

LAW OFFICES OF
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Elizabeth A. Brown
Clerk of Supreme Court

SUPREME COURT

STATE OF NEVADA

KENLY U GARCIA,

Appellant

vs.

PABLO SALAZAR AKA PAUL SALAZAR,
2330 CAPISTRANO (APN 162-11-715-010) Las
Vegas, Nevada,

Respondent

SUPREME COURT NO. 84464

District Court Case No. A849595

MOTION TO DISMISS APPEAL

Respondent Paul Salazar, by and through his attorney, Michael F. Bohn, Esq., moves this
court to dismiss this appeal as the order appealed from is not an appealable order pursuant to NRAP

3. This motion is based on the points and authorities contained herein.

FACTS

This complaint was filed in the district court on March 11, 2022. The complaint has not been
served , and the defendant/respondent Paul Salazar has not yet filed an answer in this case.

1 Along with the complaint, the plaintiff/appellant recorded a lis pendens against the home
2 owned by Paul Salazar. The way the defendant/respondent learned of the litigation is that he was
3 ready to close escrow on his home when the lis pendens was discovered during escrow.

4 The only activity to have taken place in the case was a motion to expunge the lis pendens on
5 an order shortening time, and the order granting the motion. A copy of the Register of Actions in this
6 case from the District Court is attached as Exhibit A.

7 The motion to expunge was heard on March 24, 2022. The district court entered the order the
8 same day. On March 25, 2022, this appeal was filed. The notice of appeal was not filed until March
9 29, 2022.

10 The order expunging the lis pendens is not an appealable order under NRAP 3A. The
11 defendant/respondent now moves to dismiss this appeal.

12 **POINTS AND AUTHORITIES**

13 **RULE 3A** provides:

14 **CIVIL ACTIONS: STANDING TO APPEAL; APPEALABLE 15 DETERMINATIONS**

16 **(a) Standing to Appeal.** A party who is aggrieved by an appealable judgment
17 or order may appeal from that judgment or order, with or without first moving for a
18 new trial.

19 **(b) Appealable Determinations.** An appeal may be taken from the following
20 judgments and orders of a district court in a civil action:

21 (1) A final judgment entered in an action or proceeding commenced in the court in
22 which the judgment is rendered.

23 (2) An order granting or denying a motion for a new trial.
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2 (3) An order granting or refusing to grant an injunction or dissolving or refusing
to dissolve an injunction.

3
4 (4) An order appointing or refusing to appoint a receiver or vacating or refusing to
vacate an order appointing a receiver.

5 (5) An order dissolving or refusing to dissolve an attachment.

6 (6) An order changing or refusing to change the place of trial only when a notice
7 of appeal from the order is filed within 30 days.

8 (A) Such an order may only be reviewed upon a timely direct appeal from the
order and may not be reviewed on appeal from the judgment in the action or
9 proceeding or otherwise. On motion of any party, the court granting or refusing to
grant a motion to change the place of trial of an action or proceeding shall enter an
10 order staying the trial of the action or proceeding until the time to appeal from the
order granting or refusing to grant the motion to change the place of trial has expired
11 or, if an appeal has been taken, until the appeal has been resolved.

12 (B) Whenever an appeal is taken from such an order, the clerk of the district
court shall forthwith certify and transmit to the clerk of the Supreme Court, as the
13 record on appeal, the original papers on which the motion was heard in the district
court and, if the appellant or respondent demands it, a transcript of any proceedings
14 had in the district court. The district court shall require its court reporter to expedite
the preparation of the transcript in preference to any other request for a transcript in a
15 civil matter. When the appeal is docketed in the court, it stands submitted without
16 further briefs or oral argument unless the court otherwise orders.

17 (7) An order entered in a proceeding that did not arise in a juvenile court that
18 finally establishes or alters the custody of minor children.

19 (8) A special order entered after final judgment, excluding an order granting a
motion to set aside a default judgment under NRCP 60(b)(1) when the motion was
20 filed and served within 60 days after entry of the default judgment.

21 (9) An interlocutory judgment, order or decree in an action to redeem real or
22 personal property from a mortgage or lien that determines the right to redeem and
directs an accounting.

23
24 (10) An interlocutory judgment in an action for partition that determines the rights
and interests of the respective parties and directs a partition, sale or division.

The order expunging lis pendens is not an appealable determination under Rule 3A. This appeal should therefore be dismissed.

DATED this 8th day of April, 2022

LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

By: /s/ Michael F. Bohn, Esq./
Michael F. Bohn, Esq.
2260 Corporate Circle, Suite 480
Henderson, Nevada 89074
Attorney for Defendant Paul Salazar

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Kenly U Garcia
4820 El Escorial
Las Vegas, NV 89121

/s// Maurice Mazza /
An employee of the LAW OFFICES OF
MICHAEL F. BOHN, ESQ., LTD.

EXHIBIT A

EXHIBIT A

REGISTER OF ACTIONS**CASE NO. A-22-849595-C****Kenly Garcia, Plaintiff(s) vs. Pablo Salazar etal, Defendant(s)**§
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§Case Type: **Other Civil Matters**Date Filed: **03/11/2022**Location: **Department 26**Cross-Reference Case Number: **A849595**Supreme Court No.: **84464****PARTY INFORMATION**

Defendant	Salazar etal, Pablo	Lead Attorneys Pro Se
Defendant	Salazar, Paul	Joshua Scott Dresslove <i>Retained</i> 949-903-3000(W)
Plaintiff	Garcia, Kenly U	Pro Se

EVENTS & ORDERS OF THE COURT

	OTHER EVENTS AND HEARINGS
03/11/2022	Summons Doc ID# 1 [1] Un-Issued Summons - Civil due to wrong code
03/11/2022	Lis Pendens Doc ID# 2 [2] (3/24/22 Expunged) Lis Pendens
03/17/2022	Motion to Expunge Lis Pendens Doc ID# 3 [3] Motion to Expunge Lis Pendens
03/17/2022	Ex Parte Motion Doc ID# 4 [4] Ex Parte Motion for Order Shortening Time on Defendnt Paul Salazar's Motion to Expunge Lis Pendens
03/22/2022	Order Shortening Time Doc ID# 5 [5] Order Shortening Time
03/22/2022	Notice of Entry Doc ID# 6 [6] Notice of Entry of Order
03/23/2022	Supplemental Doc ID# 7 [7] Supplemental documents in support of Defendants Motion to Expunge Lis Pendens
03/24/2022	Motion to Expunge Lis Pendens (9:00 AM) (Judicial Officer Sturman, Gloria) Defendant Paul Salazar's Motion to Expunge Lis Pendens Parties Present Minutes 04/26/2022 Reset by Court to 03/24/2022 Result: Granted
03/24/2022	Clerk's Notice of Nonconforming Document Doc ID# 8 [8] Clerk s Notice of Nonconforming Document
03/24/2022	Order Granting Motion Doc ID# 9 [9] Order Granting Motion to Expunge Lis Pendens
03/25/2022	Notice of Appeal Doc ID# 10 [10] Notice Of Appeal
03/29/2022	Notice of Entry Doc ID# 11 [11] Notice of Entry of Order Granting Motion to Expunge Lis Pendens
03/29/2022	Case Appeal Statement Doc ID# 12 [12] Case Appeal Statement

FINANCIAL INFORMATION

	Defendant Salazar, Paul		
	Total Financial Assessment		223.00
	Total Payments and Credits		223.00
	Balance Due as of 04/08/2022		0.00
03/17/2022	Transaction Assessment		223.00
03/17/2022	Efile Payment	Receipt # 2022-16502-CCCLK	Salazar, Paul (223.00)
	Plaintiff Garcia, Kenly U		
	Total Financial Assessment		294.00
	Total Payments and Credits		294.00
	Balance Due as of 04/08/2022		0.00

03/11/2022	Transaction Assessment			270.00
03/11/2022	Efile Payment	Receipt # 2022-15064-CCCLK	Garcia, Kenly U	(270.00)
03/25/2022	Transaction Assessment			24.00
03/25/2022	Efile Payment	Receipt # 2022-18236-CCCLK	Garcia, Kenly U	(24.00)

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03/25/2022	Efile Payment	Receipt # 2022-18236-CCCLK	Garcia, Kenly U	(24.00)