

Electronically Filed
Mar 24 2022 10:28 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOT
MICHELLE LADNER
408 Steed Circle
N. Las Vegas NV 89030
Phone: (702) 354-7580
Plaintiff in Proper Person

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MICHELLE LADNER,)	
)	CASE NO.: A-18-783443-C
Plaintiff,)	DEPT. NO.: 29
vs.)	
)	
EUGENE T. STANTON, II, et al,)	
Defendants.)	
)	


NOTICE OF APPEAL

Notice is hereby given that Plaintiff, MICHELLE LADNER, appearing in proper person in the above named case, hereby appeals to the Supreme Court of Nevada, Ninth Circuit Court of Appeals, from the Order of February 17, 2022 from the District Court, Clark County Nevada pertaining to the Real Property located at 428 Steed Circle, North Las Vegas, Nevada 89030. The Ordered states; *that the subject Real Property be appraised within 60 days of the date of the Order; Plaintiff shall then have the right of first refusal to purchase the Property for the appraised value; Plaintiff will have 90 days from receipt of the appraisal to procure financing and submit the purchase to the title company for the minium amount of the appraisal; If Plaintiff is unable to close on the property in question, Alchemy will go forward with the sale to a valid purchaser for the minium of the appraised amount; Once the sale is concluded, the Court will*

1 *divide the proceeds of the sale; The proceeds will be distributed based upon each party*
2 *submitting, in writing, their arguments as to their rights to the money received from the sale; The*
3 *parties are to submit their Briefs within 45 days of the close of escrow.*
4

5 Plaintiff hereby Appeals the Court's Order of February 17, 2022, denying Plaintiff the
6 right to have full ownership and entitlement to the subject Real Property, without providing any
7 justification, evidence, or legal authority to support the Court's Order.
8

9 DATED this 17 day of March, 2022.

10
11 
12 MICHELLE LADNER
13 408 Steed Circle
14 N. Las Vegas NV 89030
15 Phone: (702) 354-7580
16 Plaintiff in Proper Person
17
18
19
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28

1
2 VERIFICATION

3 STATE OF NEVADA)
4)ss.
5 COUNTY OF CLARK)

6 MICHELLE LADNER, under penalties of perjury, being first duly sworn, deposes
7 and says:

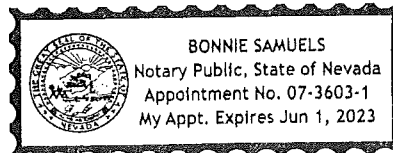
8 That she is the Plaintiff, in the above entitled matter; that he has read the foregoing
9 Plaintiff's Notice of Appeal and knows the contents thereof; that the same is true of her own
10 knowledge, except for those matters therein contained stated upon information and belief, and as
11 to those matters, she believes them to be true.

12 DATED this 17 day of Mach, 2022.

13 
14 MICHELLE LADNER

15 WITNESS my hand and official seal
16 this 17 day of March, 2022.

17 
18 NOTARY PUBLIC




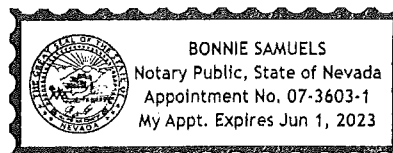
19 ACKNOWLEDGMENT

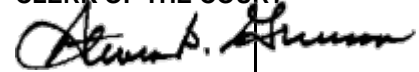
20 STATE OF NEVADA)
21)ss.
22 COUNTY OF CLARK)

23 On this 17 day of March, 2022, before me, the undersigned Notary Public in and for
24 said County and State, personally appeared MICHELLE LADNER known to me to be the person
25 described in and who executed Plaintiff's Notice of Appeal, who acknowledge to me that she did
26 so freely and voluntarily and for the uses and purposes therein mentioned.

27 WITNESS my hand and official seal.

28 
NOTARY PUBLIC





ASTA

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

MICHELLE LADNER,

Plaintiff(s),

vs.

EUGENE T. STANTEN, II; PREKEI STANTEN;
ALCHEMY INVESTMENTS, LLC; RUSHMORE
LOAN MANAGEMENT; VEGAS VALLEY
EVICTION SERVICES; WFG TITLE COMPANY;
FIRST AMERICAN TITLE INSURANCE
COMPANY,

Defendant(s),

Case No: A-18-783443-C

Dept No: XXIX

CASE APPEAL STATEMENT

1. Appellant(s): Michelle Ladner

2. Judge: David M. Jones

3. Appellant(s): Michelle Ladner

Counsel:

Michelle Ladner
408 Steed Cir.
North Las Vegas, NV 89030

4. Respondent (s): Eugene T. Stanten, II; Prekei Stanten

Counsel:

Eugene T. Stanten, II
Prekei Stanten
101 Davis Ave.
Bloomfield, NJ 07003

Respondent (s): Alchemy Investments, LLC

Counsel:

Bryan Naddafi
6030 S. Rainbow Blvd., Suite D1
Las Vegas, NV 89118

Respondent (s): Rushmore Loan Management

Counsel:

R. Samuel Ehlers, Esq.
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117

Respondent (s): Vegas Valley Eviction Services; WFG Title Company; First American Title Insurance Company

Counsel:

Unknown

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

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

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

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

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

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

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

1 8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A

2 **Expires 1 year from date filed

3 Appellant Filed Application to Proceed in Forma Pauperis: No

4 Date Application(s) filed: N/A

5 9. Date Commenced in District Court: October 29, 2018

6 10. Brief Description of the Nature of the Action: Breach of Contract

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

8 11. Previous Appeal: No

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

10 12. Child Custody or Visitation: N/A

11 13. Possibility of Settlement: Unknown

12 Dated This 23 day of March 2022.

13 Steven D. Grierson, Clerk of the Court

14 /s/ Heather Ungermann

15 Heather Ungermann, Deputy Clerk

16 200 Lewis Ave

17 PO Box 551601

18 Las Vegas, Nevada 89155-1601

19 (702) 671-0512

20 cc: Michelle Ladner

CASE SUMMARY**CASE NO. A-18-783443-C****Michelle Ladner, Plaintiff(s)****vs.****Eugene Stanten, II, Defendant(s)**§
§
§
§
§Location: **Department 29**Judicial Officer: **Jones, David M**Filed on: **10/29/2018**

Case Number History:

Cross-Reference Case
Number: **A783443****CASE INFORMATION****Statistical Closures**

02/28/2022 Judgment Reached (bench trial)

Case Type: **Other Contract**Case
Status: **02/28/2022 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-18-783443-C
Court	Department 29
Date Assigned	01/04/2021
Judicial Officer	Jones, David M

PARTY INFORMATION**Plaintiff****Ladner, Michelle****Andersen, Karl**
Retained
702-220-4529(W)**Defendant****Alchemy Investments LLC**
Removed: 03/11/2019
Dismissed**Alchemy Investments LLC****Naddafi, Bryan**
Retained
702-522-6450(W)**First American Title Insurance Company**
Removed: 02/28/2019
Inactive**First American Title Insurance Company****Lendinghome Funding Corp**
Removed: 04/15/2019
Dismissed**Ehlers, Richard S., ESQ**
Retained
702-475-7964(W)**Lendinghome Funding Corp**
Removed: 07/30/2020
Dismissed**Carter, Matthew S.**
Retained
7023856000(W)**Rushmore Loan Management**
Removed: 01/08/2019
Dismissed**Rushmore Loan Management****Stanten, Eugene T, II****Pro Se**
702-325-1125(H)**Stanten, Prekei****Pro Se**
702-325-1125(H)

CASE SUMMARY**CASE NO. A-18-783443-C****Vegas Valley Eviction Services**

Removed: 02/28/2019

Inactive

Vegas Valley Eviction Services**WFG Titile Company****WFG Title Company**

Removed: 02/28/2019

Inactive

Counter Claimant **Alchemy Investments LLC**

Lendinghome Funding Corp
Removed: 07/30/2020
Dismissed

Lendinghome Funding Corp
Removed: 06/13/2019
Data Entry Error

Naddafi, Bryan
Retained
702-522-6450(W)

Carter, Matthew S.
Retained
7023856000(W)

Carter, Matthew S.
Retained
7023856000(W)

Counter Defendant **Ladner, Michelle**

Ladner, Michelle

Andersen, Karl
Retained
702-220-4529(W)

Andersen, Karl
Retained
702-220-4529(W)

Cross Claimant **Alchemy Investments LLC**





Naddafi, Bryan
Retained
702-522-6450(W)

Cross Defendant **Stanten, Eugene T, II**

Pro Se
702-325-1125(H)














Stanten, Prekei

Pro Se
702-325-1125(H)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
10/29/2018	 Complaint Filed By: Counter Defendant Ladner, Michelle [1]	
11/19/2018	 Summons Filed by: Counter Defendant Ladner, Michelle Party served: Defendant Lendinghome Funding Corp [2] <i>Summons</i>	
11/19/2018	 Summons Filed by: Counter Defendant Ladner, Michelle Party served: Defendant Vegas Valley Eviction Services [3] <i>Summons</i>	
11/19/2018	 Summons Filed by: Counter Defendant Ladner, Michelle Party served: Defendant Rushmore Loan Management [4] <i>Summons</i>	














CASE SUMMARY

CASE NO. A-18-783443-C

11/19/2018	 Summons Filed by: Counter Defendant Ladner, Michelle Party served: Cross Defendant Stanten, Prekei <i>[5] Summons</i>
11/19/2018	 Summons Filed by: Counter Defendant Ladner, Michelle Party served: Cross Defendant Stanten, Eugene T, II <i>[6] Summons</i>
11/19/2018	 Affidavit of Service Filed By: Counter Defendant Ladner, Michelle Party Served: Defendant WFG Title Company <i>[7] Affidavit of Service</i>
11/19/2018	 Affidavit of Service Filed By: Counter Defendant Ladner, Michelle Party Served: Defendant First American Title Insurance Company <i>[8] Affidavit of Service</i>
11/19/2018	 Affidavit of Service Filed By: Counter Defendant Ladner, Michelle Party Served: Defendant Alchemy Investments LLC <i>[9] Affidavit of Service</i>
11/28/2018	 Motion to Dismiss Filed By: Defendant Vegas Valley Eviction Services <i>[10] Motion for Motion to Dismiss from Case</i>
11/28/2018	 Initial Appearance Fee Disclosure Filed By: Defendant Rushmore Loan Management <i>[11] Defendant Rushmore Loan Management Servies, LLC's Initial Appearance Fee Disclosure</i>
11/28/2018	 Motion to Dismiss Filed By: Defendant Rushmore Loan Management <i>[12] Defendant Rushmore Loan Management Services, LLC's Motion to Dismiss</i>
11/30/2018	 Declaration Filed By: Defendant First American Title Insurance Company <i>[13] Declaration of Nonmonetary Status of First American Title Insurance Company Pursuant to NRS 107.029</i>
12/04/2018	 Lis Pendens Filed By: Counter Defendant Ladner, Michelle <i>[14] Lis Pendens (Notice of Pending Litigation)</i>
12/17/2018	 Affidavit of Service <i>[15] Sheriff's Affidavit of Service</i>
12/17/2018	 Affidavit of Service <i>[16] Sheriff's Affidavit of Service</i>
12/19/2018	 Notice of Appearance Party: Counter Defendant Ladner, Michelle














CASE SUMMARY

CASE NO. A-18-783443-C

	<i>[17] Notice of Appearance of Counsel</i>
12/31/2018	 Motion to Dismiss Filed By: Defendant Alchemy Investments LLC <i>[19] Motion to Dismiss Defendant Alchemy Investments LLC</i>
01/02/2019	 Initial Appearance Fee Disclosure <i>[18] Initial Appearance Fee Disclosure</i>
01/07/2019	 Notice Filed By: Counter Defendant Ladner, Michelle <i>[20] Notice of Intent to Take Default</i>
01/08/2019	 Stipulation for Dismissal Filed by: Counter Defendant Ladner, Michelle <i>[21] Stipulation to Dismiss Defenant Rushmore Loan Management</i>
01/11/2019	 Notice of Appearance Party: Defendant Lendinghome Funding Corp <i>[25] Notice of Appearance</i>
01/11/2019	 Motion to Dismiss <i>[26] Defendant Lending Home Funding Corp's Motion to Dismiss</i>
01/14/2019	 Notice of Entry of Order Filed By: Counter Defendant Ladner, Michelle <i>[22] Notice of Entry of Order</i>
01/14/2019	 Answer Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[23] Answer to Complaint by Defendants Eugene T. and Prekei Stanten</i>
01/14/2019	 Initial Appearance Fee Disclosure Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[24] Initial Appearance Fee Disclosure Defendants Eugene T. and Prekei Stanten</i>
01/14/2019	 Initial Appearance Fee Disclosure <i>[27] Initial Appearance Fee Disclosure</i>
01/28/2019	 Notice Filed By: Defendant Alchemy Investments LLC <i>[28] Defendant's Notice of No Opposition to Alchemy Investments LLC's Motion to Dismiss</i>
02/28/2019	 First Amended Complaint Filed By: Counter Defendant Ladner, Michelle <i>[29] First Amended Complaint</i>
03/11/2019	 Order Filed By: Defendant Alchemy Investments LLC <i>[30] Order Granting Alchemy Investments LLC's Motion to Dismiss</i>
03/11/2019	 Notice of Entry of Order Filed By: Defendant Alchemy Investments LLC

CASE SUMMARY

CASE NO. A-18-783443-C

	<i>[31] Notice of Entry of Order</i>
03/20/2019	 Motion to Dismiss Filed By: Defendant Lendinghome Funding Corp <i>[32] Lendinghome Funding Corp's Motion to Dismiss Plaintiff's First Amended Complaint</i>
03/20/2019	 First Amended Complaint Filed By: Counter Defendant Ladner, Michelle <i>[33] Erreta First Amended Complaint</i>
03/20/2019	 Motion to Dismiss <i>[34] Joinder To Lendinghome s Motion To Dismiss AND Motion To Dismiss Defendant Alchemy Investments LLC</i>
03/25/2019	 Proof of Service <i>[35] Proof of Service</i>
03/26/2019	 Proof of Service <i>[36] Proof of Service</i>
03/26/2019	 Clerk's Notice of Hearing <i>[37] Notice of Hearing</i>
03/28/2019	 Proof of Service <i>[38] Proof of Service</i>
04/09/2019	 Opposition Filed By: Counter Defendant Ladner, Michelle <i>[39] Oppositon to Defendant Alchemy Investments, LLC Motion to Dismiss and Coutermotion for Discovery</i>
04/09/2019	 Opposition Filed By: Counter Defendant Ladner, Michelle <i>[40] Opposition to Defendant Lendinghome Funding Corp Motion to Dismiss and Countermotion for Discovery</i>
04/15/2019	 Order Granting Filed By: Defendant Rushmore Loan Management <i>[41] Order Granting Lending Home Funding Corp's Motion to Dismiss Complaint Withouth Prejudice</i>
04/15/2019	 Notice of Entry of Order Filed By: Defendant Rushmore Loan Management <i>[42] Notice of Entry of Order Granting Lending Home Funding Corp.'s Motion to Dismiss Complaint without Prejudice</i>
04/18/2019	 Stipulation and Order Filed by: Defendant Rushmore Loan Management <i>[43] Stipulation and Order to Continue Defendant Lendinghome Funding Corp.'s Motion to Dismiss Plaintiff's First Amended Complaint Hearing Date</i>
04/18/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant Rushmore Loan Management <i>[44] Notice of Entry of Stipulation and Order to Continue Defendant, Lendinghome Funding Corp.'s Motion to Dismiss Plaintiff's First Amended Complaint Hearing Date</i>

CASE SUMMARY

CASE NO. A-18-783443-C

04/23/2019



Reply

Filed by: Defendant Rushmore Loan Management

[45] Lendinghome's Reply Brief in Support of Motion to Dismiss Plaintiff's First Amended Complaint

04/25/2019



Reply in Support

[46] DEFENDANT ALCHEMY INVESTMENT S LLC REPLY IN SUPPORT OF ITS MOTION TO DISMISS AND REPLY IN SUPPORT OF JOINDER TO LENDINGHOME S MOTION TO DISMISS AND OPPOSITION TO COUNTERMOTION FOR DISCOVERY

06/13/2019



Answer and Counterclaim

Filed By: Counter Claimant Lendinghome Funding Corp

[47] Defendant/Counterclaimant Lendinghome Funding Corp's Answer and Counterclaim

06/19/2019



Order

Filed By: Counter Defendant Ladner, Michelle

[48] Order Denying Defendant Lendinghome's Motion to Dismiss Defendant's Alchemy Investments, LLC Joinder to Lendinghome's Motion to Dismiss and Defendant's Alchemy Investments, LLC Motion to Dismiss

06/19/2019



Notice of Entry of Order

Filed By: Counter Defendant Ladner, Michelle

[49] Notice of Entry of Order

06/19/2019



Answer and Counterclaim

Filed By: Cross Claimant Alchemy Investments LLC

[50] Alchemy Investment's Answer to Amended Complaint and Counterclaims and Cross-claims

06/19/2019



Request for Exemption From Arbitration

Filed by: Cross Claimant Alchemy Investments LLC

[51] Alchemy Investments Request for Exemption from Arbitration

06/19/2019



Request for Exemption From Arbitration

Filed by: Counter Defendant Ladner, Michelle

[52] Request for Exemption from Arbitration

06/20/2019



Amended Certificate of Service

Party: Cross Claimant Alchemy Investments LLC

[53] Amended Certificate of Service to Alchemy Investments, LLC's Answer to Plaintiff's First Amended Complaint and Counterclaims and Cross-Claims

07/03/2019



Commissioners Decision on Request for Exemption - Granted

[54] Commissioner's Decision on Request for Exemption - GRANTED

07/08/2019



Objection to Commissioner's Decision on Request for Exemptio

Filed by: Cross Claimant Alchemy Investments LLC

[55] Partial Objection to Commissioner's Decision Regarding Sanctions

07/11/2019



Notice of Early Case Conference














Filed By: Counter Defendant Ladner, Michelle

[56] Notice of Early Case Conference

07/15/2019















CASE SUMMARY

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	 Three Day Notice of Intent to Default Filed By: Cross Claimant Alchemy Investments LLC <i>[57] Three Day Notice of Intent to Enter Default Against Eugene Staten</i>
07/15/2019	 Three Day Notice of Intent to Default Filed By: Cross Claimant Alchemy Investments LLC <i>[58] Three Day Notice of Intent to Enter Default Against Michelle Ladner</i>
07/15/2019	 Three Day Notice of Intent to Default Filed By: Cross Claimant Alchemy Investments LLC <i>[59] Three Day Notice of Intent to Enter Default Against Prekei Staten</i>
07/19/2019	 Answer to Counterclaim Filed By: Counter Defendant Ladner, Michelle <i>[60] Plaintiff/Counter-Defendant Answer to Defendant/CounterClaimant Alchemy Investments, LLC</i>
07/20/2019	 Notice of Change of Address Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[61] Notice of Change of Address by Counsel for Defendants and Cross Defendants Eugene and Prekei Staten</i>
07/20/2019	 Answer to Crossclaim Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[62] Answer to Alchemy's Cross Claim by Staten Cross Defendants</i>
07/24/2019	 Order <i>[63] Order on Objection to Commissioner's Decision Regarding SANCTIONS ONLY on Arbitration Exemption - Affirmed and Adopted</i>
08/01/2019	 Answer to Counterclaim Filed By: Counter Defendant Ladner, Michelle <i>[64] Plaintiff/Counter-Defendant Answer to Defendant/Counterclaimant LendingHome Funding Corp's</i>
08/23/2019	 Individual Case Conference Report Filed By: Cross Claimant Alchemy Investments LLC <i>[65] Alchemy Investments LLC Individual Case Conference Report</i>
08/29/2019	 Joinder to Case Conference Report Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[66] Joinder by Eugene and Prekei Staten to Alchemy Investments LLC's Individual Case Conference Report</i>
09/01/2019	 Motion to Withdraw As Counsel Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[67] Motion by Counsel for Defendants and Cross Defendants Eugene T. Staten, II and Prekei Staten to Withdraw as Attorney of Record</i>
09/05/2019	 Notice of Motion <i>[68] Notice of Motion to Withdraw as Counsel of Record by Counsel for Defendants and Cross Defendants Eugene T Staten, II and Prekei Staten</i>
09/05/2019	 Clerk's Notice of Hearing <i>[69] Notice of Hearing</i>














CASE SUMMARY

CASE NO. A-18-783443-C

09/06/2019	 Joint Case Conference Report Filed By: Counter Defendant Ladner, Michelle <i>[70] Joint Early Case Conference Report</i>
10/30/2019	 Scheduling and Trial Order <i>[71] Scheduling Order and Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
11/02/2019	 Order Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[72] Order Granting Motion to Withdraw by Counsel for Statens</i>
11/04/2019	 Notice of Entry of Order Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[73] Notice of Entry of Order Granting Motion to Withdraw by Elizabeth S. Ashley and Ashley Law Counsel for Defendants and Cross Defendants Eugene T. Staten and Prekei Staten</i>
11/05/2019	 Motion to Consolidate Filed By: Cross Claimant Alchemy Investments LLC <i>[74] Alchemy Investments LLC's Motion to Consolidate</i>
11/06/2019	 Clerk's Notice of Hearing <i>[75] Notice of Hearing</i>
11/06/2019	 Joinder To Motion Filed By: Counter Claimant Lendinghome Funding Corp <i>[76] Joinder to Alchemy Investments LLC's Motion to Consolidate</i>
11/06/2019	 Certificate of Mailing Filed By: Cross Claimant Alchemy Investments LLC <i>[77] Certificate of Mailings</i>
01/02/2020	 Order Filed By: Cross Claimant Alchemy Investments LLC <i>[78] Order Granting Alchemy Investments LLC's Motion to Consolidate</i>
01/03/2020	 Notice of Entry of Order Filed By: Cross Claimant Alchemy Investments LLC <i>[79] Notice of Entry of Order</i>
01/10/2020	 Motion to Compel Filed By: Cross Claimant Alchemy Investments LLC <i>[80] Alchemy Investments LLC's Motion to Compel, For Monetary Sanctions and to Deem Requests for Admissions Admitted</i>
01/10/2020	 Clerk's Notice of Hearing <i>[81] Notice of Hearing</i>
01/10/2020	 Notice of Submission of Record Filed By: Cross Claimant Alchemy Investments LLC <i>[82] Notice of Submission of Justice Court Record (Consolidated Matter)</i>
01/10/2020	 Certificate of Mailing













CASE SUMMARY

CASE NO. A-18-783443-C

	<p>Filed By: Cross Claimant Alchemy Investments LLC <i>[83] Certificate of Mailing</i></p>
01/17/2020	<p> Supplement Filed by: Cross Claimant Alchemy Investments LLC <i>[84] Alchemy Investments LLC's Supplement to Motion to Compel, for Monetary Sanctions and to Deem Requests for Admissions Admitted</i></p>
01/31/2020	<p> Motion to Amend Filed By: Cross Claimant Alchemy Investments LLC <i>[85] Alchemy Investments LLC's Motion for Leave to Amend</i></p>
02/03/2020	<p> Clerk's Notice of Hearing <i>[86] Notice of Hearing</i></p>
02/03/2020	<p> Certificate of Mailing Filed By: Cross Claimant Alchemy Investments LLC <i>[87] Certificate of Mailing</i></p>
02/25/2020	<p> Declaration Filed By: Cross Claimant Alchemy Investments LLC <i>[88] Alchemy Investments' Declaration in Support of Attorney's Fees</i></p>
03/11/2020	<p> Order Granting Motion Filed By: Cross Claimant Alchemy Investments LLC <i>[89] Order Granting Alchemy Investments, LLC's Motion for Leave to Amend</i></p>
03/11/2020	<p> Notice of Entry of Order Filed By: Cross Claimant Alchemy Investments LLC <i>[90] Notice of Entry of Order</i></p>
03/20/2020	<p> Answer and Counterclaim Filed By: Cross Claimant Alchemy Investments LLC <i>[91] Alchemy Investments, LLC's Amended Answer to Plaintiff's First Amended Complaint and Counterclaims and Cross-Claims</i></p>
03/27/2020	<p> Order Shortening Time <i>[92] Alchemy Investments LLC's Motion for Case Dispositive Sanctions on Order Shortening Time</i></p>
04/08/2020	<p> Answer to Crossclaim Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[93] Denial of Fraud</i></p>
04/09/2020	<p> Reply in Support Filed By: Cross Claimant Alchemy Investments LLC <i>[94] Reply in Support of Alchemy Investments LLC's Motion for Case Dispositive Sanctions</i></p>
04/13/2020	<p> Motion Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[95] MOTION TO POSTPONE TRIAL, AMID THE COVID-19 QUARANTINE</i></p>
04/20/2020	<p> Motion to Continue Trial Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei</p>















CASE SUMMARY

CASE NO. A-18-783443-C

	<i>[96] Motion to Postpone/Continue Trial, Amid the Covid-19 Quarantine</i>
04/20/2020	 Discovery Commissioners Report and Recommendations Filed By: Cross Claimant Alchemy Investments LLC <i>[97] Discovery Commissioner s Report and Recommendations</i>
04/21/2020	 Clerk's Notice of Hearing <i>[98] Notice of Hearing</i>
04/23/2020	 Three Day Notice of Intent to Default Filed By: Cross Claimant Alchemy Investments LLC <i>[99] Three Day Notice of Intent to Enter Default against Counterdefendant Michelle Ladner</i>
04/25/2020	 Opposition to Motion Filed By: Counter Defendant Ladner, Michelle <i>[100] Plaintiff's Opposition to Alchemy Investments LLC's Motion for Case Dispositive Sanctions</i>
04/28/2020	 Answer to Counterclaim Filed By: Counter Defendant Ladner, Michelle <i>[101] Plaintiff/Counter-Defendant Answers to Defendant/CounterClaimant ALchemy Investments, LLC First Amended Counterclaims and Crossclaims</i>
05/04/2020	 Opposition Filed By: Cross Claimant Alchemy Investments LLC <i>[102] Alchemy Investments LLC's Opposition to Eugene and Prekei Staten's Motion to Postpone Trial Amid Covid-19 Quarantine and Lockdown</i>
05/05/2020	 Order Filed By: Cross Claimant Alchemy Investments LLC <i>[103] Order Regarding Discovery Commissioner's Report and Recommendations</i>
05/13/2020	 Notice of Entry of Order Filed By: Cross Claimant Alchemy Investments LLC <i>[104] Notice of Entry of Order Regarding Discovery Commissioner's Report and Recommendations</i>
05/21/2020	 Supplement Filed by: Cross Claimant Alchemy Investments LLC <i>[105] Supplement to Reply in Support of Alchemy Investments LLC's Motion for Case Dispositive Sanctions</i>
05/22/2020	 Document Filed Filed by: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[106] Eugene and Prekei Staten's Support of Our Motion to Postpone Trial Amid the Covid-19 Quarentine and Lockdown.</i>
05/26/2020	 Stipulation and Order Filed by: Counter Claimant Lendinghome Funding Corp <i>[107] Stipulation and Order to Extend Dispositive Motion Deadline and Continue Trial (First Request)</i>
05/27/2020	 Order Setting Civil Non-Jury Trial and Calendar Call <i>[108] Order Setting Civil Non Jury Trial and Calendar Call</i>














CASE SUMMARY

CASE NO. A-18-783443-C

05/28/2020	 Errata Filed By: Counter Defendant Ladner, Michelle <i>[109] Plaintiff's First Errata to Its Opposition To Defendant's Motion for Dispositive Sanctions</i>
05/29/2020	 Notice of Entry of Stipulation and Order Filed By: Counter Claimant Lendinghome Funding Corp <i>[110] Notice of Entry of Stipulation and Order</i>
06/04/2020	 Discovery Commissioners Report and Recommendations Filed By: Cross Claimant Alchemy Investments LLC <i>[111] Discovery Commissioner s Report and Recommendations</i>
06/04/2020	 Memorandum Filed By: Cross Claimant Alchemy Investments LLC <i>[112] Alchemy Investments, LLC's Memorandum of Attorney's Fees and Costs</i>
06/29/2020	 Order <i>[113] Order Regarding Discovery Commissioner's Report and Recommendations</i>
06/30/2020	 Stipulation and Order to Extend Discovery Deadlines Filed By: Cross Claimant Alchemy Investments LLC <i>[114] Stipulation and Order to Extend Dispositive Motion Deadline [Second Request]</i>
07/02/2020	 Notice of Entry of Stipulation and Order Filed By: Cross Claimant Alchemy Investments LLC <i>[115] Notice of Entry of Stipulation and Order</i>
07/02/2020	 Notice of Entry of Order Filed By: Cross Claimant Alchemy Investments LLC <i>[116] Notice of Entry of Order Regarding Discovery Commissioner's Report and Recommendations</i>
07/13/2020	 Response Filed by: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[117] RESPONSE TO LADNER S ANSWERS TO ALCHEMY S INTERROGATORIES (FILED 5/25/2020)</i>
07/28/2020	 Order <i>[118] Order Denying in Part and Granting in Part</i>
07/29/2020	 Response Filed by: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[119] Edited Response to Ladner's Admissions to Interrogatories Filed 5/25/2020</i>
07/30/2020	 Notice of Entry of Order Filed By: Cross Claimant Alchemy Investments LLC <i>[120] Notice of Entry of Order</i>
07/30/2020	 Stipulation and Order for Dismissal With Prejudice <i>[121] Stipulation and Order to Dismiss Lending Homefunding</i>
07/31/2020	 Notice of Entry of Stipulation and Order Filed By: Counter Claimant Lendinghome Funding Corp

CASE SUMMARY

CASE NO. A-18-783443-C

	<i>[122] Notice of Entry of Stipulation and Order</i>
08/23/2020	 Change of Address Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[123] Defendant's information of change of address.</i>
09/07/2020	 Motion Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[124] Motion to Allow Eugene T and Prekei Mers Staten to Virtually Attend Trial Amid the Covid- 19 Quarentine and Lockdown</i>
09/08/2020	 Clerk's Notice of Hearing <i>[125] Notice of Hearing</i>
09/16/2020	 Change of Address Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[126] correction to address originally filed</i>
09/16/2020	 Order Setting Civil Jury Trial and Calendar Call <i>[127] Order Setting Civil Jury Trial and Calendar Call</i>
10/13/2020	 Substitution of Attorney Filed by: Cross Claimant Alchemy Investments LLC <i>[128] Substitution of Counsel</i>
01/04/2021	Case Reassigned to Department 29 <i>Judicial Reassignment to Judge David M. Jones</i>
01/11/2021	 Motion to Withdraw As Counsel Filed By: Counter Defendant Ladner, Michelle <i>[129] Motion to Withdraw on Order Shortening Time</i>
01/13/2021	 Clerk's Notice of Hearing <i>[130] Notice of Hearing</i>
01/13/2021	 Clerk's Notice of Nonconforming Document <i>[131] Clerk's Notice of Nonconforming Document</i>
01/20/2021	 Motion Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[132] Motion To Attend Trial Virtually, Amid The Covid-19 Quarantine</i>
01/22/2021	 Clerk's Notice of Hearing <i>[133] Notice of Hearing</i>
02/01/2021	 Notice Filed By: Counter Defendant Ladner, Michelle <i>[134] NOTICE OF PLAINTIFFS & COUNTER-DEFENDANT, APPEARING IN PROPER PERSON</i>
02/02/2021	 Notice Filed By: Cross Claimant Alchemy Investments LLC <i>[135] Notice of Disassociation of Counsel</i>

CASE SUMMARY

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03/17/2021	 Order Setting Civil Jury Trial <i>[136] Amended Order Setting Civil Jury Trial</i>
04/19/2021	 Substitution of Attorney Filed by: Cross Claimant Alchemy Investments LLC <i>[137] Substitution of Attorney</i>
06/22/2021	 Order Filed By: Counter Defendant Ladner, Michelle <i>[138] Order Granting Motion to Withdraw as Attorney of Record</i>
07/09/2021	 Notice of Entry of Order Filed By: Counter Defendant Ladner, Michelle <i>[139] Notice of Entry of Order</i>
07/21/2021	 Notice of Appearance Party: Counter Defendant Ladner, Michelle <i>[140] Notice of Appearance</i>
08/16/2021	 Order Setting Civil Jury Trial <i>[141] Amended Order Setting Civil Jury Trial</i>
08/19/2021	 Motion to Compel Filed By: Counter Defendant Ladner, Michelle <i>[142] Motion to Compel</i>
08/19/2021	 Clerk's Notice of Hearing <i>[143] Notice of Hearing</i>
09/07/2021	 Order Filed By: Counter Defendant Ladner, Michelle <i>[144] Stipulation and Order to Continue Motion to Compel</i>
09/08/2021	 Notice of Entry <i>[145] Notice of Entry of Order</i>
09/27/2021	 Notice of Withdrawal of Motion Filed By: Counter Defendant Ladner, Michelle <i>[146] Notice of Withdrawal of Motion to Compel</i>
12/02/2021	 Demand for Jury Trial Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei <i>[147] Demand for Jury Trial</i>
12/15/2021	 Supplemental Disclosure of Witnesses & Documents <i>[148] Eugene and Prekei Stanten's Supplemental Disclosures of Documents and Witnesses</i>
12/17/2021	 Pre-trial Memorandum Filed by: Cross Claimant Alchemy Investments LLC <i>[149] Joint Pre-Trial Memorandum</i>
01/27/2022	 Trial Brief Filed By: Counter Defendant Ladner, Michelle

CASE SUMMARY

CASE NO. A-18-783443-C

[150] Plaintiff's Trial Brief

01/27/2022



Exhibits

Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei
[151] Final Trial Exhibits and list

01/28/2022



Disclosure of Documents and Witnesses Pursuant to NRC 16.1

Filed By: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei
[152] Eugene and Prekei Staten's Supplemental Disclosures of Documents and Witnesses -02

01/30/2022



Statement

[153] Opening statement and brief.

02/02/2022



Statement

Filed by: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei
[154] Defense's Closing Statement

02/02/2022



Statement

Filed by: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei
[155] DEFENSE CLOSING STATEMENT - CORRECTED

02/02/2022



Statement

Filed by: Cross Defendant Stanten, Eugene T, II; Cross Defendant Stanten, Prekei
[156] DEFENSE CLOSING STATEMENT - CORRECTED#2

02/02/2022



Statement

[157] DEFENSE CLOSING STATEMENT - CORRECTED#3 overcomes pdf printer corruption

02/28/2022



Order to Statistically Close Case

[158] Civil Order to Statistically Close Case

03/21/2022



Notice of Appeal

Filed By: Counter Defendant Ladner, Michelle
[159] NOTICE OF APPEAL

03/23/2022



Case Appeal Statement

Case Appeal Statement

DISPOSITIONS

01/08/2019

Order of Dismissal With Prejudice (Judicial Officer: Bare, Rob)

Debtors: Rushmore Loan Management (Defendant)

Creditors: Michelle Ladner (Plaintiff)

Judgment: 01/08/2019, Docketed: 01/09/2019

03/11/2019

Order of Dismissal Without Prejudice (Judicial Officer: Bare, Rob)

Debtors: Michelle Ladner (Plaintiff)

Creditors: Alchemy Investments LLC (Defendant)

Judgment: 03/11/2019, Docketed: 03/18/2019

04/15/2019

Order of Dismissal Without Prejudice (Judicial Officer: Bare, Rob)



Debtors: Michelle Ladner (Plaintiff)

Creditors: Lendinghome Funding Corp (Defendant)

Judgment: 04/15/2019, Docketed: 04/15/2019

CASE SUMMARY

CASE NO. A-18-783443-C

07/24/2019	<p>Sanctions (Judicial Officer: Bare, Rob) Debtors: Erik A Fitting, ESQ. (Other) Creditors: Clark County Law Library (Other) Judgment: 07/24/2019, Docketed: 07/25/2019 Total Judgment: 50.00</p> <p>Debtors: Elizabeth S Ashley, ESQ. (Other) Creditors: Clark County Law Library (Other) Judgment: 07/24/2019, Docketed: 07/25/2019 Total Judgment: 50.00</p>
05/05/2020	<p>Order (Judicial Officer: Bare, Rob) Debtors: Michelle Ladner (Plaintiff) Creditors: Alchemy Investments LLC (Defendant) Judgment: 05/05/2020, Docketed: 05/06/2020 Total Judgment: 1,240.00</p>
07/28/2020	<p>Sanctions (Judicial Officer: Bare, Rob) Debtors: Michelle Ladner (Plaintiff) Creditors: Alchemy Investments LLC (Defendant) Judgment: 07/28/2020, Docketed: 07/29/2020 Total Judgment: 9,978.50</p>
07/30/2020	<p>Order of Dismissal With Prejudice (Judicial Officer: Bare, Rob) Debtors: Michelle Ladner (Counter Defendant, Counter Defendant, Plaintiff) Creditors: Lendinghome Funding Corp (Counter Claimant, Defendant) Judgment: 07/30/2020, Docketed: 08/03/2020</p>
HEARINGS	
01/18/2019	<p> Minute Order (3:00 AM) (Judicial Officer: Bare, Rob) Minute Order - No Hearing Held; Journal Entry Details: <i>Pursuant to the January 8, 2019 Stipulation, the Motion to Dismiss Defendant Rushmore Loan Management LLC currently scheduled for January 24, 2019, is VACATED. Parties need not appear. CLERK'S NOTE: The above minute order has been distributed to the following: Erik A. Fitting, Esq. (efitting@msn.com), Michael N. Beede, Esq. (mike@legallv.com), Samuel R. Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth S. Ashley, Esq. (elizabeth@elizabethashleylaw.com), Erik Fitting, Esq. (efitting@cox.net) //2/6/19lk;</i></p>
01/24/2019	<p>CANCELED Motion to Dismiss (9:30 AM) (Judicial Officer: Bare, Rob) <i>Vacated - per Law Clerk</i> <i>Defendant Rushmore Loan Managment LLC's Motion to Dismiss</i></p>
02/06/2019	<p>Minute Order (3:00 AM) (Judicial Officer: Bare, Rob) Minute Order - No Hearing Held; Journal Entry Details: <i>Pursuant to the Stipulation and Order, the Motion to Dismiss Defendant Alchemy Investments LLC currently scheduled for February 14, 2019, is VACATED, parties need not appear. CLERK'S NOTE: The above Minute Order was distributed to the following: Michael Beede, Esq. (eservice@legallv.com), Richard Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth Ashley, Esq. (elizabeth@elizabethahleylaw.com) and Erik Fitting, Esq. (efitting@cox.net) //2/6/19 lk;</i></p>
02/12/2019	<p> Minute Order (10:35 AM) (Judicial Officer: Bare, Rob) <i>Minute Order Re: Hearing Set for Thursday, February 14, 2019</i> Minute Order - No Hearing Held; Minute Order Re: Hearing Set for Thursday, February 14, 2019 Journal Entry Details: <i>The prior minute order taking this motion off calendar was issued in error, please disregard. Defendant Alchemy Investments, LLC's Motion to Dismiss is set to be heard on Thursday, February 14, 2019 at 9:30 a.m. CLERK S NOTE: This Minute Order was electronically served</i></p>

CASE SUMMARY

CASE NO. A-18-783443-C

by Courtroom Clerk, April Watkins, to all registered parties for Odyssey File & serve. aw;

02/14/2019



Motion to Dismiss (9:30 AM) (Judicial Officer: Bare, Rob)

Motion to Dismiss Defendant Alchemy Investments LLC

See Minute Order 2/6/19.

Motion Granted;

Journal Entry Details:

Court reviewed the procedural history of the case. Court stated there was a Notice of Non-Opposition filed regarding the Motion to Dismiss. Upon Court's inquiry, Mr. Fitting advised he was new to the case and requested 30 days to file an Amended Complaint. Mr. Fitting stated he intended to let certain parties out of the case, such as Lendinghome Funding Court, and proceed against Alchemy Investments. Upon Court's inquiry, Mr. Fitting advised he became counsel on 12/09/18. Mr. Beede advised his firm filed the Notice of Non-Opposition. Argument by Mr. Beede in support of a Motion to Dismiss with leave to Amend. Mr. Ehlers stated he did not take a position on the matter. COURT ORDERED, Motion GRANTED WITHOUT PREJUDICE and WITH LEAVE TO AMEND. Mr. Beede to prepare the Order; opposing counsel to review as to form and content. Colloquy regarding a hearing on Lendinghome Funding Court's Motion to Dismiss set for 3/5/19. Mr. Fitting and Mr. Ehlers agreed to leave the hearing on calendar. Mr. Fitting requested 30 days to file an Amended Complaint. Mr. Beede moved for the Court to allow the standard 2 weeks for filing. Court DIRECTED Mr. Fitting to file the Amended Complaint by 2/28/19. ;

03/04/2019



Motion to Dismiss (11:00 AM) (Judicial Officer: Bare, Rob)

Defendant Lending Home Funding Corp's Motion to Dismiss

Granted;

Journal Entry Details:

Having examined Defendant Lending Home Funding Corp's Motion to Dismiss, noting no Opposition filed, and good cause appearing, the Motion to Dismiss is GRANTED. Pursuant to EDCR 2.23, the hearing on this matter set for March 5, 2019, is advanced and VACATED. Moving party to prepare and submit proposed order to chambers within 10 days. CLERK'S NOTE: This Minute Order was electronically served by Susan Botzenhart, Courtroom Clerk, to all registered parties for Odyssey File & Serve. /// 3/04/2019 sb;

04/05/2019



Minute Order (4:00 PM) (Judicial Officer: Bare, Rob)

Minute Order - No Hearing Held;

Journal Entry Details:

At the Request of Court, in order to accommodate the Court's docket, the Motion for Dismiss and Joinder set for Tuesday, April 23, 2019, at 9:30 a.m. has been rescheduled to start at 11:00 a.m. CLERK'S NOTE: A copy of this Minute Order was distributed to the following: Erik A. Fitting, Esq. (efitting@msn.com), Michael N. Beede, Esq. (eservice@legally.com), Samuel R. Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth S. Ashley, Esq. (elizabeth@elizabethashleylaw.com)./4/5/19lk;

04/30/2019

Motion to Dismiss (9:30 AM) (Judicial Officer: Bare, Rob)

Defendant Lendinghome Funding Corp's Motion to Dismiss Plaintiff's First Amended Complaint

Denied;

04/30/2019

Joinder (9:30 AM) (Judicial Officer: Bare, Rob)

Joinder to Lendinghome Motion to Dismiss and Motion to Dismiss Alchemy Investments LLC

Denied;

04/30/2019



All Pending Motions (9:30 AM) (Judicial Officer: Bare, Rob)

Matter Heard;

Journal Entry Details:

DEFENDANT LENDINGHOME FUNDING CORP'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT...JOINDER TO LENDINGHOME MOTION TO DISMISS AND MOTION TO DISMISS ALCHEMY INVESTMENTS LLC James Faux, Esq. present for Alchemy Investments LLC and Sam Ehlers, Esq. present for Lendinghome Funding Corp. Court reviewed the present matter and advised that 3 causes of action exist for Lendinghome and Alchemy and advised the mainline issue was the bona fide purchaser issue regarding the

CASE SUMMARY

CASE NO. A-18-783443-C

recorded interest. Court advised Court's would normally allow for some discovery of the recordation and noted the issue fell under NRS 111.325. Mr. Ehlers argued the Plaintiff had the Deed in 2007 and didn't do anything to record it, therefore, she did not have a claim against Lendinghome. Mr. Faux argued that the claims was missing essential elements. Both Mr. Ehlers and Mr. Faux argued that there was no vested interest in the property. Mr. Fitting argued that Alchemy had actual notice. Further Mr. Fitting argued in support of the Court allowing for further discovery to support their allegations. COURT ORDERED, DECISION PENDING. Court to issue a written order within 1-2 weeks.;

05/07/2019



Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)

Minute Order - No Hearing Held;

Journal Entry Details:

This matter came before this Court on April 30, 2019. After hearing oral argument and carefully considering the supplemental briefs and evidence, COURT ORDERED Defendant LendingHome's Motion to Dismiss and Defendant Alchemy Investment's Joinder are hereby DENIED. NRCP 12(b)(5) governs a motion to dismiss for failure to state a claim upon which relief can be granted. The court must accept all factual allegations in the complaint as true, and draw all inferences in the plaintiff's favor. Buzz Stew, LLC v. City of Las Vegas, 124 Nev. 224, 227-28 (2008). The test for determining whether the allegations of a complaint are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and basis of the legally sufficient claim and relief requested. Brelant v. Preferred Equities Corp., 109 Nev. 842 (1993). Dismissal is proper if the allegations in the complaint alone are insufficient to establish the elements of the claims for relief. Buzz Stew, 124 Nev. at 227. Additionally, NRCP 8(a) allows notice pleading, where all that is required in a complaint is a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief the pleader seeks. While the Court recognizes Nevada recording statutes; Plaintiff has suggested to the Court that Defendants had notice of the underling contract before entering into subsequent contracts. This issue presents a question of material fact, thereby warranting the need for discovery on this issue. As such, dismissal at this stage is premature. Counsel for Plaintiff is directed to submit a proposed Order consistent with this Minute Order, the submitted briefing, and oral argument. Counsel may add language to or further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Counsel is directed to have the proposed Order submitted to chambers within 10 days. CLERK'S NOTE: A copy of this Minute Order was distributed to the following: Erik A. Fitting, Esq. (efitting@msn.com), Michael N. Beede, Esq. (eservice@legally.com), Samuel R. Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth S. Ashley, Esq. (elizabeth@elizabethashleylaw.com)./5/7/19lk;

05/08/2019

CANCELED Status Check (3:00 AM) (Judicial Officer: Bare, Rob)

Vacated

Status Check: Decision

09/16/2019



Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)

MINUTES

Minute Order - No Hearing Held;

Journal Entry Details:

At the request of Court, for judicial economy, the Motion to Withdraw as Counsel, currently scheduled for October 10, 2019, is RESCHEDULED to October 16, 2019, to be heard in chambers. Parties need not appear. Counsel for Ashley Law to submit a proposed Order to chambers prior to October 16th. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

SCHEDULED HEARINGS

CANCELED Motion to Withdraw as Counsel (10/16/2019 at 3:00 AM) (Judicial Officer: Bare, Rob)

Vacated - Moot

Motion to Withdraw as Counsel of Record by Counsel for Defendants and Cross Defendants Eugene T Staten, II and Prekei Staten

10/16/2019

CANCELED Motion to Withdraw as Counsel (3:00 AM) (Judicial Officer: Bare, Rob)

Vacated - Moot

Motion to Withdraw as Counsel of Record by Counsel for Defendants and Cross Defendants Eugene T Staten, II and Prekei Staten

CASE SUMMARY

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12/11/2019



Minute Order (4:33 PM) (Judicial Officer: Bare, Rob)

MINUTES

Minute Order - No Hearing Held;

Journal Entry Details:

Having examined Defendant Alchemy Investments LLC's Motion to Consolidate and Defendant Lendinghome Funding Corp's Joinder, noting no Opposition filed, and good cause appearing, the Motion to Consolidate is GRANTED. Pursuant to EDCR 2.23, the hearing on this matter set for December 12, 2019 is advanced and VACATED. Moving party to prepare and submit proposed order to chambers within 10 days. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /mt;

SCHEDULED HEARINGS

CANCELED Motion to Consolidate (12/12/2019 at 9:30 AM) (Judicial Officer: Bare, Rob)

Vacated - per Judge

Defendant Alchemy Investments LLC's Motion to Consolidate

CANCELED Joinder (12/12/2019 at 9:30 AM) (Judicial Officer: Bare, Rob)

Vacated - per Judge

Joinder to Alchemy Investments LLC's Motion to Consolidate

12/12/2019

CANCELED Motion to Consolidate (9:30 AM) (Judicial Officer: Bare, Rob)

Vacated - per Judge

Defendant Alchemy Investments LLC's Motion to Consolidate

12/12/2019

CANCELED Joinder (9:30 AM) (Judicial Officer: Bare, Rob)

Vacated - per Judge

Joinder to Alchemy Investments LLC's Motion to Consolidate

02/11/2020



Motion to Compel (9:30 AM) (Judicial Officer: Truman, Erin)

Alchemy Investments LLC's Motion to Compel, For Monetary Sanctions and to Deem Requests for Admissions Admitted

Matter Heard; Alchemy Investments LLC's Motion to Compel, For Monetary Sanctions and to Deem Requests for Admissions Admitted

Journal Entry Details:

COMMISSIONER NOTED an opposition was not received. Pursuant to EDCR 2.20(e), COMMISSIONER RECOMMENDED, Alchemy Investments LLC's Motion to Compel, For Monetary Sanctions and to Deem Requests for Admissions Admitted GRANTED; regarding the interrogatories and request for production of documents, parties have thirty (30) days from today. Plaintiff must respond to the interrogatories and request for productions of documents within thirty (30) days from today, March 10, 2020. Admissions are deemed admitted as a matter of law. If they sought to be withdrawn, then a motion would need to be filed. Further, objections were WAIVED except as to privilege. COMMISSIONER FURTHER RECOMMENDED, Attorney's Fees NOT GRANTED for the lateness at appearing at the inspection. The Plaintiff appeared, albeit forty minutes late. Further, if there was a stipulation, then counsel could obtain it by stipulation. COMMISSIONER FURTHER GRANTED, Attorney's Fees GRANTED for appearing today. Counsel to prepare an affidavit that complies with Brunzell v. Golden Gate. If any costs sought for appearing today, then that needs to comply with the Cadle case and submitted within two (2) weeks. COMMISSIONER RECOMMENDED, Status Check SET regarding Attorney's Fees and Costs and production of documents. MATTER RECALLED: Erik A. Fitting, Esq., and Richard S. Ehlers, Esq., now present. Commissioner noted this case had been called previously and it was indicated with regard to the motion to compel for monetary sanctions and deemed request for admissions admitted. The motion to deem request for admissions admitted was moot because when request for admissions were not responded to within thirty days they were deemed admitted as a matter of law. Therefore, deemed admitted in this case without the motion needed to have been filed. If anyone was seeking to withdraw admissions then it would be their requirement to bring a motion for the Court's consideration. As to the motion to compel the request for production of documents and the interrogatories, pursuant to EDCR 2.20(e), that motion was granted. The responses are due within thirty days. Objections were waived except as to privilege. In addition, the ruling was that those were due thirty days from today by March 10th without objection except as to privilege. The Court did not require payment of \$200.00 of Attorney's Fees for the lateness of the inspection of the property; however, the Court did find it reasonable for Attorney's Fees and Costs for bringing of the motion and appearance in court

CASE SUMMARY

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today only to be paid to Defendant Alchemy. Counsel for Alchemy it was recommended an affidavit that complied with Brunzell v. Golden Gate be submitted and that if there were any costs that Cadle be complied with. Additionally, a status check was set as to the production of documents and a decision on the attorney's fees and costs. 03/27/20 9:30 AM STATUS CHECK: ATTORNEY'S FEES and COSTS / PRODUCTION OF DOCUMENTS CLERK'S NOTE: The above minute order has been distributed via E-File and Served and Mailed to Eugene T. Stanten, 35 New St. Apt 2, Montclair, NJ 07042 and Prekei Stanten 35 New St., Apt. #2, Montclair NJ 07042. ndo02/19/20 CLERK'S NOTE: Minute Order finalized on 3-4-2020. jl E-filed and Served to registered parties, and mailed: Eugene T. Stanten, 35 New Street, Apt. 2 Montclair, NJ 07042 Prekei Stanten 35 New Street, Apt. 2 Montclair, NJ 07042;

03/02/2020



Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)

Minute Order - No Hearing Held;

Journal Entry Details:

The Court, having examined Defendant Alchemy Investments LLC's Motion for Leave to Amend, noting no Opposition has been filed, and good cause appearing, the Motion is GRANTED. Pursuant to EDCR 2.23, the hearing on this matter set for March 5, 2020, is advanced and VACATED. Moving party to prepare and submit proposed order to chambers within 10 days. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 03-02-20 ;

03/05/2020

CANCELED Motion for Leave (9:30 AM) (Judicial Officer: Bare, Rob)

Vacated

Alchemy Investments LLC's Motion for Leave to Amend

03/27/2020



Status Check (9:30 AM) (Judicial Officer: Truman, Erin)

COURT CALL - STATUS CHECK: ATTORNEY'S FEES AND COSTS

Matter Heard; COURT CALL - STATUS CHECK: ATTORNEY'S FEES AND COSTS

Journal Entry Details:

Commissioner reviewed the Declaration and supporting documents submitted, however, no costs were submitted. COMMISSIONER RECOMMENDED, \$1240 attorney fees awarded, and are payable within 30 days of the Report and Recommendation becoming a final Order of the Court. Colloquy regarding the prior DCRR. Commissioner signed all the DCRRs. If the prior DCRR was submitted, the in chambers Status Check will be taken off calendar. Commissioner advised counsel to bring a separate Motion if there is a failure to comply with Commissioner's Recommendation from the Motion to Compel. Mr. Fox to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. Send the DCRR to DiscoveryInbox@clarkcountycourts.us, and comply with Administrative Order 20-10. Mr. Fitting has an agreement in principal, and it will be executed shortly. Mr. Fitting stated his client works at Vons, and she's worked extremely long hours for six to eight weeks.;

04/10/2020



Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)




Minute Order - No Hearing Held;

Journal Entry Details:

Pursuant to Governor Steve Sisolak's declaration of a state of emergency in Nevada on March 12, 2020 in response to the recent outbreak of the Coronavirus (COVID-19), the Eighth Judicial District Court issued Administrative Order: 20-01 (AO 20-01). Pursuant to AO 20-01, effective March 16, 2020, all currently scheduled non-essential District Court hearings, at the discretion of the Court, may be decided on the papers. The Court notes Defendant Alchemy Investments LLC's Motion for Case Dispositive Sanctions on an Order Shortening Time is set for a hearing on April 14, 2020. The Court is also in receipt of the email from Plaintiff's counsel's office on April 8, 2020 advising that Plaintiff's attorney has been ill for some time and is unable to file a timely opposition or attend the hearing and thus, sought a continuance. Email was courtesy copied to Defendants' counsel. After review of this case, the instant matter is deemed "non-essential" under AO 20-01. Thus, pursuant to AO 20-01 and good cause appearing, the motion, currently scheduled for April 14, 2020 is RESCHEDULED to May 7, 2020 at 9:30 a.m. Plaintiff's opposition shall be due by April 24, 2020. Defendant may file a supplemental or amended reply by May 5, 2020. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 04/10/20 ;

CASE SUMMARY

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04/23/2020	<p>CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin)</p> <p><i>Vacated</i></p> <p><i>Status Check: Compliance / 3-27-2020 DCRR</i></p>
05/04/2020	<p> Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)</p> <p>Minute Order - No Hearing Held; Matters Consolidated and Continued</p> <p>Journal Entry Details:</p> <p><i>At the request of Court, for judicial economy, (1) Defendant Alchemy Investments LLC's Motion for Case Dispositive Sanctions presently set for a hearing on May 7, 2020 and (2) Defendant Eugene Staten's Motion to Postpone Trial Amid the COVID-19 Quarentine [sic] and Lockdown, presently set for a hearing on May 28, 2020, shall be CONSOLIDATED and shall be heard on May 28, 2020 at 9:30 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 05/04/20;</i></p>
05/07/2020	<p>CANCELED Motion for Order (9:30 AM) (Judicial Officer: Bare, Rob)</p> <p><i>Vacated - per Order</i></p> <p><i>Alchemy Investments LLC's Motion for Case Dispositive Sanctions on Order Shortening Time</i></p>
05/28/2020	<p>CANCELED Motion to Continue Trial (9:30 AM) (Judicial Officer: Bare, Rob)</p> <p><i>Vacated - per Stipulation and Order</i></p> <p><i>Motion to Postpone/Continue Trial, Amid the Covid-19 Quarantine</i></p>
05/28/2020	<p> Motion for Order (9:30 AM) (Judicial Officer: Bare, Rob)</p> <p><i>Alchemy Investments LLC's Motion for Case Dispositive Sanctions on Order Shortening Time</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Mr. Beede argued for sanctions for failure to respond and participate to Discovery. Opposition by Mr. Fittig and statement regarding medical condition. Mr. Ehlers noted he did not take a position in the motion. Court instructed Mr. Beede to submit attorney fees and costs to the Court by 6/4/20. Court instructed Mr. Fittig to submit medical opinions by a professional to the Court by 6/11/20.;</i></p>
06/30/2020	<p> Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)</p> <p><i>Defendant Alchemy Investments LLC s Motion for Case Dispositive Sanctions.</i></p> <p>Decision Made;</p> <p>Journal Entry Details:</p> <p><i>This matter came before the Court for a hearing on Defendant Alchemy Investments LLC s Motion for Case Dispositive Sanctions. After hearing the oral arguments, the Court took the matter UNDER ADVISEMENT. After a review of the pleadings, oral arguments at the hearing, and good cause shown, the court FINDS and ORDERS as follows. The gravamen of the Defendant Alchemy Investments LLC s (Alchemy) motion is Plaintiff s failure to respond to Alchemy s written discovery requests, particularly, its Interrogatories for over 6 months after its service on her attorney. Concerns were raised over Plaintiff s attorney s health and his ability to continue to represent Plaintiff. Alchemy s counsel was ordered to file a memorandum of fees and costs related to his motion practice and discovery requests to Plaintiff. Plaintiff s counsel was ordered to provide, to chambers for in camera review, a memo regarding his ability to practice, along with note from his physician. Alchemy has filed the memorandum of fees and costs on June 4, 2020. On June 12, 2020, court s staff received an email and correspondence from Angela Fitting, wife of attorney Erik Fitting, stating that Mr. Fitting was hospitalized recently and unable to submit the documents himself. Attached to the email was Mr. Fitting s medical records dated April 10, 2020. For failure to comply with a court order, under NRCp 37(b)(1), the court may order the following sanctions: (A) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims; (B) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence; (C) striking pleadings in whole or in part; (D) staying further proceedings until the order is obeyed; (E) dismissing the action or proceeding in whole or in part; (F) rendering a default judgment against the disobedient party; or (G) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination. Furthermore, under subsection (3), [i]nstead of or in addition to the orders above, the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the failure was</i></p>


CASE SUMMARY

CASE NO. A-18-783443-C

substantially justified or other circumstances make an award of expenses unjust. In *Young v. Johnny Riberio Bldg., Inc.*, 106 Nev. 88, 900 P.2d 323 (1990), the Nevada Supreme Court provided the following factors to consider in ordering dismissal with prejudice as a discovery sanction. (1) the degree of willfulness of the offending party; (2) the extent to which the non-offending party would be prejudiced by a lesser sanction; (3) the severity of the sanction of dismissal relative to the severity of the discovery abuse; (4) whether any evidence has been irreparably lost; (5) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party; (6) the policy favoring adjudication on the merits; (7) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney; (8) the need to deter both the parties and future litigants from similar abuses. The Court FINDS review of the Young factors in this case as follows. (1) the degree of willfulness of the offending party. Failure to respond to Interrogatories is indeed willful and severe. Plaintiff's counsel cites to his illness. However, the documents he provided does not explain why the Interrogatories, initially served on October 24, 2019, was not responded to. (2) the extent to which the non-offending party would be prejudiced by a lesser sanction. Sanctions that Alchemy seeks are severe. Although Alchemy points to Plaintiff being in possession of the property that Alchemy claims during the course of the case and prejudice to Alchemy for permitting additional time for discovery, the court cannot agree that less severe sanctions would prejudice Alchemy's rights as other relief, such as adverse inference, are available. (3) the severity of the sanction of dismissal relative to the severity of the discovery abuse. Again, Alchemy seeks a severe sanction. It must be noted by the Court that Plaintiff has responded to Alchemy's other discovery requests, albeit late. (4) whether any evidence has been irreparably lost. Not applicable. (5) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party. See (2) above. (6) the policy favoring adjudication on the merits. This factor undoubtedly favors Plaintiff. (7) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney. The discovery issue appears to stem from Plaintiff's attorney's illness, not Plaintiff herself. Plaintiff's attorney's illness cannot constitute misconduct. However, the medical records that Plaintiff's attorney submitted to the chambers for in camera review failed to establish what, if any, medical conditions he had prior to April 2020 that interfered with the practice of law, especially in this case. (8) the need to deter both the parties and future litigants from similar abuses. This factor does favor Alchemy. The Court FINDS overall balance of the Young factors favors sanctioning Plaintiff. However, Alchemy's requested sanction is deemed too severe. However, under NRCP 37(b)(3), Alchemy is entitled to fees and costs. Per Alchemy's memorandum of fees and costs, it seeks \$11,878.50 in fees and costs regarding the discovery dispute. This figure includes \$1,240 in fees previously awarded by the Discovery Commissioner, \$9,400 in fees for additional motion practice and discovery matters, and \$1,238.50 in costs (which includes Plaintiff's deposition costs). After a review of the fees and the supporting documents, under *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969), the Court FINDS that out of the \$9,400 sought, \$7,500 appears to be reasonable and all \$1,238.50 in costs appears to be reasonable. Along with the previously awarded fees of \$1,240, Alchemy shall be awarded \$9,978.50 in fees and costs under NRCP 37(b)(3). The Court FINDS that Alchemy is entitled to additional relief under NRCP 37(b)(1). Although formal discovery has been closed, Plaintiff shall provide responses to Alchemy's Interrogatories by July 10, 2020. Alchemy shall be permitted to depose Plaintiff by August 24, 2020. Plaintiff shall bear the cost of this deposition. The Court ORDERS Defendant Alchemy's Motion be DENIED in part, GRANTED in part. Counsel for Defendant Alchemy is directed to submit a proposed Order consistent with this Minute Order and the submitted briefing. Counsel may add language to further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Opposing counsel is to review and countersign as to form and content. Counsel is directed to have the proposed Order submitted to chambers within 10 days consistent with the AO 20-17. ;

07/23/2020 CANCELED Pretrial/Calendar Call (11:00 AM) (Judicial Officer: Bare, Rob)
Vacated - per Stipulation and Order

08/03/2020 CANCELED Bench Trial (9:00 AM) (Judicial Officer: Bare, Rob)
Vacated - per Stipulation and Order

09/14/2020  Minute Order (3:00 AM) (Judicial Officer: Bare, Rob)
Pretrial/Calendar Call ; Jury Trial
Minute Order - No Hearing Held;
Journal Entry Details:


Due to the COVID-19 Pandemic, the uncertainty of our future trial stack availability, and after

CASE SUMMARY

CASE NO. A-18-783443-C


further direction from the Chief Judge, the bench trial currently scheduled for October 12, 2020, as well as the Calendar Call scheduled for September 24, 2020, are VACATED. This matter will be RESCHEDULED to the March 15, 2021, stack with a calendar call date of February 25, 2021. A new trial order will issue within the next few days. **CLERK'S NOTE:** This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve and by U.S. Mail to: Eugene Staten, Jr. at 101 Davis Avenue, Bloomfield, NJ 07003. /cj 09/14/20 ;


09/24/2020 **CANCELED Pretrial/Calendar Call** (11:00 AM) (Judicial Officer: Bare, Rob)
Vacated - per Order


10/02/2020  **Minute Order** (3:00 AM) (Judicial Officer: Bare, Rob)
Defendants' Motion to Allow Eugene T and Prekei Mers Staten to Virtually Attend Trial Amid the Covid- 19 Quarantine and Lockdown
Minute Order - No Hearing Held;
Journal Entry Details:
The Court, having examined Defendants Eugene T. Staten II and Prekei Mers Staten s Motion to Allow them to Virtually Attend Trial Amid the COVID-19 Quarentine [sic] and Lockdown, notes that Staten Defendants seeks to appear at trial that is scheduled for October 12, 2020. The Court notes that after Staten Defendants filed the motion, the trial was rescheduled to March 15, 2021. Thus, the motion is MOOT. The hearing on this matter set for October 8, 2020 is advanced and VACATED. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 10/2/20;

10/08/2020 **CANCELED Motion** (9:30 AM) (Judicial Officer: Bare, Rob)
Vacated - per Order
Defendants' Motion to Allow Eugene T and Prekei Mers Staten to Virtually Attend Trial Amid the Covid- 19 Quarentine and Lockdown

10/12/2020 **CANCELED Jury Trial** (9:00 AM) (Judicial Officer: Bare, Rob)
Vacated - per Order

01/26/2021  **Motion for Withdrawal** (9:00 AM) (Judicial Officer: Jones, David M)
Motion to Withdraw on Order Shortening Time
Motion Granted;
Journal Entry Details:
Colloquy regarding Court's concerns regarding the pending trial. The motion being correct, COURT ORDERED, motion GRANTED. Mr. Chase to prepare the order.;

02/23/2021  **Motion** (9:00 AM) (Judicial Officer: Jones, David M)
Events: 01/20/2021 Motion
Motion To Attend Trial Virtually, Amid The Covid-19 Quarantine
Motion Granted;
Journal Entry Details:
Colloquy regarding exhibits. Following arguments by Mr. Chase and Mr. Stanten, COURT ORDERED, motion GRANTED as long as parties understand they must comply with procedural rules.;

02/25/2021  **Pretrial/Calendar Call** (10:30 AM) (Judicial Officer: Jones, David M)

MINUTES

Vacated and Reset;
Journal Entry Details:
Colloquy regarding trial schedule. COURT ORDERED, trial date VACATED and RESET. 9/1/21 10:30 AM PRE TRIAL CONFERENCE 9/8/21 10:30 AM CALENDAR CALL 9/13/21 9:00 AM JURY TRIAL;




SCHEDULED HEARINGS

CANCELED Pre Trial Conference (09/01/2021 at 10:30 AM) (Judicial Officer: Jones, David M)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY



CASE NO. A-18-783443-C

	<p><i>Vacated - per Judge</i> CANCELED Calendar Call (09/08/2021 at 10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i> CANCELED Jury Trial (09/13/2021 at 9:00 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i></p>
03/15/2021	<p>CANCELED Jury Trial (9:00 AM) (Judicial Officer: Bare, Rob) <i>Vacated</i></p>
08/11/2021	<p>CANCELED Status Check (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - Duplicate Entry</i></p>
08/11/2021	<p>CANCELED Status Check (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated</i></p>
09/01/2021	<p>CANCELED Pre Trial Conference (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i></p>
09/08/2021	<p>CANCELED Calendar Call (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i></p>
09/13/2021	<p>CANCELED Jury Trial (9:00 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i></p>
10/14/2021	<p>CANCELED Motion to Compel (9:00 AM) (Judicial Officer: Young, Jay) <i>Vacated - per Attorney or Pro Per</i> Plaintiff's Motion to Compel 09/24/2021 Continued to 10/14/2021 - Stipulation and Order - Ladner, Michelle</p>
12/01/2021	<p> Status Check: Trial Readiness (10:30 AM) (Judicial Officer: Jones, David M) Matter Heard; Journal Entry Details: <i>Mr. Andersen advised ready for trial with 2-3 days to try his case. Mr. Naddafi advised 2-3 days for his case.;</i></p>
12/15/2021	<p>CANCELED Pre Trial Conference (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - Duplicate Entry</i></p>
12/15/2021	<p> Calendar Call (10:30 AM) (Judicial Officer: Jones, David M) Matter Heard; Journal Entry Details: <i>Court received the Demand for Jury Trial but indicated the demand was untimely. Mr. Andersen advised 2-3 days for trial. Mr. Stanten advised 1 day for trial. Mr. Naddafi advised 1 day for defense and 1-2 days for counerclaims. Colloquy.;</i></p>
01/31/2022	<p> Bench Trial (9:00 AM) (Judicial Officer: Jones, David M) 01/31/2022-02/02/2022 Trial Continues; Trial Continues; Decision Made; Journal Entry Details: <i>Trial also held by BlueJeans remote conferencing. Closing arguments. Matter under advisement.;</i> Trial Continues; Trial Continues; Decision Made; Journal Entry Details: <i>Also present: Casey Ryan, Representative for Alchemy Investments. Testimony and exhibits presented (see worksheets). Plaintiff RESTED. Testimony and exhibits presented (see worksheets). CONFERENCE AT BENCH. Mr. Naddafi RESTED. Testimony and exhibits</i></p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-783443-C

	<p><i>presented (see worksheets). Mr. Staten RESTED. Colloquy regarding exhibits. COURT ORDERED, matter CONTINUED. CONTINUED TO: 2/2/22 1:00 PM;</i></p> <p>Trial Continues; Trial Continues; Decision Made; Journal Entry Details: <i>Testimony and exhibits presented (see worksheets). Argument by Mr. Andersen for directed verdict. COURT ORDERED, directed verdict DENIED. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter CONTINUED. CONTINUED TO: 2/1/22 10:30 AM;</i></p>
02/17/2022	<p> Minute Order (3:00 AM) (Judicial Officer: Jones, David M)</p> <p>Minute Order - No Hearing Held; Journal Entry Details: <i>Decision of Bench Trial The Court finds the following: - The evidence in the Bench Trial shows that Michelle Ladner, by way of her own testimony, was periodically late on paying the mortgage payments. - The evidence also shows that Eugene Stanten II was either not aware of the late payments to the mortgage company, or chose not to enforce the terms of the contract to which he was the author. - Alchemy bought the property with notice of the possible issue with the tenant Ms. Ladner and was also put on notice that Ms. Ladner was claiming more than a tenant relationship to the property in question. As this Court has been asked to sit in equity on this matter, the Court's Order is as follows: - Alchemy is to obtain an appraisal of the property in question within 60 days from this Order. - Ms. Ladner then will have the right of first refusal to purchase the property for the appraised value. Ms. Ladner will have 90 days from receipt of the appraisal to procure financing and submit the purchase to the title company for the minimum amount of the appraisal. If Ms. Ladner is unable to close on the property in question, Alchemy will go forward with the sale to a valid purchaser for the minimum of the appraised amount. - Once the sale is concluded, the Court will divide the proceeds of sale. The proceeds will be distributed based upon each party submitting, in writing, their arguments as to their rights to the money received from the sale. The parties are to submit these briefs within 45 days of the close of escrow. - Mr. Stanten will return to the Court the monies he received from the sale of the property to Alchemy. - The Court will then prepare an Order regarding the distribution of the sale proceeds. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve/ SA 2/17/2022;</i></p>
03/10/2022	<p> Minute Order (3:00 AM) (Judicial Officer: Jones, David M)</p> <p>Minute Order - No Hearing Held; Journal Entry Details: <i>Supplemental Order Regarding Decision of Bench Trial For the purposes of further instruction to the parties, the Court so orders: Mr. Staten will submit to the Court monies in the amount of \$4,816.64. These monies will be held in trust until the time when the parties submit their arguments as to their rights to the monies received. At which point, the Court will distribute all monies to the then determined parties. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. ;</i></p>

DATE	FINANCIAL INFORMATION
	<p>Defendant Alchemy Investments LLC</p> <p>Total Charges 223.00</p> <p>Total Payments and Credits 223.00</p> <p>Balance Due as of 3/23/2022 0.00</p> <p>Defendant Lendinghome Funding Corp</p> <p>Total Charges 223.00</p> <p>Total Payments and Credits 223.00</p> <p>Balance Due as of 3/23/2022 0.00</p> <p>Defendant Rushmore Loan Management</p> <p>Total Charges 223.00</p> <p>Total Payments and Credits 223.00</p> <p>Balance Due as of 3/23/2022 0.00</p> <p>Cross Defendant Stanten, Eugene T, II</p> <p>Total Charges 253.00</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-18-783443-C

Total Payments and Credits	253.00
Balance Due as of 3/23/2022	0.00
Counter Defendant Ladner, Michelle	
Total Charges	311.00
Total Payments and Credits	311.00
Balance Due as of 3/23/2022	0.00

DISTRICT COURT CIVIL COVER SHEET

A-18-783443-C

County, Nevada

Case No.

(Assigned by Clerk's Office)

XX XI

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

Plaintiff(s) (name/address/phone):

Michelle Lader
 428 STEED Circle
 North Las Vegas NV. 89030
 702 354-7580

Defendant(s) (name/address/phone):

Eugene Staten
 429 E. 139th St #A
 Bronx, NY 10454

Attorney (name/address/phone):

Attorney (name/address/phone):

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

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input checked="" type="checkbox"/> Other Contract Breach of Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

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

10-26-18

Date

Signature of initiating party or representative

See other side for family-related case filings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

January 18, 2019

A-18-783443-C	Michelle Ladner, Plaintiff(s) vs. Eugene Stanten, II, Defendant(s)
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January 18, 2019	3:00 AM	Minute Order
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HEARD BY: Bare, Rob

COURTROOM: RJC Courtroom 03C

COURT CLERK: Sharyne Suehiro

RECORDER: Carrie Hansen

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Pursuant to the January 8, 2019 Stipulation, the Motion to Dismiss Defendant Rushmore Loan Management LLC currently scheduled for January 24, 2019, is VACATED. Parties need not appear.

CLERK'S NOTE: The above minute order has been distributed to the following: Erik A. Fitting, Esq. (efitting@msn.com), Michael N. Beede, Esq. (mike@legallv.com), Samuel R. Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth S. Ashley, Esq. (elizabeth@elizabethashleylaw.com), Erik Fitting, Esq. (efitting@cox.net) //2/6/19lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 06, 2019

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

February 06, 2019 3:00 AM Minute Order

HEARD BY: Bare, Rob

COURTROOM: RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to the Stipulation and Order, the Motion to Dismiss Defendant Alchemy Investments LLC currently scheduled for February 14, 2019, is VACATED, parties need not appear.

CLERK'S NOTE: The above Minute Order was distributed to the following: Michael Beede, Esq. (eservice@legallv.com), Richard Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth Ashley, Esq. (elizabeth@elizabethahleylaw.com) and Erik Fitting, Esq. (efitting@cox.net). // 2/6/19 lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 12, 2019

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

**February 12, 2019 10:35 AM Minute Order Minute Order Re:
Hearing Set for
Thursday, February
14, 2019**

HEARD BY: Bare, Rob

COURTROOM: Chambers

COURT CLERK: April Watkins

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The prior minute order taking this motion off calendar was issued in error, please disregard. Defendant Alchemy Investments, LLC's Motion to Dismiss is set to be heard on Thursday, February 14, 2019 at 9:30 a.m.

CLERK S NOTE: This Minute Order was electronically served by Courtroom Clerk, April Watkins, to all registered parties for Odyssey File & serve. aw

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****February 14, 2019**

A-18-783443-C Michelle Ladner, Plaintiff(s)
 vs.
 Eugene Stanten, II, Defendant(s)

February 14, 2019 9:30 AM Motion to Dismiss

HEARD BY: Bare, Rob**COURTROOM:** RJC Courtroom 03C**COURT CLERK:** Lauren Kidd**RECORDER:** Carrie Hansen**REPORTER:****PARTIES**

PRESENT: Beede, Michael Attorney
 Ehlers, Richard S., ESQ Attorney
 Fitting, Erik A. Attorney

JOURNAL ENTRIES

- Court reviewed the procedural history of the case. Court stated there was a Notice of Non-Opposition filed regarding the Motion to Dismiss. Upon Court's inquiry, Mr. Fitting advised he was new to the case and requested 30 days to file and Amended Complaint. Mr. Fitting stated he intended to let certain parties out of the case, such as Lendinghome Funding Court, and proceed against Alchemy Investments. Upon Court's inquiry, Mr. Fitting advised he became counsel on 12/09/18. Mr. Beede advised his firm filed the Notice of Non-Opposition. Argument by Mr. Beede in support of a Motion to Dismiss with leave to Amend. Mr. Ehlers stated he did not take a position on the matter. COURT ORDERED, Motion GRANTED WITHOUT PREJUDICE and WITH LEAVE TO AMEND. Mr. Beede to prepare the Order; opposing counsel to review as to form and content. Colloquy regarding a hearing on Lendinghome Funding Court's Motion to Dismiss set for 3/5/19. Mr. Fitting and Mr. Ehlers agreed to leave the hearing on calendar. Mr. Fitting requested 30 days to file an Amended Complaint. Mr. Beede moved for the Court to allow the standard 2 weeks for filing. Court DIRECTED Mr. Fitting to file the Amended Complaint by 2/28/19.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

March 04, 2019

A-18-783443-C	Michelle Ladner, Plaintiff(s)
	vs.
	Eugene Stanten, II, Defendant(s)

March 04, 2019	11:00 AM	Motion to Dismiss
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HEARD BY: Bare, Rob	COURTROOM: Chambers
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COURT CLERK: Susan Botzenhart

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having examined Defendant Lending Home Funding Corp's Motion to Dismiss, noting no Opposition filed, and good cause appearing, the Motion to Dismiss is GRANTED. Pursuant to EDCR 2.23, the hearing on this matter set for March 5, 2019, is advanced and VACATED. Moving party to prepare and submit proposed order to chambers within 10 days.

CLERK'S NOTE: This Minute Order was electronically served by Susan Botzenhart, Courtroom Clerk, to all registered parties for Odyssey File & Serve. /// 3/04/2019 sb

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

April 05, 2019

A-18-783443-C	Michelle Ladner, Plaintiff(s) vs. Eugene Stanten, II, Defendant(s)
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April 05, 2019	4:00 PM	Minute Order
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HEARD BY: Bare, Rob

COURTROOM: RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At the Request of Court, in order to accommodate the Court's docket, the Motion for Dismiss and Joinder set for Tuesday, April 23, 2019, at 9:30 a.m. has been rescheduled to start at 11:00 a.m.

CLERK'S NOTE: A copy of this Minute Order was distributed to the following: Erik A. Fitting, Esq. (efitting@msn.com), Michael N. Beede, Esq. (eservice@legallv.com), Samuel R. Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth S. Ashley, Esq. (elizabeth@elizabethashleylaw.com).//4/5/19lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

April 30, 2019

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

April 30, 2019 9:30 AM All Pending Motions

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER: Carrie Hansen

REPORTER:

PARTIES

PRESENT: Fitting, Erik A. Attorney
Ladner, Michelle Plaintiff

JOURNAL ENTRIES

- DEFENDANT LENDINGHOME FUNDING CORP'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT...JOINDER TO LENDINGHOME MOTION TO DISMISS AND MOTION TO DISMISS ALCHEMY INVESTMENTS LLC

James Faux, Esq. present for Alchemy Investments LLC and Sam Ehlers, Esq. present for Lendinghome Funding Corp.

Court reviewed the present matter and advised that 3 causes of action exist for Lendinghome and Alchemy and advised the mainline issue was the bona fide purchaser issue regarding the recorded interest. Court advised Court's would normally allow for some discovery of the recordation and noted the issue fell under NRS 111.325. Mr. Ehlers argued the Plaintiff had the Deed in 2007 and didn't do anything to record it, therefore, she did not have a claim against Lendinghome. Mr. Faux argued that the claims was missing essential elements. Both Mr. Ehlers and Mr. Faux argued that there was no vested interest in the property. Mr. Fitting argued that Alchemy had actual notice. Further Mr. Fitting argued in support of the Court allowing for further discovery to support their allegations. COURT ORDERED, DECISION PENDING. Court to issue a written order within 1-2 weeks.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****May 07, 2019**

A-18-783443-C Michelle Ladner, Plaintiff(s)
 vs.
 Eugene Stanten, II, Defendant(s)

May 07, 2019 3:00 AM Minute Order

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter came before this Court on April 30, 2019. After hearing oral argument and carefully considering the supplemental briefs and evidence, COURT ORDERED Defendant LendingHome's Motion to Dismiss and Defendant Alchemy Investment's Joinder are hereby DENIED.

NRCP 12(b)(5) governs a motion to dismiss for failure to state a claim upon which relief can be granted. The court must accept all factual allegations in the complaint as true, and draw all inferences in the plaintiff's favor. Buzz Stew, LLC v. City of Las Vegas, 124 Nev. 224, 227-28 (2008). The test for determining whether the allegations of a complaint are sufficient to assert a claim for relief is whether the allegations give fair notice of the nature and basis of the legally sufficient claim and relief requested. Breliant v. Preferred Equities Corp., 109 Nev. 842 (1993). Dismissal is proper if the allegations in the complaint alone are insufficient to establish the elements of the claims for relief. Buzz Stew, 124 Nev. at 227. Additionally, NRCP 8(a) allows notice pleading, where all that is required in a complaint is a short and plain statement of the claim showing that the pleader is entitled to relief, and (2) a demand for judgment for the relief the pleader seeks.

While the Court recognizes Nevada recording statutes; Plaintiff has suggested to the Court that Defendants had notice of the underling contract before entering into subsequent contracts. This issue presents a question of material fact, thereby warranting the need for discovery on this issue. As such,

dismissal at this stage is premature.

Counsel for Plaintiff is directed to submit a proposed Order consistent with this Minute Order, the submitted briefing, and oral argument. Counsel may add language to or further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Counsel is directed to have the proposed Order submitted to chambers within 10 days.

CLERK'S NOTE: A copy of this Minute Order was distributed to the following: Erik A. Fitting, Esq. (efitting@msn.com), Michael N. Beede, Esq. (eservice@legallv.com), Samuel R. Ehlers, Esq. (sehlers@wrightlegal.net), Elizabeth S. Ashley, Esq. (elizabeth@elizabethashleylaw.com). //5/7/19lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

September 16, 2019

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

September 16, 2019 3:00 AM Minute Order

HEARD BY: Bare, Rob

COURTROOM: Chambers

COURT CLERK: Michaela Tapia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- At the request of Court, for judicial economy, the Motion to Withdraw as Counsel, currently scheduled for October 10, 2019, is RESCHEDULED to October 16, 2019, to be heard in chambers. Parties need not appear. Counsel for Ashley Law to submit a proposed Order to chambers prior to October 16th.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

December 11, 2019

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

December 11, 2019 4:33 PM Minute Order

HEARD BY: Bare, Rob

COURTROOM: Chambers

COURT CLERK: Michaela Tapia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having examined Defendant Alchemy Investments LLC s Motion to Consolidate and Defendant Lendinghome Funding Corp's Joinder, noting no Opposition filed, and good cause appearing, the Motion to Consolidate is GRANTED. Pursuant to EDCR 2.23, the hearing on this matter set for December 12, 2019 is advanced and VACATED. Moving party to prepare and submit proposed order to chambers within 10 days.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****February 11, 2020**

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

February 11, 2020	9:30 AM	Motion to Compel	Alchemy Investments LLC's Motion to Compel, For Monetary Sanctions and to Deem Requests for Admissions Admitted
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HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Natalie Ortega**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Ehlers, Richard S., ESQ	Attorney
	Fitting, Erik A.	Attorney

JOURNAL ENTRIES

- COMMISSIONER NOTED an opposition was not received. Pursuant to EDCR 2.20(e), COMMISSIONER RECOMMENDED, Alchemy Investments LLC's Motion to Compel, For Monetary Sanctions and to Deem Requests for Admissions Admitted GRANTED; regarding the interrogatories and request for production of documents, parties have thirty (30) days from today. Plaintiff must respond to the interrogatories and request for productions of documents within thirty (30) days from today, March 10, 2020. Admissions are deemed admitted as a matter of law. If they sought to be withdrawn, then a motion would need to be filed. Further, objections were WAIVED except as to privilege.

COMMISSIONER FURTHER RECOMMENDED, Attorney's Fees NOT GRANTED for the lateness at appearing at the inspection. The Plaintiff appeared, albeit forty minutes late. Further, if there was a stipulation, then counsel could obtain it by stipulation. COMMISSIONER FURTHER GRANTED, Attorney's Fees GRANTED for appearing today. Counsel to prepare an affidavit that complies with Brunzell v. Golden Gate. If any costs sought for appearing today, then that needs to comply with the Cadle case and submitted within two (2) weeks. COMMISSIONER RECOMMENDED, Status Check SET regarding Attorney's Fees and Costs and production of documents.

MATTER RECALLED: Erik A. Fitting, Esq., and Richard S. Ehlers, Esq., now present. Commissioner noted this case had been called previously and it was indicated with regard to the motion to compel for monetary sanctions and deemed request for admissions admitted. The motion to deem request for admissions admitted was moot because when request for admissions were not responded to within thirty days they were deemed admitted as a matter of law. Therefore, deemed admitted in this case without the motion needed to have been filed. If anyone was seeking to withdraw admissions then it would be their requirement to bring a motion for the Court's consideration. As to the motion to compel the request for production of documents and the interrogatories, pursuant to EDCR 2.20(e), that motion was granted. The responses are due within thirty days. Objections were waived except as to privilege. In addition, the ruling was that those were due thirty days from today by March 10th without objection except as to privilege.

The Court did not require payment of \$200.00 of Attorney's Fees for the lateness of the inspection of the property; however, the Court did find it reasonable for Attorney's Fees and Costs for bringing of the motion and appearance in court today only to be paid to Defendant Alchemy. Counsel for Alchemy it was recommended an affidavit that complied with Brunzell v. Golden Gate be submitted and that if there were any costs that Cadle be complied with. Additionally, a status check was set as to the production of documents and a decision on the attorney's fees and costs.

03/27/20 9:30 AM STATUS CHECK: ATTORNEY'S FEES and COSTS / PRODUCTION OF DOCUMENTS

CLERK'S NOTE: The above minute order has been distributed via E-File and Served and Mailed to Eugene T. Stanten, 35 New St. Apt 2, Montclair, NJ 07042 and Prekei Stanten 35 New St., Apt. #2, Montclair NJ 07042. ndo02/19/20

CLERK'S NOTE: Minute Order finalized on 3-4-2020. jl E-filed and Served to registered parties, and mailed:

Eugene T. Stanten,

A-18-783443-C

35 New Street, Apt. 2
Montclair, NJ 07042

Prekei Stanten
35 New Street, Apt. 2
Montclair, NJ 07042

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

March 02, 2020

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

March 02, 2020 3:00 AM Minute Order

HEARD BY: Bare, Rob **COURTROOM:** Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court, having examined Defendant Alchemy Investments LLC's Motion for Leave to Amend, noting no Opposition has been filed, and good cause appearing, the Motion is GRANTED. Pursuant to EDCR 2.23, the hearing on this matter set for March 5, 2020, is advanced and VACATED. Moving party to prepare and submit proposed order to chambers within 10 days.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 03-02-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

March 27, 2020

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

March 27, 2020	9:30 AM	Status Check	COURT CALL - STATUS CHECK: ATTORNEY'S FEES AND COSTS
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HEARD BY: Truman, Erin**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES**

PRESENT:	Ehlers, Richard S., ESQ	Attorney
	Fitting, Erik A.	Attorney
	Fox, James W., ESQ	Attorney

JOURNAL ENTRIES

- Commissioner reviewed the Declaration and supporting documents submitted, however, no costs were submitted. COMMISSIONER RECOMMENDED, \$1240 attorney fees awarded, and are payable within 30 days of the Report and Recommendation becoming a final Order of the Court. Colloquy regarding the prior DCRR. Commissioner signed all the DCRRs. If the prior DCRR was submitted, the in chambers Status Check will be taken off calendar. Commissioner advised counsel to bring a separate Motion if there is a failure to comply with Commissioner's Recommendation from the Motion to Compel.

Mr. Fox to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 14 days of the hearing. Otherwise, counsel will pay a contribution. Send the DCRR to DiscoveryInbox@clarkcountycourts.us, and comply with Administrative Order 20-10. Mr. Fitting has an agreement in principal, and it will be executed

shortly. Mr. Fitting stated his client works at Vons, and she's worked extremely long hours for six to eight weeks.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****April 10, 2020**

A-18-783443-C Michelle Ladner, Plaintiff(s)
 vs.
 Eugene Stanten, II, Defendant(s)

April 10, 2020 3:00 AM Minute Order

HEARD BY: Bare, Rob**COURTROOM:** Chambers**COURT CLERK:** Carolyn Jackson**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to Governor Steve Sisolak's declaration of a state of emergency in Nevada on March 12, 2020 in response to the recent outbreak of the Coronavirus (COVID-19), the Eighth Judicial District Court issued Administrative Order: 20-01 (AO 20-01). Pursuant to AO 20-01, effective March 16, 2020, all currently scheduled non-essential District Court hearings, at the discretion of the Court, may be decided on the papers.

The Court notes Defendant Alchemy Investments LLC's Motion for Case Dispositive Sanctions on an Order Shortening Time is set for a hearing on April 14, 2020. The Court is also in receipt of the email from Plaintiff's counsel's office on April 8, 2020 advising that Plaintiff's attorney has been ill for some time and is unable to file a timely opposition or attend the hearing and thus, sought a continuance. Email was courtesy copied to Defendants' counsel.

After review of this case, the instant matter is deemed "non-essential" under AO 20-01. Thus, pursuant to AO 20-01 and good cause appearing, the motion, currently scheduled for April 14, 2020 is RESCHEDULED to May 7, 2020 at 9:30 a.m. Plaintiff's opposition shall be due by April 24, 2020. Defendant may file a supplemental or amended reply by May 5, 2020.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 04/10/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****May 04, 2020**

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

May 04, 2020**3:00 AM****Minute Order****Matters Consolidated
and Continued****HEARD BY:** Bare, Rob**COURTROOM:** Chambers**COURT CLERK:** Carolyn Jackson**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- At the request of Court, for judicial economy, (1) Defendant Alchemy Investments LLC's Motion for Case Dispositive Sanctions presently set for a hearing on May 7, 2020 and (2) Defendant Eugene Staten's Motion to Postpone Trial Amid the COVID-19 Quarentine [sic] and Lockdown, presently set for a hearing on May 28, 2020, shall be CONSOLIDATED and shall be heard on May 28, 2020 at 9:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 05/04/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

May 28, 2020

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

May 28, 2020 9:30 AM Motion for Order

HEARD BY: Bare, Rob **COURTROOM:** RJC Courtroom 03C

COURT CLERK: Alice Jacobson

RECORDER: Kaihla Berndt

REPORTER:

PARTIES

PRESENT: Beede, Michael Attorney
 Ehlers, Richard S., ESQ Attorney
 Fitting, Erik A. Attorney

JOURNAL ENTRIES

- Mr. Beede argued for sanctions for failure to respond and participate to Discovery. Opposition by Mr. Fittig and statement regarding medical condition. Mr. Ehlers noted he did not take a position in the motion. Court instructed Mr. Beede to submit attorney fees and costs to the Court by 6/4/20. Court instructed Mr. Fittig to submit medical opinions by a professional to the Court by 6/11/20.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract**COURT MINUTES****June 30, 2020**

A-18-783443-C Michelle Ladner, Plaintiff(s)
 vs.
 Eugene Stanten, II, Defendant(s)

June 30, 2020 3:00 AM Minute Order

HEARD BY: Bare, Rob**COURTROOM:** Chambers**COURT CLERK:** Alice Jacobson**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- This matter came before the Court for a hearing on Defendant Alchemy Investments LLC s Motion for Case Dispositive Sanctions. After hearing the oral arguments, the Court took the matter UNDER ADVISEMENT. After a review of the pleadings, oral arguments at the hearing, and good cause shown, the court FINDS and ORDERS as follows.

The gravamen of the Defendant Alchemy Investments LLC s (Alchemy) motion is Plaintiff s failure to respond to Alchemy s written discovery requests, particularly, its Interrogatories for over 6 months after its service on her attorney. Concerns were raised over Plaintiff s attorney s health and his ability to continue to represent Plaintiff. Alchemy s counsel was ordered to file a memorandum of fees and costs related to his motion practice and discovery requests to Plaintiff. Plaintiff s counsel was ordered to provide, to chambers for in camera review, a memo regarding his ability to practice, along with note from his physician. Alchemy has filed the memorandum of fees and costs on June 4, 2020. On June 12, 2020, court s staff received an email and correspondence from Angela Fitting, wife of attorney Erik Fitting, stating that Mr. Fitting was hospitalized recently and unable to submit the documents himself. Attached to the email was Mr. Fitting s medical records dated April 10, 2020.

For failure to comply with a court order, under NRCP 37(b)(1), the court may order the following sanctions:

- (A) directing that the matters embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (B) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (C) striking pleadings in whole or in part;
- (D) staying further proceedings until the order is obeyed;
- (E) dismissing the action or proceeding in whole or in part;
- (F) rendering a default judgment against the disobedient party; or
- (G) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

Furthermore, under subsection (3), [i]nstead of or in addition to the orders above, the court must order the disobedient party, the attorney advising that party, or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the failure was substantially justified or other circumstances make an award of expenses unjust.

In *Young v. Johnny Riberio Bldg., Inc.*, 106 Nev. 88, 900 P.2d 323 (1990) , the Nevada Supreme Court provided the following factors to consider in ordering dismissal with prejudice as a discovery sanction.

- (1) the degree of willfulness of the offending party;
- (2) the extent to which the non-offending party would be prejudiced by a lesser sanction;
- (3) the severity of the sanction of dismissal relative to the severity of the discovery abuse;
- (4) whether any evidence has been irreparably lost;
- (5) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts relating to improperly withheld or destroyed evidence to be admitted by the offending party;
- (6) the policy favoring adjudication on the merits;
- (7) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney;
- (8) the need to deter both the parties and future litigants from similar abuses.

The Court FINDS review of the Young factors in this case as follows.

- (1) the degree of willfulness of the offending party. Failure to respond to Interrogatories is indeed willful and severe. Plaintiff s counsel cites to his illness. However, the documents he provided does not explain why the Interrogatories, initially served on October 24, 2019, was not responded to.
- (2) the extent to which the non-offending party would be prejudiced by a lesser sanction. Sanctions that Alchemy seeks are severe. Although Alchemy points to Plaintiff being in possession of the property that Alchemy claims during the course of the case and prejudice to Alchemy for permitting additional time for discovery, the court cannot agree that less severe sanctions would prejudice Alchemy s rights as other relief, such as adverse inference, are available.
- (3) the severity of the sanction of dismissal relative to the severity of the discovery abuse. Again, Alchemy seeks a severe sanction. It must be noted by the Court that Plaintiff has responded to Alchemy s other discovery requests, albeit late.
- (4) whether any evidence has been irreparably lost. Not applicable
- (5) the feasibility and fairness of alternative, less severe sanctions, such as an order deeming facts

relating to improperly withheld or destroyed evidence to be admitted by the offending party. See (2) above.

(6) the policy favoring adjudication on the merits. This factor undoubtedly favors Plaintiff.

(7) whether sanctions unfairly operate to penalize a party for the misconduct of his or her attorney.

The discovery issue appears to stem from Plaintiff's attorney's illness, not Plaintiff herself. Plaintiff's attorney's illness cannot constitute misconduct. However, the medical records that Plaintiff's attorney submitted to the chambers for in camera review failed to establish what, if any, medical conditions he had prior to April 2020 that interfered with the practice of law, especially in this case.

(8) the need to deter both the parties and future litigants from similar abuses. This factor does favor Alchemy.

The Court FINDS overall balance of the Young factors favors sanctioning Plaintiff. However, Alchemy's requested sanction is deemed too severe. However, under NRCP 37(b)(3), Alchemy is entitled to fees and costs. Per Alchemy's memorandum of fees and costs, it seeks \$11,878.50 in fees and costs regarding the discovery dispute. This figure includes \$1,240 in fees previously awarded by the Discovery Commissioner, \$9,400 in fees for additional motion practice and discovery matters, and \$1,238.50 in costs (which includes Plaintiff's deposition costs). After a review of the fees and the supporting documents, under *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969), the Court FINDS that out of the \$9,400 sought, \$7,500 appears to be reasonable and all \$1,238.50 in costs appears to be reasonable. Along with the previously awarded fees of \$1,240, Alchemy shall be awarded \$9,978.50 in fees and costs under NRCP 37(b)(3).

The Court FINDS that Alchemy is entitled to additional relief under NRCP 37(b)(1). Although formal discovery has been closed, Plaintiff shall provide responses to Alchemy's Interrogatories by July 10, 2020. Alchemy shall be permitted to depose Plaintiff by August 24, 2020. Plaintiff shall bear the cost of this deposition.

The Court ORDERS Defendant Alchemy's Motion be DENIED in part, GRANTED in part. Counsel for Defendant Alchemy is directed to submit a proposed Order consistent with this Minute Order and the submitted briefing. Counsel may add language to further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Opposing counsel is to review and countersign as to form and content. Counsel is directed to have the proposed Order submitted to chambers within 10 days consistent with the AO 20-17.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

September 14, 2020

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

September 14, 2020 3:00 AM Minute Order

HEARD BY: Bare, Rob

COURTROOM: Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Due to the COVID-19 Pandemic, the uncertainty of our future trial stack availability, and after further direction from the Chief Judge, the bench trial currently scheduled for October 12, 2020, as well as the Calendar Call scheduled for September 24, 2020, are VACATED. This matter will be RESCHEDULED to the March 15, 2021, stack with a calendar call date of February 25, 2021. A new trial order will issue within the next few days.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve and by U.S. Mail to: Eugene Staten, Jr. at 101 Davis Avenue, Bloomfield, NJ 07003. /cj 09/14/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

October 02, 2020

A-18-783443-C	Michelle Ladner, Plaintiff(s) vs. Eugene Stanten, II, Defendant(s)
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October 02, 2020	3:00 AM	Minute Order
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HEARD BY: Bare, Rob

COURTROOM: Chambers

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Court, having examined Defendants Eugene T. Staten II and Prekei Mers Staten s Motion to Allow them to Virtually Attend Trial Amid the COVID-19 Quarentine [sic] and Lockdown, notes that Staten Defendants seeks to appear at trial that is scheduled for October 12, 2020. The Court notes that after Staten Defendants filed the motion, the trial was rescheduled to March 15, 2021. Thus, the motion is MOOT. The hearing on this matter set for October 8, 2020 is advanced and VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 10/2/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

January 26, 2021

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

January 26, 2021 9:00 AM Motion for Withdrawal

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Chase, Garrett R. Attorney

JOURNAL ENTRIES

- Colloquy regarding Court's concerns regarding the pending trial. The motion being correct, COURT ORDERED, motion GRANTED. Mr. Chase to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 23, 2021

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

February 23, 2021 9:00 AM Motion

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Chase, Garrett R. Attorney
Stanten, Eugene T, II Defendant
Cross Defendant

JOURNAL ENTRIES

- Colloquy regarding exhibits. Following arguments by Mr. Chase and Mr. Stanten, COURT ORDERED, motion GRANTED as long as parties understand they must comply with procedural rules.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 25, 2021

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

February 25, 2021 10:30 AM Pretrial/Calendar Call

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Chase, Garrett R. Attorney
Ladner, Michelle Plaintiff
Stanten, Eugene T, II Counter Defendant
Defendant
Cross Defendant

JOURNAL ENTRIES

- Colloquy regarding trial schedule. COURT ORDERED, trial date VACATED and RESET.

9/1/21 10:30 AM PRE TRIAL CONFERENCE

9/8/21 10:30 AM CALENDAR CALL

9/13/21 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

December 01, 2021

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

**December 01, 2021 10:30 AM Status Check: Trial
Readiness**

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT: Andersen, Karl Attorney
Naddafi, Bryan Attorney
Stanten, Eugene T, II Defendant
Cross Defendant

JOURNAL ENTRIES

- Mr. Andersen advised ready for trial with 2-3 days to try his case. Mr. Naddafi advised 2-3 days for his case.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

December 15, 2021

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

December 15, 2021 10:30 AM Calendar Call

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:	Andersen, Karl	Attorney
	Ladner, Michelle	Plaintiff
		Counter Defendant
	Naddafi, Bryan	Attorney
	Stanten, Eugene T, II	Defendant
		Cross Defendant

JOURNAL ENTRIES

- Court received the Demand for Jury Trial but indicated the demand was untimely. Mr. Andersen advised 2-3 days for trial. Mr. Stanten advised 1 day for trial. Mr. Naddafi advised 1 day for defense and 1-2 days for counterclaims. Colloquy.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

January 31, 2022

A-18-783443-C	Michelle Ladner, Plaintiff(s)
	vs.
	Eugene Stanten, II, Defendant(s)

January 31, 2022 9:00 AM Bench Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT:	Andersen, Karl	Attorney
	Ladner, Michelle	Plaintiff
		Counter Defendant
	Naddafi, Bryan	Attorney
	Stanten, Eugene T, II	Defendant
		Cross Defendant
	Stanten, Prekei	Defendant
		Cross Defendant

JOURNAL ENTRIES

- Testimony and exhibits presented (see worksheets). Argument by Mr. Andersen for directed verdict. COURT ORDERED, directed verdict DENIED. Testimony and exhibits presented (see worksheets). COURT ORDERED, matter CONTINUED.

CONTINUED TO: 2/1/22 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 01, 2022

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

February 01, 2022 10:30 AM Bench Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT:	Andersen, Karl	Attorney
	Ladner, Michelle	Plaintiff
		Counter Defendant
	Naddafi, Bryan	Attorney
	Stanten, Eugene T, II	Defendant
		Cross Defendant
	Stanten, Prekei	Defendant
		Cross Defendant

JOURNAL ENTRIES

- Also present: Casey Ryan, Representative for Alchemy Investments.

Testimony and exhibits presented (see worksheets). Plaintiff RESTED. Testimony and exhibits presented (see worksheets). CONFERENCE AT BENCH. Mr. Naddafi RESTED. Testimony and exhibits presented (see worksheets). Mr. Stanten RESTED. Colloquy regarding exhibits. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 2/2/22 1:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 02, 2022

A-18-783443-C Michelle Ladner, Plaintiff(s)
vs.
Eugene Stanten, II, Defendant(s)

February 02, 2022 1:00 PM Bench Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Maricela Grant

RECORDER: Angelica Michaux

REPORTER:

PARTIES

PRESENT:	Alchemy Investments LLC	Defendant
		Counter Claimant
		Cross Claimant
	Andersen, Karl	Attorney
	Ladner, Michelle	Plaintiff
		Counter Defendant
	Naddafi, Bryan	Attorney
	Stanten, Eugene T, II	Defendant
		Cross Defendant

JOURNAL ENTRIES

- Trial also held by BlueJeans remote conferencing.

Closing arguments. Matter under advisement.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

February 17, 2022

A-18-783443-C	Michelle Ladner, Plaintiff(s)
	vs.
	Eugene Stanten, II, Defendant(s)

February 17, 2022	3:00 AM	Minute Order
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HEARD BY: Jones, David M	COURTROOM: Chambers
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COURT CLERK: Samantha Albrecht

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Decision of Bench Trial

The Court finds the following:

- The evidence in the Bench Trial shows that Michelle Ladner, by way of her own testimony, was periodically late on paying the mortgage payments.
- The evidence also shows that Eugene Stanten II was either not aware of the late payments to the mortgage company, or chose not to enforce the terms of the contract to which he was the author.
- Alchemy bought the property with notice of the possible issue with the tenant Ms. Ladner and was also put on notice that Ms. Ladner was claiming more than a tenant relationship to the property in question.

As this Court has been asked to sit in equity on this matter, the Court's Order is as follows:

- Alchemy is to obtain an appraisal of the property in question within 60 days from this Order.
 - Ms. Ladner then will have the right of first refusal to purchase the property for the appraised value. Ms. Ladner will have 90 days from receipt of the appraisal to procure financing and submit the purchase to the title company for the minimum amount of the appraisal.
- If Ms. Ladner is unable to close on the property in question, Alchemy will go forward with the sale to

a valid purchaser for the minimum of the appraised amount.

- Once the sale is concluded, the Court will divide the proceeds of sale. The proceeds will be distributed based upon each party submitting, in writing, their arguments as to their rights to the money received from the sale. The parties are to submit these briefs within 45 days of the close of escrow.

- Mr. Stanten will return to the Court the monies he received from the sale of the property to Alchemy.

- The Court will then prepare an Order regarding the distribution of the sale proceeds.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve/ SA 2/17/2022

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Contract

COURT MINUTES

March 10, 2022

A-18-783443-C	Michelle Ladner, Plaintiff(s) vs. Eugene Stanten, II, Defendant(s)
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March 10, 2022	3:00 AM	Minute Order
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HEARD BY: Jones, David M	COURTROOM: Chambers
---------------------------------	----------------------------

COURT CLERK: Louisa Garcia

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Supplemental Order Regarding Decision of Bench Trial

For the purposes of further instruction to the parties, the Court so orders:

Mr. Staten will submit to the Court monies in the amount of \$4,816.64. These monies will be held in trust until the time when the parties submit their arguments as to their rights to the monies received. At which point, the Court will distribute all monies to the then determined parties.

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

Case No.: A-18-783443-C

Date:

1/31/22

Dept. No.: XXIX

Judge:

David Jones

Plaintiff(s): Michelle Ladner

Court Clerk:

Michaela Tapia

Recorder:

Angelica Michaux

vs.

Counsel for
Plaintiff:

Karl Andersen, Esq.

Defendant(s): Eugene Staten
Prekei Staten

Counsel for
Defendants
Eugene Staten
& Prekei Staten:

In Proper Person

Alchemy Investments, LLC

Counsel for
Defendant Alchemy
Investments, LLC:

Bryan Naddafi, Esq.

TRIAL BEFORE THE COURT

EXHIBIT(S) LIST

PLAINTIFF'S EXHIBITS

<u>Exhibit No.</u>	<u>Description:</u>	<u>Date Offered</u>	<u>Objection</u>	<u>Date Admitted</u>
1	Attempted recording of ownership affidavit (bates ML0074-75)	1/31/22	obj	1/31/22
2	Ms. Gloria Thomas written statement (bates ML0097)			
3	Mr. Mykail Ladner written statement (bates ML0101)			
4	Ms. Pondra Canty written statement (bates ML0099-100)			
5	Plaintiff's Responses to Interrogatories (bates EPS0013-01 to 21)			
6	Staten affidavit (bates EPS0012-01 to 02) (impeachment only)			
7	Staten texts to Plaintiff (bates EPS0011-01 to 02) (impeachment only)			

all unadmitted exhibits returned to counsel

1 AVALON LEGAL GROUP LLC
2 Bryan Naddafi (State Bar No. 13004)
3 bryan@avalonlg.com
4 6030 S. Rainbow Blvd., Suite D1
5 Las Vegas, Nevada 89118
6 Telephone: (702) 522-6450
7 Facsimile: (702) 848-5420
8 *Attorneys for Alchemy Investments, LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

9 MICHELLE LADNER,

10 Plaintiff,

11 v.

12
13 EUGENE T. STATEN; PREKEL STATEN;
14 ALCHEMY INVESTMENTS, LLC.,
15 LENDINGHOME FUNDING CORP.,
16 RUSHMORE LOAN MANAGEMENT;
17 VEGAS VALLEY EVICTION SERVICES;
18 WFG TITLE COMPANY; FIRST
19 AMERICAN TITLE INSURANCE
20 COMPANY,

21 Defendants.

22 ALCHEMY INVESTMENTS, LLC

23 Counter-Claimant,

24 v.

25 MICHELLE LADNER

26 Counter-Defendant.

27 ALCHEMY INVESTMENTS, LLC

28 Cross-Claimant,

v.

EUGENE T. STATEN and PREKEI STATEN

Cross-Defendants.

Case No.: A-18-783443-C

Dept No.: XXIX

JOINT TRIAL EXHIBIT LIST

1	Exhibit		Date		Date
2	Number	Exhibit Description	Offered	Objection	Admitted
3	J1	Contract for Deed (EPS0001-01 to 13)	1/31/22	Stip	1/31/22
4	J2	HCO texts with Eugene (EPS0007-01 to 02 & EPS0009-10)			
5	J3	HCO Purchase Contract & Addendum (AILL0194-199 & AILL0188)			
6	J4	HCO Assignment of Purchase Agreement (AILL0189-190)			
7	J5	Alchemy escrow documents (LH0021-23 & AILL0191-192)			
8	J6	Staten credit reports (EPS0002 & EPS0005)			
9	J7	Proof of payments - documents produced in response to Subpoena Duces Tecum - (AILL0206-292)			
10	J8	State limited power of attorney (AIL0011-12)			
11	J9	Reconveyance of Staten mortgage (ML0169-170)			
12	J10	Staten mortgage "Paid in Full" (ML0058-64)			
13	J11	State Deed of Trust "Paid in Full" (ML0047-57)			
14	J12	Reconveyance of Alchemy mortgage (ML0171-174)			
15	J13	Alchemy SOS info (ML0166-168)			
16	J14	Contract for Deed Grant, Bargain, and Sale Deed recorded (AILL0006-10)			
17	J15	Grant, Bargain, Sale Deed (AILL0001-5)			
18	J16	Deed of Trust, Assignment of Rents and Fixture Filing (AILL0013-43)			
19	J17	Lis Pendens (AILL0044-47)			
20	J18	HCO Qualification Questions (AILL0193)			
21	J19	Preliminary Report (LH0049-62)			
22	J20	Clark County Treasurer's Deed of Reconveyance (EPS0003-01 to 02)			
23	J21	Text Messages w/ Ladner (EPS0006 & EPS0008-01 to 04)			
24					
25					
26					
27					
28					

1 AVALON LEGAL GROUP LLC
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8 *Attorneys for Alchemy Investments, LLC*

DISTRICT COURT
CLARK COUNTY, NEVADA

9 MICHELLE LADNER,

10 Plaintiff,

11 v.

12
13 EUGENE T. STATEN; PREKEL STATEN;
14 ALCHEMY INVESTMENTS, LLC.,
15 LENDINGHOME FUNDING CORP.,
16 RUSHMORE LOAN MANAGEMENT;
17 VEGAS VALLEY EVICTION SERVICES;
18 WFG TITLE COMPANY; FIRST
19 AMERICAN TITLE INSURANCE
20 COMPANY,

21 Defendants.

22 ALCHEMY INVESTMENTS, LLC

23 Counter-Claimant,

24 v.

25 MICHELLE LADNER

26 Counter-Defendant.

27 ALCHEMY INVESTMENTS, LLC

28 Cross-Claimant,

v.

EUGENE T. STATEN and PREKEI STATEN

Cross-Defendants.

Case No.: A-18-783443-C

Dept No.: XXIX

ALCHEMY INVESTMENTS, LLC'S
TRIAL EXHIBIT LIST

1	Exhibit		Date		Date
2	Number	Exhibit Description	Offered	Objection	Admitted
3	A1	Photos from November 27, 2019 Inspection of Property (AILL0050)			
4	A2	Photos from November 27, 2019 Inspection of Property (AILL0054)			
5	A3	Photos from November 27, 2019 Inspection of Property (AILL0059)			
6	A4	Photos from November 27, 2019 Inspection of Property (AILL0061)			
7	A5	Photos from November 27, 2019 Inspection of Property (AILL0068)			
8	A6	Photos from November 27, 2019 Inspection of Property (AILL0106)			
9	A7	Photos from November 27, 2019 Inspection of Property (AILL0113)			
10	A8	Photos from November 27, 2019 Inspection of Property (AILL0126)			
11	A9	Photos from November 27, 2019 Inspection of Property (AILL0130)			
12	A10	Photos from November 27, 2019 Inspection of Property (AILL0133)			
13	A11	Photos from November 27, 2019 Inspection of Property (AILL0152)			
14	A12	Photos from November 27, 2019 Inspection of Property (AILL0156)			
15	A13	Fax (AILL0183-187)			
16	A14	Email Correspondence with HCO (AILL0200- 205)			
17	A15	Clark County Assessor information on real subject real property printout 01.28.2022	1/31/22	stip	1/31/22

all unadmitted exhibits returned to counsel at

Case No.: **A-18-783443-C**

Trial Date: **January 31, 2022**

Dept. No.: **XXIX**

Judge: **David M Jones**

Plaintiff(s)/Counter-Defendant: **Michelle Ladner**

Court Clerk: **Michela Tapia**

Recorder: **Angelica Michaux**

Counsel for Plaintiff: **Karl Anderson, Esq**

vs.

Defendant(s)/Cross-Claimant: **Alchemy Investments**

Counsel for Defendant: **Bryan Naddafi, Esq**

vs.

Defendant(s)/Cross-Defendants: **Eugene and Prekei Staten**

Counsel for Defendant: **Pro-se**

Michelle Ladner vs Alchemy Investments vs Eugene and Prekei Staten

EXHIBIT(S) LIST

DEFENDANTS EUGENE AND PREKEI STATEN'S EXHIBITS

Exhibit Number	Bates Number	Exhibit Description	Date Offered	Objection	Date Admitted
B1	EPS0015	Initial email for second application for secret clearance 09-2014. Mentions Credit Release Document.	2/1/22	NO	
B2	EPS0016	4-12-2017 – Earliest, recovered text message, about late payment, written to Ms. Ladner	2/1/22	NO	2/1/22
B3	EPS0017	Email from loan officer asking about 2018 late mortgage payments.	↓	↓	
B4	EPS0018	Staten response to EPS0017.	↓	↓	
B5	EPS0019	Loan officer's final comments about mortgage issues.	↓	↓	
B6	EPS0011-01 thru 03	Post action text between Mr. Staten and Ms. Ladner.			

all unadmitted exhibits returned to counsel by

[illegible]



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

MICHELLE LADNER
408 STEED CIR.
NORTH LAS VEGAS, NV 89030

DATE: March 23, 2022
CASE: A-18-783443-C

RE CASE: MICHELLE LADNER vs. EUGENE T. STANTEN, II; PREKEI STANTEN; ALCHEMY INVESTMENTS, LLC; RUSHMORE LOAN MANAGEMENT; VEGAS VALLEY EVICTION SERVICES; WFG TITLE COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY

NOTICE OF APPEAL FILED: March 21, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☒ Written Order
- ☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

*****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DISTRICT COURT MINUTES; EXHIBITS LIST;
NOTICE OF DEFICIENCY

MICHELLE LADNER,

Plaintiff(s),

vs.

EUGENE T. STANTEN, II; PREKEI
STANTEN; ALCHEMY INVESTMENTS,
LLC; RUSHMORE LOAN MANAGEMENT;
VEGAS VALLEY EVICTION SERVICES;
WFG TITLE COMPANY; FIRST AMERICAN
TITLE INSURANCE COMPANY,

Defendant(s),

Case No: A-18-783443-C

Dept No: XXIX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of March 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

