amount and the
27
28

1 amount related to the instant Motion--- in the total amount of \$9,528.00 should be imposed against
2 Defendant Wilson.

3 DATED this 10th day of February, 2022.

4 HONG & HONG LAW OFFICE

5
6 /s/ Joseph Y. Hong
7 JOSEPH Y. HONG, ESQ.
8 State Bar No. 005995
9 1980 Festival Plaza Drive, Suite 650
10 Las Vegas, Nevada 89135
11 Attorney for Tyrone Sprewell

12 **CERTIFICATE OF ELECTRONIC SERVICE**

13 Pursuant to NRCP 5(b)(2)(E), I certify that I am an employee of Joseph Y. Hong, Esq., and
14 that on this 11th day of February, 2022, I served a true and correct copy of the foregoing
15 **PLAINTIFF, TYRONE SPREWELL'S, MOTION FOR ORDER HOLDING**
16 **DEFENDANTS, JIMMY L. WILSON AND TWANA HATCHER, IN CONTEMPT FOR**
17 **INTENTIONALLY AND WILLFULLY VIOLATING THE COURT'S ORDER**
18 **PURSUANT TO NRS 22.010(3) AND FOR ATTORNEY'S FEES PURSUANT TO E.D.C.R.**
19 **7.60(b)(3) AND/OR (5)** by electronic transmission through the Eighth Judicial District Court EFP
20 system (Odyssey eFileNV) pursuant to NEFCR 9 upon each party in this case who is registered as
21 an electronic case filing user with the Clerk.
22

23
24 By /s/ Debra L. Batesel
25 An employee of Joseph Y. Hong, Esq.
26
27
28

EXHIBIT “1”



1 NEOJ
2 JOSEPH Y. HONG, ESQ.
3 State Bar No. 005995
4 HONG & HONG LAW OFFICE
5 1980 Festival Plaza Drive, Suite 650
6 Las Vegas, Nevada 89135
Telephone No.: (702) 870-1777
Facsimile No.: (702) 870-0500
E-mail: yosuphonglaw@gmail.com
Attorney for Plaintiff

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 TYRONE SPREWELL,

11 *Plaintiff,*

12 v.

13 JIMMY L. WILSON, et al.,

14 *Defendants.*

15 AND RELATED COUNTERCLAIM.
16

Case No.: A-19-789252-C

Dept. No.: 32

NOTICE OF ENTRY OF ORDER

17 TO: JIMMY L. WILSON and TWANA HATCHER, Defendants/Counterclaimants; and

18 TO: TREVOR J. HATFIELD, ESQ., HATFIELD & ASSOCIATES LTD., Attorney for
19 Defendants/Counterclaimants, JIMMY L. WILSON and TWANA HATCHER:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an ORDER was
21 entered in the above-entitled matter, and filed on the 29th day of November, 2021, a copy of
22 which is attached hereto.

23 DATED this 29th day of November, 2021.

24 HONG & HONG LAW OFFICE

25 /s/ Joseph Y. Hong


26 JOSEPH Y. HONG, ESQ.
27 State Bar No. 005995
28 1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Attorney for Plaintiff

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CERTIFICATE OF ELECTRONIC SERVICE

Pursuant to NRCP 5(b)(2)(E), I certify that I am an employee of Joseph Y. Hong, Esq., and that on this 29th day of November, 2021, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** by electronic transmission through the Eighth Judicial District Court EFP system (Odyssey eFileNV) pursuant to NEFCR 9 upon each party in this case who is registered as an electronic case filing user with the Clerk.

By /s/ Debra L. Batesel
An employee of Joseph Y. Hong, Esq.


CLERK OF THE COURT

1 **ORDR**
2 **JOSEPH Y. HONG, ESQ.**
3 **State Bar No. 005995**
4 **HONG & HONG LAW OFFICE**
5 **1980 Festival Plaza Drive, Suite 650**
6 **Las Vegas, Nevada 89135**
7 **Telephone No.: (702) 870-1777**
8 **Facsimile No.: (702) 870-0500**
9 **E-mail: yosuphonglaw@gmail.com**
10 **Attorney for Plaintiff**
11 **TYRONE SPREWELL**

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **TYRONE SPREWELL,**
15 **Plaintiff,**

Case No.: A-19-789252-C

Dept. No.: 32

16 **vs.**

17 **JIMMY L. WILSON, et al.,**
18 **Defendants.**

19 **And Related Counterclaim.**

20 **ORDER**

21 **Date of Hearing: November 10, 2021**
22 **Time of Hearing: 8:30 a.m.**

23 **Defendants/Counterclaimants, JIMMY L. WILSON ("Defendant Wilson") and TWANA**
24 **HATCHER ("Defendant Hatcher") (collectively referred to as "Defendants"), having filed their**
25 **Motion for Judgment on the Pleadings ("Motion for Judgment"); Plaintiff/Counterdefendant,**
26 **TYRONE SPREWELL ("Plaintiff Sprewell"), having filed his Opposition and Countermotion for**
27 **Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1) and/or (3) (referred to as "Opposition" and**
28 **"Countermotion 1"); Defendants having filed their Reply and Opposition to Plaintiff Sprewell's**
Opposition and Countermotion 1; Plaintiff Sprewell having filed his Reply in support of his

1 Countermotion 1; Defendants having filed their Motion to Alter or Amend the Court's Order of
2 August 2, 2021 ("Motion to Alter"); Plaintiff Sprewell having filed his Opposition and
3 Countermotion for Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1) and/or (3) (referred to as
4 "Opposition" and "Countermotion 2"); Defendants having filed their Reply and Opposition to
5 Plaintiff Sprewell's Opposition and Countermotion 2; the Court having considered the papers and
6 pleadings on file, and argument of counsel, and good cause appearing therefore,
7

8 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Defendants' Motion
9 for Judgment on the Pleadings shall be denied.

10 **IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED** that
11 Defendants' Motion to Alter or Amend the Court's Order of August 2, 2021 shall be denied.
12

13 **IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED** that Plaintiff
14 Sprewell's Countermotions for Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1) and/or (3)
15 shall be granted wherein Defendant Wilson and Defendant Hatcher, jointly and severally, shall
16 pay to Plaintiff Sprewell, in care of his counsel, the amount of Five Thousand Dollars (\$5,000.00)
17 within sixty (60) days from the date the Notice of Entry of this Order is filed.

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

1 **IT IS FURTHER HEREBY ORDERED, ADJUDGED AND DECREED** that
2 Defendants' oral request for NRCP 54(b) certification of the portion of this Order granting
3 Plaintiff Sprewell's Countermotion for Attorney's Fees Pursuant to E.D.C.R. Rule 7.60(b)(1)
4 and/or (3) shall be granted.

Dated this 29th day of November, 2021

5 DATED this _____ day of November, 2021.

6
7 
8 _____
DISTRICT COURT JUDGE

9
10 Respectfully submitted by:

06A B2E 9812 0FBF
Christy Craig
District Court Judge

11 /s/ Joseph Y. Hong

12 JOSEPH Y. HONG, ESQ.
13 State Bar No. 005995
14 1980 Festival Plaza Drive, Suite 650
15 Las Vegas, Nevada 89135
Attorney for Plaintiff
TYRONE SPREWELL

16
17 Reviewed by:

18 /s/ Trevor J. Hatfield

19 TREVOR J. HATFIELD, ESQ.
20 Attorney for Defendants
JIMMY L. WILSON and TWANA HATCHER

----- Forwarded message -----

From: **Trevor Hatfield** <thatfield@hatfieldlawassociates.com>

Date: Tue, Nov 23, 2021 at 5:04 PM

Subject: Re: TIME SENSITIVE... Sprewell v. Wilson, Hatcher...

To: **Joseph hong** <yosuphonglaw@gmail.com>

Joseph, you can e-sign for me and file the proposed Order.

Trevor J. Hatfield, Esq.,
HATFIELD & ASSOCIATES, LTD.
703 S. Eighth St.
Las Vegas, NV 89101
(702) 388-4469



thatfield@hatfieldlawassociates.com

This e-mail communication is a confidential attorney communication intended only for the person to whom it is addressed above. Any dissemination, distribution, or copying of this communication is strictly prohibited.

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, you are hereby informed that any federal tax advice contained in this communication is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

--

Joseph Y. Hong, Esq
Hong & Hong Law Office
One Summerlin
1980 Festival Plaza Dr., Suite 650
Las Vegas, Nevada 89135
Tel: (702) 870-1777
Fax: (702) 870-0500
Cell: (702) 409-6544
Email: Yosuphonglaw@gmail.com

1 **CSERV**

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

5
6 **Tyrone Sprewell, Plaintiff(s)**

CASE NO: A-19-789252-C

7 **vs.**

DEPT. NO. Department 32

8 **Jimmy Wilson, 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: 11/29/2021**

15 **Trevor Hatfield**

thatfield@hatfieldlawassociates.com

16 **Debbie Batesel**

dbhonglaw@hotmail.com

17 **Joseph Hong, Esq.**

yosuphonglaw@gmail.com

18 **Freda Brazier**

freda@hatfieldlawassociates.com

19

20

21

22

23

24

25

26

27

28

EXHIBIT "2"



joseph hong <yosuphonglaw@gmail.com>

Re: TIME SENSITIVE...Sprewell v. Wilson, et al...case # A-19-789252-C...

joseph hong <yosuphonglaw@gmail.com>

Wed, Feb 2, 2022 at 3:27 PM

To: Trevor Hatfield <thatfield@hatfieldlawassociates.com>

Cc: Freda Brazier <freda@hatfieldlawassociates.com>

Counsel, although there is no obligation for me to send you this email correspondence, I am doing so as a courtesy reminder that payment of the 5,000 as previously Ordered by the Honorable Judge Christy Craig has not been received by my office as of 3pm today, Wednesday, February 2, 2022.

As you and your clients are well aware, on November 29, 2021, the Honorable Judge Craig entered the Order--which was filed on the same date of November 29, 2021--- granting Mr. Sprewell's Countermotions for Attorney's Fees pursuant to EDCR Rule 7.60(b)(1) and/or (3) wherein your clients were Ordered to pay Mr. Sprewell, in care of my office, the sum of \$5,000.00 within 60 days from the filing and service of the Notice of Entry of Order. The Notice of Entry of Order was filed and served on November 29, 2021 and, therefore, the 60 days from November 29, 2021 ran on last Friday, January 28, 2022. As you are well aware, there has been no appeal and/or writ of any kind filed by your clients challenging the Order and the applicable time period to file any such appeal and/or writ has expired.

However, as of 3pm today, Wednesday, February 2, 2022, my office has not received the payment of the \$5,000.00.

Please take the immediate necessary steps for delivery to my office by 5pm this Friday, February 4, 2022, a check in the amount of \$5,000.00 made payable to "Hong & Hong Law Office Trust Account." Even though the Honorable Judge Craig afforded your clients 60 days from the filing and service of the Notice of Entry of Order, my client, in good faith, is extending the time period another week from Friday, January 28, 2022 --the due date--to this coming Friday, February 4, 2022.

Please be advised that if a check made payable to "Hong & Hong Law Office Trust Account" in the \$5,000.00 is not received by my office by 5pm this Friday, February 4, 2022, my client will have no other alternative, but to seek immediate further judicial intervention wherein I will be filing the necessary motion with the Court at 10am on Monday, February 7, 2022. If such a motion is necessary, my client will also be seeking additional attorney's fees related to said motion pursuant to EDCR Rule 7.60(b)(1) and/or (3). It is my hope that judicial intervention will not be necessary. Please simply advise your clients to comply with the Court's Order.

Joseph Y. Hong, Esq.

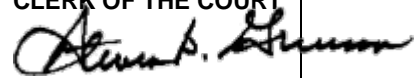
Joseph Y. Hong, Esq
Hong & Hong Law Office
One Summerlin
1980 Festival Plaza Dr., Suite 650
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Tel: (702) 870-1777
Fax: (702) 870-0500
Cell: (702) 409-6544
Email: Yosuphonglaw@gmail.com

EXHIBIT FOUR

EXHIBIT FOUR

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Electronically Filed
2/14/2022 12:59 PM
Steven D. Grierson
CLERK OF THE COURT



Tyrone Sprewell, Plaintiff(s)
vs.
Jimmy Wilson, Defendant(s)

Case No.: A-19-789252-C
Department 32

NOTICE OF HEARING

Please be advised that the Plaintiff, Tyrone Sprewell's, Motion for Order Holding Defendants, Jimmy L. Wilson And Twana Hatcher, in Contempt for Intentionally and Willfully Violating the Court's Order Pursuant To NRS 22.010(3) and for Attorney's Fees Pursuant to E.D.C.R. 7.60(b)(3) and/or (5) in the above-entitled matter is set for hearing as follows:

Date: March 23, 2022
Time: 8:30 AM
Location: RJC Courtroom 05D
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/ Chaunte Pleasant
Deputy Clerk of the Court

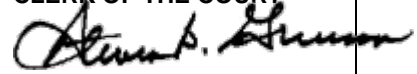
CERTIFICATE OF SERVICE

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/ Chaunte Pleasant
Deputy Clerk of the Court

EXHIBIT FIVE

EXHIBIT FIVE



OPPC

TREVOR J. HATFIELD, ESQ
Nevada Bar No. 7373
HATFIELD & ASSOCIATES, LTD.
703 S. Eighth Street
Las Vegas, Nevada 89101
Telephone: (702) 388-4469
Facsimile: (702) 386-9825
Email: thatfield@hatfieldlawassociates.com

Attorney for Defendants/Counterclaimants

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

TYRONE SPREWELL,

Plaintiff/ Counterdefendant,

vs.

JIMMY L. WILSON, individually; TWANA
HATCHER, individually; DOES I through
X; ROE BUSINESS ENTITIES I through X,
inclusive,

Defendants/Counterclaimants.

AND ALL RELATED MATTERS

CASE NO: A-19-789252-C
DEPT NO: XXXII

**DEFENDANTS/COUNTERCLAIMANTS'
RESPONSE TO PLAINTIFF'S MOTION
FOR ORDER HOLDING DEFENDANTS
IN CONTEMPT; DEFENDANTS'
COUNTERMOTION FOR STAY OR
OTHER RELIEF FROM THE COURT'S
ORDER**

HEARING DATE

DATE: March 23, 2022

TIME: 8:30 a.m.

Defendants/Counterclaimants JIMMY L. WILSON and TWANA HATCHER
(hereinafter "Wilson") by and through their attorney of record Trevor J. Hatfield, Esq. of the law
firm of HATFIELD & ASSOCIATES, LTD, hereby file this Response to Plaintiff's (hereinafter
"Sprewell") Motion For Order holding defendants, Jimmy Wilson and Twana Hatcher, in
Contempt for Intentionally and Willfully Violating the Court's Order Pursuant to NRS 22.020(3)
and for Attorney's Fees Pursuant to E.D.C.R. 7.60(b)(3) and/or (5).

1 This Response¹ is based upon the pleadings and papers filed herein and the attached
2 memorandum of points and authorities and any oral argument this Court may entertain upon
3 hearing of this matter.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I.**

6
7 Defendants do not have contempt for the Court or its Order to pay sanctions of \$5,000 to
8 Plaintiff. The cause for Defendants' failure to pay Plaintiff is that Defendants are not in a
9 financial position to pay Defendants the sanctions that were ordered. In addition, Defendants
10 have or will be seeking writ relief to the appellate court, the filing of which was delayed due to
11 Defendants' staff having contracted covid-19 and being out of the office.

12
13 Defendants respectfully believe that their writ is meritorious; on December 8, 2021, an
14 unsuccessful settlement conference was held. The Settlement Judge, the Honorable Judge Krall,
15 was apprised of points and authorities of Defendants' writ, as was also the Honorable Justice
16 Mark Gibbons². Both Judge Krall and Justice Gibbons stated that the state of the law³ required
17 that this case be dismissed for Plaintiff's failure to mediate prior to litigation, that the parties
18 have created an equitable conversion⁴ of the property from Plaintiff to Defendants, that if the real
19 estate purchase agreement between the parties is ruled a deed of trust and subject to judicial
20 foreclosure then Defendants have a one year right of redemption, and that the sanctions ordered
21

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23
24 ¹ Counsel for the parties stipulated to an extension of time for Defendants to respond to Plaintiff's motion to March 1,
25 2022, due to counsel's staff having contracted covid-19 and being out of the office.

26 ² Justice Gibbons also read the Settlement Conference briefs submitted by the parties as initially it was believed that
Judge Krall was not going to be available for the Settlement Conference.

27 ³ *MB Am., Inc. v. Alaska Pac. Leasing*, 132 Nev. 78, 367 P.3d 1286, (2016)

28 ⁴ *Harrison v. Rice*, 89 Nev. 180, 183, 510 P.2d 633, 635 (1973) (citations omitted).

1 by the court appear to be unwarranted,⁵ in their opinion. In short, Judge Krall⁶ and Justice
2 Gibbons disagree with the Court's orders and would find judgment in favor of Defendants.

3 **II.**

4 Defendants countermove for a stay of execution pursuant to NRCP 62 whereby
5 Defendants are relieved of the Order to pay sanctions pending the outcome of Defendants' writ
6 for mandamus or prohibition and motion for stay. See, NRAP 8. Alternatively, Defendants
7 request that the Court stay enforcement of payment of the sanctions pending the outcome of trial,
8 which is currently scheduled to proceed on April 18, 2022 on a five-week stack, and either add
9 to the judgment, if in favor of Plaintiff, or deduct the sanctions from the judgment, if in favor or
10 Defendants.
11

12 Alternatively, Defendants request that the court permit Defendants to post a supersedeas
13 bond in lieu of paying the sanctions ordered.
14

15 DATED this 1st day of March, 2022

HATFIELD & ASSOCIATES, LTD.

/s/ Trevor J. Hatfield

17 By: _____
18 TREVOR J. HATFIELD, ESQ.

19 Nevada Bar No. 007373
20 703 South Eighth Street
21 Las Vegas, Nevada 89101
22 (702) 388-4469 Tel.
23 (702) 386-9825 Fax

thatfield@hatfieldlawassociates.com

Attorney for Defendants/Counterclaimants

24
25
26
27
28 ⁵ *Detwiler v. Eighth Judicial Dist. Court of Nev.*, 486 P.3d 710, 713, (2021).

⁶ Judge Krall remarked that it her opinion counsel for Defendants has been treated "shabbily" in this case.

CERTIFICATE OF SERVICE

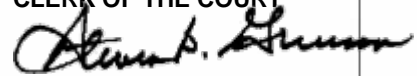
I HEREBY CERTIFY that on the 1st day of March 2022, service of the foregoing
**DEFENDANTS/COUNTERCLAIMANT'S RESPONSE TO PLAINTIFF'S MOTION
FOR ORDER HOLDING DEFENDANTS IN CONTEMPT; DEFENDANTS'
COUNTERMOTION FOR STAY OR OTHER RELIEF FROM THE COURT'S ORDER**
was submitted electronically for filing and service with the Eighth Judicial District Court in
accordance with the E-service list of this case

DATED: March 1, 2022

Freda P. Brazier
An Employee of Hatfield & Associates, Ltd.

EXHIBIT SIX

EXHIBIT SIX



1 **RIS**
2 JOSEPH Y. HONG, ESQ.
3 State Bar No. 005995
4 HONG & HONG LAW OFFICE
5 1980 Festival Plaza Drive, Suite 650
6 Las Vegas, Nevada 89135
Telephone No.: (702) 870-1777
Facsimile No.: (702) 870-0500
E-mail: yosuphonglaw@gmail.com
Attorney for TYRONE SPREWELL

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9
10 TYRONE SPREWELL,

11 Plaintiff,

12 vs.

13 JIMMY L. WILSON, et al.,

14 Defendants.

15
16 AND RELATED COUNTERCLAIM.

Case No.: A-19-789252-C

Dept. No.: 32

**PLAINTIFF, TYRONE SPREWELL'S,
REPLY IN SUPPORT OF MOTION
FOR ORDER HOLDING
DEFENDANTS, JIMMY L. WILSON
AND TWANA HATCHER, IN
CONTEMPT FOR INTENTIONALLY
AND WILLFULLY VIOLATING THE
COURT'S ORDER PURSUANT TO
NRS 22.010(3) AND FOR
ATTORNEY'S FEES PURSUANT TO
E.D.C.R. 7.60(b)(3) AND/OR (5) AND
OPPOSITION TO COUNTERMOTION
FOR STAY OR OTHER RELIEF
FROM THE COURT'S ORDER**

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22
23 COMES NOW, Plaintiff, TYRONE SPREWELL ("Plaintiff"), by and through his attorney
24 of record, JOSEPH Y. HONG, ESQ., and hereby submits his Reply in Support of his Motion for
25 Order Holding Defendants, Jimmy L. Wilson and Twana Hatcher (collectively referred to as
26 "Defendant Wilson"), in Contempt for Intentionally and Willfully Violating the Court's Order
27 Pursuant to NRS 22.010(3) and for Attorney's Fees Pursuant to E.D.C.R. 7.60(b)(3) and/or (5)
28

1 (“Motion for Contempt”) and Opposition to the Countermotion.

2 This Reply and Opposition is based on the following points and authorities, all pleadings
3 and papers filed in this action, and any argument of counsel at the time of hearing.

4 DATED this 16th day of March, 2022.

5
6 HONG & HONG LAW OFFICE

7
8 /s/ Joseph Y. Hong

9 JOSEPH Y. HONG, ESQ.

10 State Bar No. 005995

11 1980 Festival Plaza Drive, Suite 650

12 Las Vegas, Nevada 89135

13 *Attorney for TYRONE SPREWELL*

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **1. SUMMARY OF REPLY AND OPPOSITION**

16 In the interest of judicial economy, Plaintiff incorporates his Opposition to the
17 Countermotion for Stay with the instant Reply. The Countermotion for Stay is simply a non-starter
18 because: (1) the contempt of Court has ALREADY occurred; and (2) there can be no stay of a
19 monetary sanction since same is not a judgment. That is, there can be no stay of execution under
20 NRCP 62 or a posting of a supersedeas bond for monetary sanctions by Order of the Court as a stay
21 of execution under NRCP 62 and/or the posting of a supersedeas bond are for monetary
22 JUDGMENTS, and not monetary SANCTIONS by Order of the Court.

23 Plaintiff, yet again, is baffled by Defendant Wilson’s 3-page Response and Countermotion
24 wherein the Memorandum of Points and Authorities make up 1 ½ pages. As will be discussed in
25 further detail hereinbelow, Defendant Wilson mistakenly or intentionally believes that the filing of
26 his Petition for a Writ of Mandamus or Prohibition (“Writ”) with the Nevada Supreme Court
27 **AFTER** already being in per se contempt of this Court automatically allows him to not be in
28

1 contempt of Court. Defendant Wilson continues to completely disregard this Court's Order and
2 completely shows not even an iota of respect and/or deference for this Court's Order. By following
3 Defendant Wilson's logic, a litigant can willfully and intentionally disobey a Court's Order and be
4 in per se contempt of a Court's Order, but yet self-servingly claim that he/she is purportedly not in
5 contempt because a Writ has been filed with the Nevada Supreme Court **AFTER** the per se
6 contempt has already occurred.
7

8 As previously submitted in Plaintiff's Motion, this Court expressly Ordered Defendant
9 Wilson to tender the amount of \$5,000.00 to Plaintiff's counsel within 60 days from the filing of
10 the Notice of Entry of Order. The Notice of Entry of Order was filed and served on November 29,
11 2021. The 60th day was **January 28, 2022**. In complete disobedience and resistance to this Court's
12 Order, no payment has been tendered by Defendant Wilson. In fact, Defendant Wilson did
13 absolutely nothing, and only filed his Writ with the Nevada Supreme Court only after Plaintiff filed
14 his Motion. The Notice of Entry of Order was filed and served on November 29, 2021. Defendant
15 Wilson did absolutely nothing for OVER 3 months and again, only filed his Writ on March 3, 2022
16 after already being in per se contempt of Court and after Plaintiff filed his Motion.
17

18 2. ARGUMENT

19 DEFENDANT WILSON IS PER SE IN CONTEMPT OF COURT PURSUANT TO 20 NRS 22.010(3)

21 NRS 22.010(3) ---Acts or omission constituting contempts--- states as follows:
22 The following **shall be deemed contempts**:

23 ...
(3) **Disobedience or resistance to any** lawful writ, **order**, rule or process **issued**
24 **by the court** or judge at chambers.
Emphasis added.

25 The entirety of Defendant Wilson's Opposition, which again is only 1 ½ pages of the
26 Memorandum of Points and Authorities, is summed up by Defendant Wilson's point blank
27 statement that: "Defendants do not have contempt for the Court or its Order to pay sanctions of
28

1 \$5,000.00 to Plaintiff. The cause for Defendants' failure to pay Plaintiff is that Defendants are not
2 in a financial position to pay [Plaintiff] the sanctions that were ordered. In addition, Defendants
3 have or will be seeking writ relief to the appellate court, the filing of which was delayed due to
4 Defendants' staff having contracted Covid-19 and being out of the office." *See Defendant Wilson's*
5 *Opposition, page 2, lines 6-11.*
6

7 Defendant Wilson then impermissibly and unbelievably states what the Settlement Judges
8 *purportedly* stated in the settlement conference that was conducted by the Honorable Judge Krall
9 on December 8, 2021. As this Court is well aware, any and all statements made by any of the parties
10 and the Judge during a settlement conference are absolutely confidential. Notwithstanding, since
11 Defendant Wilson has opened the door, at NO TIME did Judge Gibbons ---who did not even
12 conduct the settlement conference--- or Judge Krall ever state that the case should be dismissed for
13 not mediating or that the parties created an equitable conversion of the property per the real estate
14 contract, or that Defendants have a one-year right of redemption or that the sanctions ordered were
15 unwarranted. These statements were NEVER made by Judge Krall during the settlement
16 conference, and Plaintiff is absolutely flabbergasted by Defendant Wilson's lack of candor to this
17 Court. It is no surprise that Defendant Wilson's counsel has not provided a sworn declaration
18 attesting to these *purported* statements allegedly having been made by Judge Krall. Again, these
19 statements were NEVER made by Judge Krall. Rather, Judge Krall stated that she did not
20 understand how Defendant Wilson can make a claim for equitable conversion when he did not
21 perform under the real estate agreement.
22
23

24 However, irrespective of what Defendant Wilson unbelievably believes what Judge Krall
25 *purportedly* stated during the settlement conference, the fact of the matter is so very simple:
26 Defendant Wilson per se was and has been in contempt of Court since January 28, 2022, the date
27 the Court Ordered, as sanctions against Defendant Wilson, for the payment of the \$5,000.00 to
28

1 Plaintiff's counsel. As to the allegation that Defendant Wilson is not in a financial position to pay
2 the sanctions, that in no manner excuses Defendant Wilson from willfully having violated the
3 Court's Order and being in per se contempt of Court. Why did Defendant Wilson not file a Motion
4 requesting a payment plan and/or any other relief PRIOR to the Court Ordered deadline of January
5 28, 2022? Why did Defendant Wilson not file his Writ PRIOR to the Court Ordered deadline of
6 January 28, 2022? Why did Defendant Wilson do ABSOLUTELY NOTHING for over 3 months
7 and only filed his Writ AFTER already being in per se contempt of Court and AFTER Plaintiff
8 having filed his Motion? As to the "excuse" of Defendant Wilson's counsel's staff allegedly having
9 contracted Covid-19, again, with no surprise, there is no sworn declaration of any kind from
10 Defendant Wilson's counsel identifying how many staff members he has, and how and when a staff
11 member allegedly contracted Covid-19, and how same affected and/or caused him to wait OVER 3
12 months before filing the Writ. Of note, Plaintiff's counsel conducted a quick search of the Eighth
13 Judicial District Court's docket from November 29, 2021 ---the date the Notice of Entry of the
14 Court's Order was filed and served--- to March 3, 2022, the date Defendant Wilson's counsel filed
15 the Writ for Defendant Wilson. During this time period, no less than 7 pleadings/motions ---ranging
16 from 3 to 64 pages--- were filed by counsel for Defendant Wilson in other matters before the Eighth
17 Judicial District Court. *Attached hereto as Exhibit "1" are the front pages of each of the pleadings/
18 motions filed during this time period by Defendant Wilson's counsel in other matters.* Thus, how
19 did a staff member allegedly contracting Covid-19 not affect the preparation and filing of the
20 attached pleadings/motions during this period?

21
22
23
24 Plaintiff is not disregarding a staff member of Defendant Wilson's counsel allegedly having
25 contracted Covid-19. However, if Defendant Wilson's counsel was able to prepare and file the
26 pleadings/motions attached as *Exhibit "1"* during this time period, why did Defendant Wilson not
27 file his Writ PRIOR to being in contempt of Court on January 28, 2022? The answer is clear:
28

1 Defendant Wilson has absolutely no respect for or deference to this Court's Order.

2 And as stated earlier, there can be no stay of execution for monetary sanctions pursuant to
3 a Court Order as such sanctions are not a judgment. Also, the filing of a Writ ---after the contempt
4 of Court has already occurred--- does not somehow retroactively make the contempt go away as for
5 Defendant Wilson to think so is absolutely ridiculous. Again, by following Defendant Wilson's
6 logic, any litigant can willfully disobey a Court Order and be in per se contempt, but yet file a Writ
7 after already being in contempt, and the contempt magically disappears. If this was the case, any
8 Court Order would be meaningless.

10 This Court, therefore, should not and cannot condone this type of brazen and disobedient
11 conduct and must find Defendant Wilson to be in contempt of Court pursuant to the plain and
12 express language of NRS 22.010(3). As noted above, NRS 22.010 sets forth the categories of
13 conduct as enumerated in subsections (1) through (7) that "shall be deemed" as contempt.
14 Defendant Wilson's conduct absolutely violated subsection (3).

16 As to the sanctions this Court should impose on Defendant Wilson for his per se contempt
17 of Court and per se violation of E.D.C.R. Rule 7.60(b)(5), Plaintiff respectfully defers to the Court.
18 However, at a minimum, the original amount of \$7,903.00, which this Court reduced to \$5,000.00
19 as a courtesy and accommodation to Defendant Wilson, should now be immediately due in addition
20 to the amount of \$1,625.00, the fees incurred by Plaintiff related to his Motion ---pursuant to the
21 previous declaration of counsel as submitted with Plaintiff's Motion---, wherein Defendant Wilson
22 should be Ordered to immediately ---within 2 judicial days from the hearing on the instant Motion-
23 -- tender the total amount of \$9,528.00 for his per se contempt of Court and per se violation of
24 E.D.C.R. Rule 7.60(b)(5).

26 In the event the amount of \$9,528.00 is not immediately tendered by Defendant Wilson, the
27 Court should enter an Order striking Defendant Wilson's Answer and Counterclaim and enter a
28

1 default judgment in favor of Plaintiff and against Defendant Wilson in this action, which is clearly
2 within this Court's discretion to do so for Defendant Wilson being in per se contempt of Court and
3 having per se violated E.D.C.R. Rule 7.60(b)(5).

4 **3. CONCLUSION**

5 Based on the foregoing, Defendant Wilson is in per se contempt of Court and has per se
6 violated E.D.C.R. Rule 7.60(b)(5). Plaintiff, therefore, respectfully requests the Court to impose
7 sanctions against Defendant Wilson as this Court deems just and proper. Plaintiff has again
8 unnecessarily incurred additional fees and costs in being forced to prepare and file the instant
9 Motion for Contempt. It is simply inequitable for Plaintiff to incur such unnecessary additional fees
10 and costs when Defendant Wilson, like any other litigant in a case before the Eighth Judicial District
11 Court, must comply with Court Orders. Plaintiff, therefore, at a minimum, respectfully submits that
12 sanctions in the form of attorney's fees and costs ---from the original previous amount and the
13 amount related to the instant Motion--- in the total amount of \$9,528.00 should be imposed against
14 Defendant Wilson.
15

16
17 DATED this 16th day of March, 2022.

18 HONG & HONG LAW OFFICE

19
20
21 /s/ Joseph Y. Hong
22 JOSEPH Y. HONG, ESQ.
23 State Bar No. 005995
24 1980 Festival Plaza Drive, Suite 650
25 Las Vegas, Nevada 89135
26 Attorney for TYRONE SPREWELL
27
28

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By /s/ Debra L. Batesel
An employee of Joseph Y. Hong, Esq.

EXHIBIT “1”



JCCR
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Nevada Bar No. 7373
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Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

DAVID KENNEDY, II an individual,
Plaintiff,
vs.

CASE NO: A-21-841849-B
DEPT NO: XIII

SLICE OF LIFE FOODS LLC, a Nevada
Limited Liability Company; and DOES and
ROE entities I – X, inclusive,
Defendants.

JOINT CASE CONFERENCE REPORT

DISPUTE RESOLUTION CONFERENCE REQUESTED
YES ____ NO X

SETTLEMENT CONFERENCE REQUESTED¹
YES X NO ____

¹ The Parties requested a Settlement Conference. It has been scheduled to take place on January 31, 2022.



1 OMD

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9 Email: thatfield@hatfieldlawassociates.com

10 *Attorneys for Plaintiff*

11 EIGHTH JUDICIAL DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 LINGBO JIANG, an individual;

14 Plaintiff,

15 vs.

16 JAMES TUNKEY, INC.; a Foreign
17 Corporation; and DOES and ROE entities I –
18 X, inclusive,

19 Defendants.

CASE NO: A-21-834610-C

DEPT NO: XXIX

20 **PLAINTIFF'S OPPOSITION TO**
21 **DEFENDANT'S MOTION TO DISMISS**
22 **FOR LACK OF PERSONAL**
23 **JURISDICTION**

24 **DATE: January 6, 2022**

25 **TIME: 9:00 a.m.**

26 COME NOW, Plaintiff LINGBO JIANG (hereinafter "Plaintiff") by and through her
27 attorney of record Trevor J. Hatfield, Esq. of the law firm of HATFIELD & ASSOCIATES,
28 LTD, and who timely¹ files this Opposition to Defendant JAMES TUNKEY, INC.'s Motion to
Dismiss Plaintiff's Complaint for Lack of Personal Jurisdiction.

29 This opposition is made and based upon the pleadings and paper on file herein, the
30 attached Memorandum of Points and Authorities, and any oral argument this Court entertains at
31 the time of hearing on this matter.

32 ///

33 ¹ Defendant's counsel courteously granted Plaintiff's counsel an extension of time to file this Opposition pursuant to
an extension that was granted to Defendant to file its response to Plaintiff's Second Amended Complaint.



SACOM
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Attorneys for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

JENNIFER MONROE, an individual;
Plaintiffs,

vs.

CAESARS ENTERTAINMENT CORPORATION,
a Foreign Corporation; HARRAH'S LAS VEGAS,
LLC, d/b/a HARRAH'S CASINO HOTEL, LAS
VEGAS, a domestic limited-liability company; and
MYRNA LOPEZ, an individual; DOES I through
X, inclusive; ROE CORPORATIONS I through X,
inclusive,

Defendants.

CASE NO: A-20-812519-C
DEPT. NO.: XXV

**PLAINTIFF'S SECOND AMENDED
COMPLAINT**

[ARBITRATION EXEMPTED]

JURY TRIAL DEMANDED

COMES NOW Plaintiff JENNIFER MONROE ("Ms. Monroe") by and through her attorney of record, Trevor J. Hatfield, Esq. of the law firm of HATFIELD & ASSOCIATES, LTD, and for her Complaint against CAESARS ENTERTAINMENT CORPORATION, a Foreign Corporation ("Caesars"); HARRAH'S LAS VEGAS, LLC, d/b/a HARRAH'S CASINO HOTEL, LAS VEGAS, a domestic limited-liability company; ("Harrah's") and MYRNA LOPEZ, an individual ("Ms. Lopez"); DOES I through X, inclusive, and ROE CORPORATIONS I through X, inclusive, complain and allege as follows:

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1 ACOM
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5 703 South Eighth Street
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9 thatfield@hatfieldlawassociates.com

10 Attorneys for Plaintiff

11 EIGHTH JUDICIAL DISTRICT COURT

12 CLARK COUNTY, NEVADA

13 JENNIFER MONROE, an individual;

14 Plaintiffs,

15 vs.

16 CAESARS ENTERTAINMENT CORPORATION,
17 a Foreign Corporation; HARRAH'S LAS VEGAS,
18 LLC, d/b/a HARRAH'S CASINO HOTEL, LAS
19 VEGAS, a domestic limited-liability company; and
20 MYRNA LOPEZ, an individual; DOES I through
21 X, inclusive; ROE CORPORATIONS I through X,
22 inclusive,

23 Defendants.

CASE NO: A-20-812519-C
DEPT. NO.: XXV

PLAINTIFF'S THIRD AMENDED
COMPLAINT

[ARBITRATION EXEMPTED]

JURY TRIAL DEMANDED

24 COMES NOW Plaintiff JENNIFER MONROE ("Ms. Monroe") by and through her
25 attorney of record, Trevor J. Hatfield, Esq. of the law firm of HATFIELD & ASSOCIATES, LTD,
26 and for her Third Amended Complaint against CAESARS ENTERTAINMENT CORPORATION,
27 a Foreign Corporation ("Caesars"); HARRAH'S LAS VEGAS, LLC, d/b/a HARRAH'S CASINO
28 HOTEL, LAS VEGAS, a domestic limited-liability company; ("Harrah's") and MYRNA LOPEZ,
an individual ("Ms. Lopez"); DOES I through X, inclusive, and ROE CORPORATIONS I through
X, inclusive, complain and allege as follows (with amendments in bold type):

///

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///

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MOT
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Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

STEPHANIE M. HOLMES,
Plaintiff,

vs.

MGM RESORTS INTERNATIONAL; DOES 1
through 10; and ROE ENTITIES 1 through 10;
Defendant.

CASE NO: A-21-830459-C
DEPT. NO. XXVI

**PLAINTIFF'S MOTION FOR
RELIEF FROM SECURITY BOND
DEMANDED BY DEFENDANT**

HEARING REQUESTED

Plaintiff STEPHANIE M. HOLMES (Holmes) files this Motion for Relief from Defendant's Demand for Costs Bond, or, in the alternative, for time to prepare a Declaration to establish indigency. This Motion are made and based upon the papers and pleadings on file, the attached Memorandum of Points and Authorities, the attached exhibit, and any oral argument this Court entertains at the time of the hearing on this matter.

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1 MOT

2 TREVOR J. HATFIELD

3 Nevada Bar No. 7373

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9 thatfield@hatfieldlawassociates.com

10 *Attorney for Plaintiff In Conjunction with*

11 *Legal Aid Center of Southern Nevada Pro Bono Project*

12 **EIGHTH JUDICIAL DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 JOSEPH GAUGAN, an individual,

15 Plaintiff,

16 vs.

17 PARK PLACE GOLD AND ANTIQUES, a
18 Nevada Limited Liability Company; JOSEPH
19 SOFFER, an individual; and DOES and ROE
20 entities I – X, inclusive,

21 Defendants.

CASE NO: A-21-842360-C

DEPT NO: II

**PLAINTIFF'S EX PARTE MOTION FOR
ORDER EXTENDING TIME FOR
SERVICE OF PROCESS AND FOR
SERVICE BY PUBLICATION ON
DEFENDANTS**

HEARING REQUESTED

TIME:

DATE:

22 COMES NOW Plaintiff JOSEPH GAUGAN, by and through his counsel of record,
23 Trevor J. Hatfield, Esq. of the law firm of Hatfield & Associates, Ltd., *pro bono publico*, who
24 moves, *ex parte*, for an Order Extending Time for Service of Process pursuant to NRCp 4(i) and
25 for Service by Publication on Defendants PARK PLACE GOLD AND ANTIQUES, a Nevada
26 Limited Liability Company and JOSEPH SOFFER.

27 ///

28 ///



1 **RPLY**

2 TREVOR J. HATFIELD, ESQ.
3 Nevada Bar No. 7373
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9 thatfield@hatfieldlawassociates.com

10 *Attorney for Plaintiff*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 STEPHANIE M. HOLMES,

14 Plaintiff,

15 vs.

16 MGM GRAND HOTEL, LLC; DOES 1 through
17 10; and ROE ENTITIES 1 through 10;

18 Defendant.

CASE NO: A-21-830459-C
DEPT. NO. XXVI

**PLAINTIFF'S REPLY TO
DEFENDANTS' OPPOSITION TO
MOTION FOR RELIEF FROM
SECURITY BOND DEMANDED BY
DEFENDANT**

HEARING REQUESTED

Date: 3/1/2022

Time: 10:00 a.m.

19
20 Plaintiff STEPHANIE M. HOLMES (hereinafter "Plaintiff") by and through her attorney
21 of record, Trevor J. Hatfield, Esq., of the law firm of Hatfield & Associates, Ltd. files her Reply
22 to Defendant MGM GRAND HOTEL, LLC's Opposition to Plaintiff's Motion for Relief from
23 Security Bond Demanded by Defendant or, in the alternative, for time to prepare a Declaration to
24 establish indigency. This Reply is made and based upon the papers and pleadings on file, the
25 attached Memorandum of Points and Authorities, and any oral argument this Court entertains at
26 the time of the hearing on this matter.
27
28