

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEX PENLY,

Appellant,

vs.

MILTON J. WOODS AND CIRRUS
AVIATION SERVICES, INC., A
WASHINGTON CORPORATION,

Respondents.

Supreme Court Case No.: 84710

Electronically Filed
Jan 26 2023 09:28 AM
[District Court Case No.: 07-A-546250]
Elizabeth A. Brown
Clerk of Supreme Court

RESPONDENTS' APPENDIX

VOLUME 3

(R0465-R0668)

FOX ROTHSCHILD LLP

MARK J. CONNOT (SBN 10010)

1980 Festival Plaza Drive, Suite 700

Las Vegas, Nevada 89135

Telephone: (702) 262-6899

Facsimile: (702) 597-5503

Email: mconnot@foxrothschild.com

Attorney for Respondents Milton J.

Woods and Cirrus Aviation Services, Inc.

INDEX

DOCUMENT TITLE	DATE	PAGE No.	VOL. No.
Affidavit of Renewal of Judgment.	01/07/2022	R0078-R0149	1
Affidavit of Renewal of Judgment.	01/07/2022	R0150-R0221	1
Affidavit of Renewal of Judgment.	01/07/2022	R0222-R0293	2
Affidavit of Renewal of Judgment.	01/07/2022	R0294-R0365	2
Answer to Petition for Rehearing.	07/20/2022	R0640-R0654	3
Certificate of Service.	01/11/2022	R0366-R0367	2
Defendant Case Appeal Statement.	05/09/2022	R0494-R0497	3
Defendant Notice of Appeal.	05/09/2022	R0472-R0493	3
Defendant Notice of Appeal.	05/16/2022	R0498-R0627	3
Judgment.	01/20/2016	R0045-R0077	1
Minutes of oral arguments on the Motion to Strike.	03/17/2022	R0455	2
Motion to Strike Plaintiff Affidavit(s) of Renewal of Judgement and Untimely Reply in Support of Affidavit.	02/14/2022	R0437-R0444	2
Notice of Entry of Order.	04/11/2022	R0456-R0464	2
Notice of Hearing.	02/15/2022	R0445	2
Opening Brief.	12/27/2022	R0657-R0668	3

DOCUMENT TITLE	DATE	PAGE No.	VOL. No.
Opposition to Defendant's Motion to Strike Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit.	02/28/2022	R0446-R0454	2
Opposition to the Affidavit(s) of Renewal of Judgement.	01/21/2022	R0368-R0425	2
Order Confirming Arbitration Award.	09/18/2015	R0016-R0044	1
Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit.	04/11/2022	R0465-R0471	3
Order Dismissing Appeal.	06/10/2022	R0628-R0629	3
Order Granting Petition for Rehearing, Reinstating Appeal and Setting Briefing Schedule.	08/30/2022	R0655-R0656	3
Petition for Rehearing.	06/27/2022	R0630-R0639	3
Reply in Support of Affidavit(s) for Renewal of Judgment.	02/08/2022	R0426-R0436	2
Transcript of Proceedings.	04/29/2015	R0001-R0015	1

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c)(1), on this the 26th day of January 2023, a true and complete copy of the foregoing document entitled **RESPONDENTS' APPENDIX** was served on the following interested parties by United States Postal Service, postage prepaid, to the address set forth below, and by electronic means, as a courtesy, to the email address set forth below:

Alex Penly
8529 Fox Brook Street
Las Vegas, Nevada 89139
Alexpenly@msn.com
Appellant

DATED this 26th day of January 2023.

/s/ Mark J. Connot
Mark J. Connot

1 **ODM**
MARK J. CONNOT (10010)
2 **FOX ROTHSCHILD LLP**
1980 Festival Plaza Drive, Suite 700
3 Las Vegas, Nevada 89135
(702) 262-6899 tel
4 (702) 597-5503 fax
mconnot@foxrothschild.com
5 *Attorneys for Plaintiffs*

6
7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
Corporation; ALEX PENLY; STUART M.
15 WARREN; PRIVATE JET SERVICES, INC.,
a Nevada Corporation; MILT'S EAGLE,
16 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

17 Defendants.
18

Case No. 07A546250
Dept. No. 27

**ORDER DENYING DEFENDANT ALEX
PENLY'S MOTION TO STRIKE
PLAINTIFF AFFIDAVITS OF RENEWAL
OF JUDGMENT AND UNTIMELY
REPLY IN SUPPORT OF AFFIDAVIT**

19 This matter came on for hearing on March 17, 2022 at 9:30 a.m., before the above-entitled
20 Court via BlueJeans Video Conferencing System. Mark J. Connot, of the law firm Fox Rothschild
21 LLP, appeared on behalf of Plaintiffs Milton J. Woods and Cirrus Aviation Services, Inc., and
22 Joshua L. Benson, of the law firm Benson Allred Injury Law, appeared on behalf of Defendant
23 Alex Penly.

24 The Court having considered the papers and pleadings on file herein and argument of
25 counsel, and good cause appearing hereby orders as follows:

26 //

27 //

28 //

1 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike Plaintiff Affidavits of
2 Renewal of Judgment and Untimely Reply in Support of Affidavit is **DENIED**.

3 **IT IS SO ORDERED.**

4
5 April 11, 2022

Dated this 11th day of April, 2022

Nancy L Alf

MA

7 Submitted by:

8 **FOX ROTHSCHILD LLP**

8F8 C66 5C36 1263
Nancy Alf
District Court Judge

9
10 /s/ Mark J. Connot
11 MARK J. CONNOT (10010)
12 1980 Festival Plaza Drive, Suite 700
13 Las Vegas, Nevada 89135
14 (702) 262-6899 tel
(702) 597-5503 fax
mconnot@foxrothschild.com
Attorneys for Plaintiffs

15 Approved as to Form and Content:

16 **BENSON ALLRED INJURY LAW**

17
18 /s/ Joshua L. Benson
19 JOSHUA L. BENSON (10514)
20 6250 N. Durango Drive
21 Las Vegas, Nevada 89149
(702) 820-0000 tel
(702) 820-1111 fax
josh@bensonallred.com

From: [Joshua Benson](#)
To: [Connot, Mark J.](#); [Loffredo, Doreen](#)
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Date: April 11, 2022 11:13:40 AM

You may use my electronic signature.

Josh

From: Connot, Mark J. <MConnot@foxrothschild.com>
Sent: Monday, April 11, 2022 11:04 AM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>; Joshua Benson <josh@bensonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

Joshua,

Please advise.

Mark

Mark Connot
Partner
Fox Rothschild LLP
One Summerlin
1980 Festival Plaza Drive, Suite 700
Las Vegas, NV 89135
(702) 699-5924 - direct
(702) 308-1912 - cell
MConnot@foxrothschild.com
www.foxrothschild.com

From: Loffredo, Doreen <dloffredo@foxrothschild.com>
Sent: April 7, 2022 4:31 PM
To: Joshua Benson <josh@bensonallred.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Doreen

Doreen Loffredo
Client Service Specialist
Fox Rothschild LLP
(702) 699-5159 - direct
dloffredo@foxrothschild.com

From: Joshua Benson <josh@benisonallred.com>
Sent: April 7, 2022 4:04 PM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Mark—

Resend it to me for my review.

Josh

From: White, Terrance <Dept27LC@clarkcountycourts.us>
Sent: Thursday, April 7, 2022 3:44 PM
To: 'Loffredo, Doreen' <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>; Joshua Benson <josh@benisonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order, hearing transcript/video, and the objection/redlining of the Order for the Court's consideration.



Terrance White JD, MBA, LLM
Law Clerk
to the Honorable Nancy L. Allf
Eighth Judicial District Court | Department 27
Regional Justice Center Courtroom 16A
Phone: (702) 671-0884
Email: Dept27LC@clarkcountycourts.us

From: Loffredo, Doreen [<mailto:dloffredo@foxrothschild.com>]
Sent: Thursday, March 24, 2022 3:47 PM
To: White, Terrance
Cc: Connot, Mark J.; josh@benisonallred.com; Loffredo, Doreen
Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good afternoon,

Attached is a copy of a proposed Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit in both word and pdf format. Prior to submitting the Order to the Department for signature, Mark Connot,

R0468

attorney for Plaintiffs, made several attempts to obtain review and approval from Joshua Benson, Mr. Penly's attorney. However, no response has been received. See attached emails.

Thank you.

Doreen

Doreen Loffredo

Client Service Specialist

Fox Rothschild LLP

(702) 699-5159 - direct

dloffredo@foxrothschild.com

From: NoReply@clarkcountycourts.us <NoReply@clarkcountycourts.us>

Sent: March 24, 2022 3:16 PM

To: Loffredo, Doreen <dloffredo@foxrothschild.com>

Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned

07A546250 - ODM - Milton J. Woods and Cirrus Aviation Services, Inc. v. Eagle Jet Aviation, Inc., et al.

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order and the objection/redlining of the Order for the Court's consideration

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Milton Woods, Cirrus Aviation
7 Services Inc

CASE NO: 07A546250

8 vs

DEPT. NO. Department 27

9 Eagle Jet Aviation Inc, Alex
10 Penley, et al

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 4/11/2022

16 Kevin Sutehall ksutehall@foxrothschild.com

17 Christopher Reade . ccreate@premierlegalgroup.com

18 Gus W. Flangas . gwf@fdlawlv.com

19 Jacque Magee . jmagee@foxrothschild.com

20 Jay A. Shafer . jshafer@premierlegalgroup.com

21 Kevin Sutehall . ksutehall@foxrothschild.com

22 Mark C. Fields . fields@markfieldslaw.com

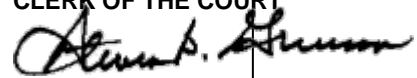
23 Mark Connot . mconnot@foxrothschild.com

24 Michelle Choto . MChoto@enensteinlaw.com

25 Monica Metoyer . mmetoyer@foxrothschild.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert A. Rabbat .	RRabbat@enensteinlaw.com
Alex Penly	alexpenly@msn.com
Mark Connot	mconnot@foxrothschild.com
Doreen Loffredo	dloffredo@foxrothschild.com



Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MIL TON J. WOODS and CIRRUS
AVIATION SERVICES, INC., a
Washington corporation,
Plaintiffs,

Case No.: 07A546250

DEPT. NO.: IX

DEFENDANT NOTICE OF APPEAL

v.

EAGLE JET AVIATION, INC., A Nevada
corporation; ALEX PENL Y; STUART M.
WARREN; PRIVATE JET SERVICES,
INC., a Nevada corporation; MILT'S
EAGLE, LLC, a Nevada limited liability
company and DOES I-X, inclusive.
Defendants.

NOTICE IS HEREBY GIVEN that defendant Alex Penly hereby appeals to the Supreme Court
of Nevada from the following District Court Order.

1. Notice of Entry of Order Denying Defendant Alex Penly s Motion To Strike Plaintiff
Affidavits Of Renewal Of Judgment And Untimely Reply In Support Of Affidavit, Notice
of Entry was filled on April 11th 2022 and served on April 11th 2022 – EXHIBIT 1
2. Defendant Motion To Strike Plaintiff Affidavits Of Renewal Of Judgment And Untimely
Reply In Support Of Affidavit filled on February 14th, 2022 – EXHIBIT 2

1 DATED this 9th Day of May 2022.

2 Respectfully submitted,

3
4 */S/ Alexander Penly*

5
6 _____
7 Alex Penly
8 8529 Fox Brook Street
9 Las Vegas, NV 89139
10 Email: Alexpenly@msn.com
11 Telephone: 702-761-1634
12 In Pro Per
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

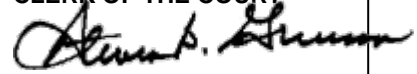
MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Attorney for Plaintiffs

X	Electronic Service: I caused said document(s) to be delivered by electronic means upon all eligible electronic recipients via the United States District Court CM/ECF system or Clark County District Court E-Filing system (Odyssey)
---	---

Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

EXHIBIT 1

R0475



1 **NEOJ**
MARK J. CONNOT (10010)
2 **FOX ROTHSCHILD LLP**
1980 Festival Plaza Drive, Suite 700
3 Las Vegas, Nevada 89135
(702) 262-6899 tel
4 (702) 597-5503 fax
mconnot@foxrothschild.com
5 *Attorneys for Plaintiffs*

6
7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
Corporation; ALEX PENLY; STUART M.
15 WARREN; PRIVATE JET SERVICES, INC.,
a Nevada Corporation; MILT'S EAGLE,
16 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

17 Defendants.
18

Case No. 07A546250
Dept. No. 27

NOTICE OF ENTRY OF ORDER

19 **PLEASE TAKE NOTICE** that on April 11, 2022, the Court in the above-entitled action
20 entered an Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal
21 of Judgment and Untimely Reply in Support of Affidavit, a copy of which is attached hereto.

22 DATED this 11th day of April, 2022.

23 **FOX ROTHSCHILD LLP**

24 /s/ Mark J. Connot
25 MARK J. CONNOT (10010)
1980 Festival Plaza Drive, Suite 700
26 Las Vegas, Nevada 89135
(702) 262-6899 tel
(702) 597-5503 fax
27 mconnot@foxrothschild.com
Attorneys for Plaintiffs
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Fox Rothschild LLP, and that on the 11th day of April, 2022, a copy of the foregoing **NOTICE OF ENTRY OF ORDER** was served via the Court's E-File and Serve system to those individuals listed on the Court's master e-service list.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

1 **ODM**
MARK J. CONNOT (10010)
2 **FOX ROTHSCHILD LLP**
1980 Festival Plaza Drive, Suite 700
3 Las Vegas, Nevada 89135
(702) 262-6899 tel
4 (702) 597-5503 fax
mconnot@foxrothschild.com
5 *Attorneys for Plaintiffs*

6
7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
Corporation; ALEX PENLY; STUART M.
15 WARREN; PRIVATE JET SERVICES, INC.,
a Nevada Corporation; MILT'S EAGLE,
16 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

17 Defendants.
18

Case No. 07A546250
Dept. No. 27

**ORDER DENYING DEFENDANT ALEX
PENLY'S MOTION TO STRIKE
PLAINTIFF AFFIDAVITS OF RENEWAL
OF JUDGMENT AND UNTIMELY
REPLY IN SUPPORT OF AFFIDAVIT**

19 This matter came on for hearing on March 17, 2022 at 9:30 a.m., before the above-entitled
20 Court via BlueJeans Video Conferencing System. Mark J. Connot, of the law firm Fox Rothschild
21 LLP, appeared on behalf of Plaintiffs Milton J. Woods and Cirrus Aviation Services, Inc., and
22 Joshua L. Benson, of the law firm Benson Allred Injury Law, appeared on behalf of Defendant
23 Alex Penly.

24 The Court having considered the papers and pleadings on file herein and argument of
25 counsel, and good cause appearing hereby orders as follows:

26 //

27 //

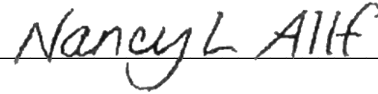
28 //

1 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike Plaintiff Affidavits of
2 Renewal of Judgment and Untimely Reply in Support of Affidavit is **DENIED**.

3 **IT IS SO ORDERED.**

4
5 April 11, 2022

Dated this 11th day of April, 2022



MA

7 Submitted by:

8 **FOX ROTHSCHILD LLP**

8F8 C66 5C36 1263
Nancy Alf
District Court Judge

9
10 /s/ Mark J. Connot
11 MARK J. CONNOT (10010)
12 1980 Festival Plaza Drive, Suite 700
13 Las Vegas, Nevada 89135
14 (702) 262-6899 tel
15 (702) 597-5503 fax
16 mconnot@foxrothschild.com
17 Attorneys for Plaintiffs

18 Approved as to Form and Content:

19 **BENSON ALLRED INJURY LAW**

20 /s/ Joshua L. Benson
21 JOSHUA L. BENSON (10514)
22 6250 N. Durango Drive
23 Las Vegas, Nevada 89149
24 (702) 820-0000 tel
25 (702) 820-1111 fax
26 josh@bensonallred.com

From: [Joshua Benson](#)
To: [Connot, Mark J.](#); [Loffredo, Doreen](#)
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Date: April 11, 2022 11:13:40 AM

You may use my electronic signature.

Josh

From: Connot, Mark J. <MConnot@foxrothschild.com>
Sent: Monday, April 11, 2022 11:04 AM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>; Joshua Benson <josh@bensonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

Joshua,

Please advise.

Mark

Mark Connot
Partner
Fox Rothschild LLP
One Summerlin
1980 Festival Plaza Drive, Suite 700
Las Vegas, NV 89135
(702) 699-5924 - direct
(702) 308-1912 - cell
MConnot@foxrothschild.com
www.foxrothschild.com

From: Loffredo, Doreen <dloffredo@foxrothschild.com>
Sent: April 7, 2022 4:31 PM
To: Joshua Benson <josh@bensonallred.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Doreen

Doreen Loffredo
Client Service Specialist
Fox Rothschild LLP
(702) 699-5159 - direct
dloffredo@foxrothschild.com

From: Joshua Benson <josh@benisonallred.com>
Sent: April 7, 2022 4:04 PM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Mark—

Resend it to me for my review.

Josh

From: White, Terrance <Dept27LC@clarkcountycourts.us>
Sent: Thursday, April 7, 2022 3:44 PM
To: 'Loffredo, Doreen' <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>; Joshua Benson <josh@benisonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order, hearing transcript/video, and the objection/redlining of the Order for the Court's consideration.



Terrance White JD, MBA, LLM
Law Clerk
to the Honorable Nancy L. Allf
Eighth Judicial District Court | Department 27
Regional Justice Center Courtroom 16A
Phone: (702) 671-0884
Email: Dept27LC@clarkcountycourts.us

From: Loffredo, Doreen [<mailto:dloffredo@foxrothschild.com>]
Sent: Thursday, March 24, 2022 3:47 PM
To: White, Terrance
Cc: Connot, Mark J.; josh@benisonallred.com; Loffredo, Doreen
Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good afternoon,

Attached is a copy of a proposed Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit in both word and pdf format. Prior to submitting the Order to the Department for signature, Mark Connot,

R0481

attorney for Plaintiffs, made several attempts to obtain review and approval from Joshua Benson, Mr. Penly's attorney. However, no response has been received. See attached emails.

Thank you.

Doreen

Doreen Loffredo

Client Service Specialist

Fox Rothschild LLP

(702) 699-5159 - direct

dloffredo@foxrothschild.com

From: NoReply@clarkcountycourts.us <NoReply@clarkcountycourts.us>

Sent: March 24, 2022 3:16 PM

To: Loffredo, Doreen <dloffredo@foxrothschild.com>

Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned

07A546250 - ODM - Milton J. Woods and Cirrus Aviation Services, Inc. v. Eagle Jet Aviation, Inc., et al.

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order and the objection/redlining of the Order for the Court's consideration

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

R0482

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Milton Woods, Cirrus Aviation
7 Services Inc

CASE NO: 07A546250

8 vs

DEPT. NO. Department 27

9 Eagle Jet Aviation Inc, Alex
10 Penley, et al

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/11/2022

16 Kevin Sutehall

ksutehall@foxrothschild.com

17 Christopher Reade .

creade@premierlegalgroup.com

18 Gus W. Flangas .

gwf@fdlawlv.com

19 Jacque Magee .

jmagee@foxrothschild.com

20 Jay A. Shafer .

jshafer@premierlegalgroup.com

21 Kevin Sutehall .

ksutehall@foxrothschild.com

22 Mark C. Fields .

fields@markfieldslaw.com

23 Mark Connot .

mconnot@foxrothschild.com

24 Michelle Choto .

MChoto@enensteinlaw.com

25 Monica Metoyer .

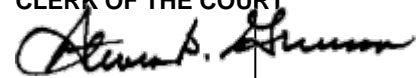
mmetoyer@foxrothschild.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert A. Rabbat .	RRabbat@enensteinlaw.com
Alex Penly	alexpenly@msn.com
Mark Connot	mconnot@foxrothschild.com
Doreen Loffredo	dloffredo@foxrothschild.com

EXHIBIT 2

R0485



Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MIL TON J. WOODS and CIRRUS
AVIATION SERVICES, INC., a
Washington corporation,
Plaintiffs,

v.

EAGLE JET AVIATION, INC., A Nevada
corporation; ALEX PENL Y; STUART M.
WARREN; PRIVATE JET SERVICES,
INC., a Nevada corporation; MILT'S
EAGLE, LLC, a Nevada limited liability
company and DOES I-X, inclusive.
Defendants.

Case No.: 07A546250

DEPT. NO.: IX

MOTION TO STRIKE PLAINTIFF
AFFIDAVIT(S) OF RENEWAL OF
JUDGEMENT AND UNTIMELY REPLY
IN SUPPORT OF AFFIDAVIT

HEARING NOT REQUESTED

COMES NOW Defendant Alex Penly Pro Se hereby files his Motion to Strike Plaintiff
Affidavit of Judgment Renewal and subsequent ISO which is untimely at minimum. This Motion
to Strike is made and based upon the following memorandum and points and authorities, the
pleadings, and papers on file herein, and any oral argument to be heard by the Court.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I. Introduction

Regardless of whether Mr. Connot believes in this and that, the only truth that exists is that which has already been decided. Plaintiffs thankfully gave insight prior to defendant serving this Motion to Strike with their recent untimely submission of a Reply in Support to their affidavit's. Plaintiff is trying, painfully, to defend their position, however, it appears that between splitting one (1) judgment into four (4), failing to serve not only timely but also with an unsigned affidavit, we see a self-set standard that does not come close to Strict Compliance. The doctrine of substantial compliance does not apply when the timeliness of serving notice is at issue. For the purposes of clarity, Plaintiff oddly mentions in their recent Reply in Support and admits to a delay, however Plaintiff feels that this is the mail carriers' issue and does not violate the Strict Compliance requirement. Plaintiff fails to mention anything regarding the unsigned affidavits coincidentally.

FACTS

The following facts are in evidence and have not been disputed:

January 7th, 2021, at 17.39 – Filled four (4) Affidavit of Renewal with District Court

January 10th, 2021, at unknown time – Recorded four (4) Affidavits with Clark County Recorder.

- Recording #1: 202201100001768
- Recording #2: 202201100001769
- Recording #3: 202201100001770
- Recording #4: 202201100001771

January 11th, 2021, at 13:39 – Fox Rothchild tendered to the mail man two envelopes.

One (1) envelope ‘Envelope 1’ contained 219 pages:

Items contained in this envelope were the following:

- One (1) Affidavit of renewal of Judgement for \$80,000.00 – 73 Pages

- One (1) Affidavit of renewal of Judgment for \$80,000.00 – 73 Pages
- One (1) Affidavit of renewal of Judgment for \$1,500,000.00 – 73 Pages

One (1) envelope 'Envelope 2' contained ONLY 3 pages

- One (1) unsigned and unstamped Affidavit of renewal of Judgment for \$111,750.00

Envelope two also was sent to Sklar & Williams, who sent email to Alex Penly contained **unsigned and unstamped affidavit without exhibits**

II. AUTHORITY AND LEGAL ARGUMENT

1. PLAINTIFF VIOLATED NRS 17.214 (1)A(2)

NRS 17.214 (1) a (2) The affidavit must specify:

(2) If the judgment is recorded, the name of the county and the number and the page of the book in which it is recorded.

Regardless of whether Mr. Connot believes it or not, this judgment in question IS RECORDED TWICE. Mr. Connot can argue whatever, he likes, but the judgment in Nevada is recorded twice - that is fact. Purely to harass debtor. As plaintiff have filed the judgment renewal as well abreast of the filling of the affidavit, there remains TWO (2) fillings. If an outsider viewed these fillings, there is nothing to clear the contention that these are not two separate fillings, being two separate judgments. Just because the parties are similar, does not stop or delay confusion on the reader's side. Therefore, as we have seen continually from Plaintiff, they refuse to do anything to clear up the record and continue to harass defendant further.

Furthermore, NRS17.214(1)a(2) you record in the affidavit, 1) listing the name of the county and/or 2) recorded judgment's document number and page. Similarly, to plaintiff's surprise they did NOT notate ALL recordings. Which would have clearly linked and cleared the record. Plaintiff failed to comply with NRS. 17.214(1)a(2).

2. PLAINTIFF VIOLATED NRS 17.214 (1)B(3)

NRS 17.214 (1)B(3). The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

NRS 17.214(3) provides that the creditor seeking to renew a judgment "shall" notify the judgment debtor of the renewal by serving a copy of the affidavit of renewal on the debtor within three days

1 after filing the affidavit. As we have previously explained, "shall" is a mandatory term indicative
2 of the Legislature's intent that the statutory provision be compulsory, thus creating a duty rather
3 than conferring discretion. Washoe Med. Ctr. v. Dist. Ct., 122 Nev. ___, ___, 148 P.3d 790, 793
4 (2006).

5 ***Leven v. Frey, 168 P. 3d 712 - Nev: Supreme Court 2007 – the Supreme Court stated in their***
6 ***conclusion that: NRS 17.214 requires a judgment creditor to timely file, record (when the***
7 ***judgment to be renewed is recorded) and serve his or her affidavit of renewal to successfully renew***
8 ***a judgment, and strict compliance with these provisions is required.***

9 Plaintiff untimely served an unsigned affidavit which was missing exhibits to defendant and as
10 he chose to separate them from their original form, the entire judgment should be set aside and
11 defendants' motion to strike be granted.

12 *Leven v. Frey*, 123 Ne, 123 Nev – references numerous cases of where the doctrine of substantial
13 compliance does not apply when the timeliness of serving notice is at issue

14 *Regency Investments v. Inlander Ltd.*, 855 A.2d 75, 79 (Pa.Super.Ct.2004) (concluding that the
15 doctrine of substantial compliance does not apply when the timeliness of serving notice is at
16 issue, and thus, the trial court properly struck a mechanics' lien claim since notice of the claim
17 was not served until one month after the statutory time period allowed for service); *Marsh-*
18 *McLennan Bldg., Inc. v. Clapp*, 96 Wash.App. 636, 980 P.2d 311, 313 n. 1 (1999) (explaining
19 that an unlawful detainer statute's time requirements for filing a notice must be complied with
20 strictly, while substantial compliance with the statute's requirements regarding the form and
21 content of the notice was sufficient).

22 Bizarrely enough, Plaintiff could have mailed and delivered to the mail man on January 10th,
23 2022, at 13:39, but he did not. He did absolutely nothing to ensure compliance with NRS 17.214.
24 Plaintiff knew when the mail was picked up as they coincidentally filled their certificate of service
25 to this court shortly thereafter. 1 day too late. Plaintiffs' capability to serve expired January 10th
26 at 17.39 – Exactly 72 hours after filling.

27
28 In accordance with NRS 17.214, the Nevada Law is incredibly clear. The Supreme court have
ruled on how clear and unambiguous NRS 17.214 is.

1 “168 P.3d 712 (2007) - Robert LEVEN, Appellant, v. Herbert FREY and Cy Yehros, Respondents.
2 No. 41716. Supreme Court of Nevada. October 11, 2007.

3 *NRS 17.214 requires a judgment creditor to timely file, record (when the judgment to be renewed*
4 *is recorded) and serve his or her affidavit of renewal to successfully renew a judgment, and strict*
5 *compliance with these provisions is required. As Frey did not timely record and serve his affidavit*
6 *of renewal, he did not comply with NRS 17.214(1)(b) and (3), and thus he failed to successfully*
7 *renew the judgment.”*

8 Plaintiff state in their untimely ISO (Page 9 line 7): “The Slight delay of mere hours between
9 plaintiff’s mailing of the affidavit and the USPS’ processing of the mail parcel was not due to
10 plaintiff’s own conduct!” If plaintiff and plaintiff only were SOLELY responsible for filing,
11 recording, and serving of documents, plaintiff cannot claim their conduct did not control the
12 outcome. If plaintiff would have mailed, around 10am on Monday morning, as he claims on
13 Monday, the mail would have been scanned/documentated on Monday! That did not occur.

14 Fox Rothchild office mailed on the 11th. This is not a mail issue, this is Fox Rothchild failing to
15 even attempt to mail the necessary documents timely. Therefore, ensuring the ‘mere hours delay’
16 versus doing everything to ensure a timely mailing.

17 **3. PLAINTIFF VIOLATED EDCR 2.20(e):**

18 (e) Within 14 days after the service of the motion, and 5 days after service of any joinder to the
19 motion, the opposing party must serve and file written notice of non-opposition or opposition
20 thereto, together with a memorandum of points and authorities and supporting affidavits, if any,
21 stating facts showing why the motion and/or joinder should be denied. Failure of the opposing
22 party to serve and file written opposition may be construed as an admission that the motion and/or
23 joinder is meritorious and a consent to granting the same.

24 Plaintiff failed to file and serve a response to the Motion on January 21st, 2022, within 14 days.
25 Therefore, defendant motion to strike should be granted.

26 **4. PLAINTIFF VIOLATED NRAP 25 (5)(C):**

27 **(c) Manner of Service.**

28 (1) Service may be any of the following:

(A) personal, including delivery of the copy to a clerk or other responsible person at the
office of counsel.

(B) by mail.

(C) by third-party commercial carrier for delivery within 3 days.

(3) **Service by mail or by commercial carrier is complete on mailing or delivery to the
carrier.** Service by electronic means under Rule 25(c)(1)(D) is complete on transmission, unless
the party making service is notified that the paper was not received by the party served. Service

1 through the court's electronic filing system under Rule 25(c)(1)(E) is complete at the time that the
2 document is submitted to the court's electronic filing system.

3 The Supreme have held how strict the requirements of NRS 17.214 are:

4 "Accordingly, "[t]he judgment creditor or the judgment creditor's successor in
5 interest *shall* notify the judgment debtor of the renewal of the judgment by sending a copy of the
6 affidavit of renewal by certified mail, return receipt requested. . . ." NRS 17.214(3) (emphasis
7 added); Markowitz v. Saxon Special Servicing, 129 Nev. 660, 665, 310 P.3d 569, 572
8 (2013) ("The word 'shall' is generally regarded as mandatory."). Because NRS 17.214(3) was not
9 strictly complied with, the district court did not err by denying appellants' motion for declaratory
10 relief and application to enforce a foreign judgment"

11 JOHN LYNCH, AN INDIVIDUAL; AND KELLIE FUHR, Appellants, v. YEHIA AWADA,
12 AN INDIVIDUAL, Respondent. No. 73561. Supreme Court of Nevada. Filed September 28,
13 2018

14 Plaintiff failed to 'deliver' to the mail carrier within 3 days. Therefore, defendant motion to strike
15 should be granted.

16 **5. PLAINTIFF VIOLATED NRCP - RULE 11(A).**

17 **RULE 11(A) - Signing Pleadings, Motions, and Other Papers; Representations to the Court;** 18 **Sanctions**

19 (a) **Signature.** Every pleading, written motion, and other paper must be signed by at least
20 one attorney of record in the attorney's name — or by a party personally if the party is
21 unrepresented. The paper must state the signer's address, email address, and telephone number.
22 Unless a rule or statute specifically states otherwise, a pleading need not be verified or
23 accompanied by an affidavit. The court must strike an unsigned paper unless the omission is
24 promptly corrected after being called to the attorney's or party's attention.

23 Plaintiff failed to serve within 3 days by sending an UNSIGNED AFFIDAVIT without exhibits
24 and even tho, has been brought to the attention of Plaintiff, they have failed to correct in a timely
25 manner. Therefore, defendant motion to strike should be granted.

1 Based on the above law, Defendant respectfully requests the court to strike Plaintiff
2 affidavit of judgment renewal against Defendant and declare judgment void.

3
4 III. CONCLUSION AND REQUEST

5 Defendant requests the court to 1) Strike Plaintiffs' Affidavit of Judgment Renewal
6 given their inability to satisfy the strict requirements of NRS 17.214 and 2) confirm that
7 Plaintiff judgment(s) are void, expired and ineligible for renewal.
8

9 DATED this 14th day of February 2022.

10 Respectfully submitted,

11
12
13 /s/ Alex Penly

14 _____
15 Alex Penly
16 8529 Fox Brook Street
17 Las Vegas, NV 89139
18 Email: Alexpenly@msn.com
19 Telephone: 702-761-1634
20 In Pro Per
21
22
23
24
25
26
27
28

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), on this 14th day of February 2022, a true and complete copy of
3 the foregoing document entitled DEFENDANT ALEX PENLY'S MOTION TO STRIKE THE
4 AFFIDAVIT OF JUDGMENT RENEWAL was served on the following interested parties by the
5 action(s) indicated below:
6

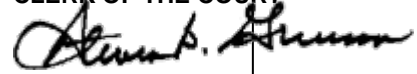
7 MARK J. CANNOT (10010)
8 KEVIN M. SUTEHALL (9437)
9 FOX ROTHSCHILD LLP
10 1980 Festival Plaza Drive, Suite 700
11 Las Vegas, Nevada, 89135
12 *Attorney for Plaintiffs*

13 Method of Service

14 X Electronic Service: I caused said document(s) to be delivered by electronic means
15 upon all eligible electronic recipients via the United States District Court CM/ECF
16 system or Clark County District Court E-Filing system (Odyssey)

17 /s/ Alexander Penly

18 Alex Penly
19 8529 Fox Brook Street
20 Las Vegas, NV 89139
21 Email: Alexpenly@msn.com
22 Telephone: 702-761-1655
23 In Pro Per
24
25
26
27
28



Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MIL TON J. WOODS and CIRRUS
AVIATION SERVICES, INC., a
Washington corporation,
Plaintiffs,

v.

EAGLE JET AVIATION, INC., A Nevada
corporation; ALEX PENL Y; STUART M.
WARREN; PRIVATE JET SERVICES,
INC., a Nevada corporation; MILT'S
EAGLE, LLC, a Nevada limited liability
company and DOES I-X, inclusive.
Defendants.

Case No.: 07A546250

DEPT. NO.: IX

DEFENDANT
STATEMENT

CASE

APPEAL

CASE APPEAL STATEMENT

1. Name of Appellant filing this Case Appeal Statement:

Defendant Alex Penly

2. Identify the Judge Issuing the Decision, Judgment, or Order appealed from:

Judge Allf issued the Order Denying Defendant Motion to Strike.

3. Identify all parties to the proceedings in the District Court:

Plaintiff: 1. MIL TON J. WOODS and CIRRUS AVIATION SERVICES, INC

Defendants: 1. EAGLE JET AVIATION, INC., A Nevada corporation; ALEX
PENL Y; STUART M. WARREN; PRIVATE JET SERVICES, INC., a Nevada
corporation; MILT'S EAGLE, LLC,

4. Identify all parties involved in this appeal:

1. Plaintiff: 1. MIL TON J. WOODS and CIRRUS AVIATION SERVICES, INC
2. Defendant: 1. Alex Penly

5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:

Appellants: Alex Penly
Pro Se
8529 Fox Brook Street
Las Vegas, NV 89139
(702) 761-1634

Respondent: MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Representing Plaintiff/Respondent)

6. Whether an attorney identified in response to Paragraph 5 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission.

All attorneys identified in Paragraph 5 are licensed to practice law in Nevada.

7. Indicate whether Appellant was represented by appointed or retained counsel in District Court.

Appellant was represented by retained counsel.

8. Indicate whether Appellant is represented by appointed or retained counsel on appeal:

Appellant is not represented at this time.

9. Indicate whether Appellant was granted leave to proceed in forma pauperis, and the date of entry of the District Court order granting such leave:

Appellant is not proceeding in forma pauperis

1 **10. Indicate the date the proceedings commenced in the District Court (e.g., date**
2 **Complaint, Indictment, Information, or Petition was filed):**

3 The Complaint was filed on August 10th, 2007

4 **11. A brief description of the nature of the action and result in the district court,**
5 **including the type of judgment or order being appealed and the relief granted by**
6 **the district court.**

7
8 Plaintiff falsely recorded their lien against Mr. Penly's homestead property in 2016
9 twice, in the amount of \$1,580,000.00. Defendant sought to remove lien based on the
10 homestead Act. This was granted by Judge Allf in a Sua Sponte motion dated December
11 14th, 2021. Plaintiff moved to renew judgement on January 7th, 2022. However, upon
12 renewal, Plaintiff issued 4 (four) renewals – breaking down the original 1 (one)
13 Judgment - to the District Court Electronic System on January 7th, 2022. Plaintiff then
14 recorded 4 (four) renewals to the Clark County Recorder on January 10th, 2022.
15 Certified Mail scanned by receiving mailman at Fox Rothchild's Office was January
16 11th, 2022, at 13:39pm. Plaintiff mailed 3 signed copies (\$80,000 twice and
\$1,500,000.00) and 1 unsigned affidavit for \$111,750 to the address of Defendant.
District court denied defendant Motion to Strike Judgment Renewal citing that the
efforts were that of substantial compliance and Plaintiff did not invalid service by
causing certified mail to be scanned later than 3 days or by causing an unsigned affidavit
to be served.

17 **12. Whether the case has previously been the subject of an appeal to or original writ**
18 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
19 **number of the prior proceeding.**

20 Yes. Case No. 69873

21 **13. Whether the appeal involves child custody or visitation.**

22 No.

23 **14. Whether the appeal involves the possibility of settlement.**

24 No.

25 /s/ Alexander Penly

26 Alex Penly

27 8529 Fox Brook Street

28 Las Vegas, NV 89139

Email: Alexpenly@msn.com

Telephone: 702-761-1655

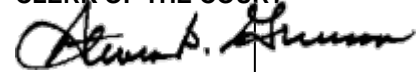
In Pro Per

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Attorney for Plaintiffs

X Electronic Service: I caused said document(s) to be delivered by electronic means upon all eligible electronic recipients via the United States District Court CM/ECF system or Clark County District Court E-Filing system (Odyssey)

Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per



Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

Electronically Filed
May 16 2022 02:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MIL TON J. WOODS and CIRRUS
AVIATION SERVICES, INC., a
Washington corporation,
Plaintiffs,

Case No.: 07A546250

DEPT. NO.: IX

DEFENDANT NOTICE OF APPEAL

v.

EAGLE JET AVIATION, INC., A Nevada
corporation; ALEX PENL Y; STUART M.
WARREN; PRIVATE JET SERVICES,
INC., a Nevada corporation; MILT'S
EAGLE, LLC, a Nevada limited liability
company and DOES I-X, inclusive.
Defendants.

NOTICE IS HEREBY GIVEN that defendant Alex Penly hereby appeals to the Supreme Court
of Nevada from the following District Court Order.

1. Notice of Entry of Order Denying Defendant Alex Penly s Motion To Strike Plaintiff
Affidavits Of Renewal Of Judgment And Untimely Reply In Support Of Affidavit, Notice
of Entry was filled on April 11th 2022 and served on April 11th 2022 – EXHIBIT 1
2. Defendant Motion To Strike Plaintiff Affidavits Of Renewal Of Judgment And Untimely
Reply In Support Of Affidavit filled on February 14th, 2022 – EXHIBIT 2

DEFENDANT NOTICE OF APPEAL

R0498
Docket 84710 Document 2022-15461

1 DATED this 9th Day of May 2022.

2 Respectfully submitted,

3
4 */S/ Alexander Penly*

5
6 _____
7 Alex Penly
8 8529 Fox Brook Street
9 Las Vegas, NV 89139
10 Email: Alexpenly@msn.com
11 Telephone: 702-761-1634
12 In Pro Per
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCp 5(a), EDCR 7.26(a) and NRAP 25(c) on this 9th day of May 2022, a true and complete copy of the foregoing document entitled DEFENDANT NOTICE OF APPEAL was served on the following interested parties by the action(s) indicated below:

MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Attorney for Plaintiffs

Method of Service

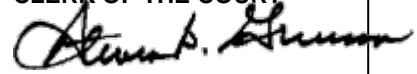
X Electronic Service: I caused said document(s) to be delivered by electronic means upon all eligible electronic recipients via the United States District Court CM/ECF system or Clark County District Court E-Filing system (Odyssey)

/s/ Alexander Penly

Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

EXHIBIT 1

R0501



1 **NEOJ**
MARK J. CONNOT (10010)
2 **FOX ROTHSCHILD LLP**
1980 Festival Plaza Drive, Suite 700
3 Las Vegas, Nevada 89135
(702) 262-6899 tel
4 (702) 597-5503 fax
mconnot@foxrothschild.com
5 *Attorneys for Plaintiffs*

6
7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
Corporation; ALEX PENLY; STUART M.
15 WARREN; PRIVATE JET SERVICES, INC.,
a Nevada Corporation; MILT'S EAGLE,
16 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

17 Defendants.
18

Case No. 07A546250
Dept. No. 27

NOTICE OF ENTRY OF ORDER

19 **PLEASE TAKE NOTICE** that on April 11, 2022, the Court in the above-entitled action
20 entered an Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal
21 of Judgment and Untimely Reply in Support of Affidavit, a copy of which is attached hereto.

22 DATED this 11th day of April, 2022.

23 **FOX ROTHSCHILD LLP**

24 /s/ Mark J. Connot
25 MARK J. CONNOT (10010)
1980 Festival Plaza Drive, Suite 700
26 Las Vegas, Nevada 89135
(702) 262-6899 tel
27 (702) 597-5503 fax
mconnot@foxrothschild.com
28 *Attorneys for Plaintiffs*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Fox Rothschild LLP, and that on the 11th day of April, 2022, a copy of the foregoing **NOTICE OF ENTRY OF ORDER** was served via the Court's E-File and Serve system to those individuals listed on the Court's master e-service list.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

1 **ODM**
2 MARK J. CONNOT (10010)
3 **FOX ROTHSCHILD LLP**
4 1980 Festival Plaza Drive, Suite 700
5 Las Vegas, Nevada 89135
6 (702) 262-6899 tel
7 (702) 597-5503 fax
8 mconnot@foxrothschild.com
9 *Attorneys for Plaintiffs*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
12 Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
15 Corporation; ALEX PENLY; STUART M.
16 WARREN; PRIVATE JET SERVICES, INC.,
17 a Nevada Corporation; MILT'S EAGLE,
18 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

18 Defendants.

Case No. 07A546250
Dept. No. 27

**ORDER DENYING DEFENDANT ALEX
PENLY'S MOTION TO STRIKE
PLAINTIFF AFFIDAVITS OF RENEWAL
OF JUDGMENT AND UNTIMELY
REPLY IN SUPPORT OF AFFIDAVIT**

19 This matter came on for hearing on March 17, 2022 at 9:30 a.m., before the above-entitled
20 Court via BlueJeans Video Conferencing System. Mark J. Connot, of the law firm Fox Rothschild
21 LLP, appeared on behalf of Plaintiffs Milton J. Woods and Cirrus Aviation Services, Inc., and
22 Joshua L. Benson, of the law firm Benson Allred Injury Law, appeared on behalf of Defendant
23 Alex Penly.

24 The Court having considered the papers and pleadings on file herein and argument of
25 counsel, and good cause appearing hereby orders as follows:

26 //

27 //

28 //

1 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike Plaintiff Affidavits of
2 Renewal of Judgment and Untimely Reply in Support of Affidavit is **DENIED**.

3 **IT IS SO ORDERED.**

4
5 April 11, 2022

Dated this 11th day of April, 2022

Nancy L Alf

MA

7 Submitted by:

8 **FOX ROTHSCHILD LLP**

8F8 C66 5C36 1263
Nancy Alf
District Court Judge

9
10 /s/ Mark J. Connot
11 MARK J. CONNOT (10010)
12 1980 Festival Plaza Drive, Suite 700
13 Las Vegas, Nevada 89135
14 (702) 262-6899 tel
(702) 597-5503 fax
mconnot@foxrothschild.com
Attorneys for Plaintiffs

15 Approved as to Form and Content:

16 **BENSON ALLRED INJURY LAW**

17
18 /s/ Joshua L. Benson
19 JOSHUA L. BENSON (10514)
20 6250 N. Durango Drive
21 Las Vegas, Nevada 89149
(702) 820-0000 tel
(702) 820-1111 fax
josh@bensonallred.com

From: [Joshua Benson](#)
To: [Connot, Mark J.](#); [Loffredo, Doreen](#)
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Date: April 11, 2022 11:13:40 AM

You may use my electronic signature.

Josh

From: Connot, Mark J. <MConnot@foxrothschild.com>
Sent: Monday, April 11, 2022 11:04 AM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>; Joshua Benson <josh@bensonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

Joshua,

Please advise.

Mark

Mark Connot
Partner
Fox Rothschild LLP
One Summerlin
1980 Festival Plaza Drive, Suite 700
Las Vegas, NV 89135
(702) 699-5924 - direct
(702) 308-1912 - cell
MConnot@foxrothschild.com
www.foxrothschild.com

From: Loffredo, Doreen <dloffredo@foxrothschild.com>
Sent: April 7, 2022 4:31 PM
To: Joshua Benson <josh@bensonallred.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Doreen

Doreen Loffredo
Client Service Specialist
Fox Rothschild LLP
(702) 699-5159 - direct
dloffredo@foxrothschild.com

From: Joshua Benson <josh@benisonallred.com>
Sent: April 7, 2022 4:04 PM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Mark—

Resend it to me for my review.

Josh

From: White, Terrance <Dept27LC@clarkcountycourts.us>
Sent: Thursday, April 7, 2022 3:44 PM
To: 'Loffredo, Doreen' <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>; Joshua Benson <josh@benisonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order, hearing transcript/video, and the objection/redlining of the Order for the Court's consideration.



Terrance White JD, MBA, LLM
Law Clerk
to the Honorable Nancy L. Allf
Eighth Judicial District Court | Department 27
Regional Justice Center Courtroom 16A
Phone: (702) 671-0884
Email: Dept27LC@clarkcountycourts.us

From: Loffredo, Doreen [<mailto:dloffredo@foxrothschild.com>]
Sent: Thursday, March 24, 2022 3:47 PM
To: White, Terrance
Cc: Connot, Mark J.; josh@benisonallred.com; Loffredo, Doreen
Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good afternoon,

Attached is a copy of a proposed Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit in both word and pdf format. Prior to submitting the Order to the Department for signature, Mark Connot,

R0507

attorney for Plaintiffs, made several attempts to obtain review and approval from Joshua Benson, Mr. Penly's attorney. However, no response has been received. See attached emails.

Thank you.

Doreen

Doreen Loffredo

Client Service Specialist

Fox Rothschild LLP

(702) 699-5159 - direct

dloffredo@foxrothschild.com

From: NoReply@clarkcountycourts.us <NoReply@clarkcountycourts.us>

Sent: March 24, 2022 3:16 PM

To: Loffredo, Doreen <dloffredo@foxrothschild.com>

Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned

07A546250 - ODM - Milton J. Woods and Cirrus Aviation Services, Inc. v. Eagle Jet Aviation, Inc., et al.

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order and the objection/redlining of the Order for the Court's consideration

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Milton Woods, Cirrus Aviation
7 Services Inc

CASE NO: 07A546250

8 vs

DEPT. NO. Department 27

9 Eagle Jet Aviation Inc, Alex
10 Penley, et al

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/11/2022

16 Kevin Sutehall ksutehall@foxrothschild.com

17 Christopher Reade . ccreate@premierlegalgroup.com

18 Gus W. Flangas . gwf@fdlawlv.com

19 Jacque Magee . jmagee@foxrothschild.com

20 Jay A. Shafer . jshafer@premierlegalgroup.com

21 Kevin Sutehall . ksutehall@foxrothschild.com

22 Mark C. Fields . fields@markfieldslaw.com

23 Mark Connot . mconnot@foxrothschild.com

24 Michelle Choto . MChoto@enensteinlaw.com

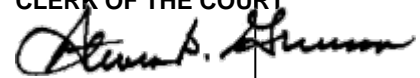
25 Monica Metoyer . mmetoyer@foxrothschild.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert A. Rabbat .	RRabbat@enensteinlaw.com
Alex Penly	alexpenly@msn.com
Mark Connot	mconnot@foxrothschild.com
Doreen Loffredo	dloffredo@foxrothschild.com

EXHIBIT 2

R0511



Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MIL TON J. WOODS and CIRRUS
AVIATION SERVICES, INC., a
Washington corporation,
Plaintiffs,

v.

EAGLE JET AVIATION, INC., A Nevada
corporation; ALEX PENL Y; STUART M.
WARREN; PRIVATE JET SERVICES,
INC., a Nevada corporation; MILT'S
EAGLE, LLC, a Nevada limited liability
company and DOES I-X, inclusive.
Defendants.

Case No.: 07A546250

DEPT. NO.: IX

MOTION TO STRIKE PLAINTIFF
AFFIDAVIT(S) OF RENEWAL OF
JUDGEMENT AND UNTIMELY REPLY
IN SUPPORT OF AFFIDAVIT

HEARING NOT REQUESTED

COMES NOW Defendant Alex Penly Pro Se hereby files his Motion to Strike Plaintiff
Affidavit of Judgment Renewal and subsequent ISO which is untimely at minimum. This Motion
to Strike is made and based upon the following memorandum and points and authorities, the
pleadings, and papers on file herein, and any oral argument to be heard by the Court.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

I. Introduction

Regardless of whether Mr. Connot believes in this and that, the only truth that exists is that which has already been decided. Plaintiffs thankfully gave insight prior to defendant serving this Motion to Strike with their recent untimely submission of a Reply in Support to their affidavit's. Plaintiff is trying, painfully, to defend their position, however, it appears that between splitting one (1) judgment into four (4), failing to serve not only timely but also with an unsigned affidavit, we see a self-set standard that does not come close to Strict Compliance. The doctrine of substantial compliance does not apply when the timeliness of serving notice is at issue. For the purposes of clarity, Plaintiff oddly mentions in their recent Reply in Support and admits to a delay, however Plaintiff feels that this is the mail carriers' issue and does not violate the Strict Compliance requirement. Plaintiff fails to mention anything regarding the unsigned affidavits coincidentally.

FACTS

The following facts are in evidence and have not been disputed:

January 7th, 2021, at 17.39 – Filled four (4) Affidavit of Renewal with District Court

January 10th, 2021, at unknown time – Recorded four (4) Affidavits with Clark County Recorder.

- Recording #1: 202201100001768
- Recording #2: 202201100001769
- Recording #3: 202201100001770
- Recording #4: 202201100001771

January 11th, 2021, at 13:39 – Fox Rothchild tendered to the mail man two envelopes.

One (1) envelope ‘Envelope 1’ contained 219 pages:

Items contained in this envelope were the following:

- One (1) Affidavit of renewal of Judgement for \$80,000.00 – 73 Pages

- One (1) Affidavit of renewal of Judgment for \$80,000.00 – 73 Pages
- One (1) Affidavit of renewal of Judgment for \$1,500,000.00 – 73 Pages

One (1) envelope 'Envelope 2' contained ONLY 3 pages

- One (1) unsigned and unstamped Affidavit of renewal of Judgment for \$111,750.00

Envelope two also was sent to Sklar & Williams, who sent email to Alex Penly contained **unsigned and unstamped affidavit without exhibits**

II. AUTHORITY AND LEGAL ARGUMENT

1. PLAINTIFF VIOLATED NRS 17.214 (1)A(2)

NRS 17.214 (1) a (2) The affidavit must specify:

(2) If the judgment is recorded, the name of the county and the number and the page of the book in which it is recorded.

Regardless of whether Mr. Connot believes it or not, this judgment in question IS RECORDED TWICE. Mr. Connot can argue whatever, he likes, but the judgment in Nevada is recorded twice - that is fact. Purely to harass debtor. As plaintiff have filed the judgment renewal as well abreast of the filling of the affidavit, there remains TWO (2) fillings. If an outsider viewed these fillings, there is nothing to clear the contention that these are not two separate fillings, being two separate judgments. Just because the parties are similar, does not stop or delay confusion on the reader's side. Therefore, as we have seen continually from Plaintiff, they refuse to do anything to clear up the record and continue to harass defendant further.

Furthermore, NRS17.214(1)a(2) you record in the affidavit, 1) listing the name of the county and/or 2) recorded judgment's document number and page. Similarly, to plaintiff's surprise they did NOT notate ALL recordings. Which would have clearly linked and cleared the record. Plaintiff failed to comply with NRS. 17.214(1)a(2).

2. PLAINTIFF VIOLATED NRS 17.214 (1)B(3)

NRS 17.214 (1)B(3). The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

NRS 17.214(3) provides that the creditor seeking to renew a judgment "shall" notify the judgment debtor of the renewal by serving a copy of the affidavit of renewal on the debtor within three days

1 after filing the affidavit. As we have previously explained, "shall" is a mandatory term indicative
2 of the Legislature's intent that the statutory provision be compulsory, thus creating a duty rather
3 than conferring discretion. Washoe Med. Ctr. v. Dist. Ct., 122 Nev. ___, ___, 148 P.3d 790, 793
4 (2006).

5 ***Leven v. Frey, 168 P. 3d 712 - Nev: Supreme Court 2007 – the Supreme Court stated in their***
6 ***conclusion that: NRS 17.214 requires a judgment creditor to timely file, record (when the***
7 ***judgment to be renewed is recorded) and serve his or her affidavit of renewal to successfully renew***
8 ***a judgment, and strict compliance with these provisions is required.***

9 Plaintiff untimely served an unsigned affidavit which was missing exhibits to defendant and as
10 he chose to separate them from their original form, the entire judgment should be set aside and
11 defendants' motion to strike be granted.

12 *Leven v. Frey*, 123 Ne, 123 Nev – references numerous cases of where the doctrine of substantial
13 compliance does not apply when the timeliness of serving notice is at issue

14 *Regency Investments v. Inlander Ltd.*, 855 A.2d 75, 79 (Pa.Super.Ct.2004) (concluding that the
15 doctrine of substantial compliance does not apply when the timeliness of serving notice is at
16 issue, and thus, the trial court properly struck a mechanics' lien claim since notice of the claim
17 was not served until one month after the statutory time period allowed for service); *Marsh-*
18 *McLennan Bldg., Inc. v. Clapp*, 96 Wash.App. 636, 980 P.2d 311, 313 n. 1 (1999) (explaining
19 that an unlawful detainer statute's time requirements for filing a notice must be complied with
20 strictly, while substantial compliance with the statute's requirements regarding the form and
21 content of the notice was sufficient).

22 Bizarrely enough, Plaintiff could have mailed and delivered to the mail man on January 10th,
23 2022, at 13:39, but he did not. He did absolutely nothing to ensure compliance with NRS 17.214.
24 Plaintiff knew when the mail was picked up as they coincidentally filled their certificate of service
25 to this court shortly thereafter. 1 day too late. Plaintiffs' capability to serve expired January 10th
26 at 17.39 – Exactly 72 hours after filling.

27
28 In accordance with NRS 17.214, the Nevada Law is incredibly clear. The Supreme court have
ruled on how clear and unambiguous NRS 17.214 is.

1 “168 P.3d 712 (2007) - Robert LEVEN, Appellant, v. Herbert FREY and Cy Yehros, Respondents.
2 No. 41716. Supreme Court of Nevada. October 11, 2007.

3 *NRS 17.214 requires a judgment creditor to timely file, record (when the judgment to be renewed*
4 *is recorded) and serve his or her affidavit of renewal to successfully renew a judgment, and strict*
5 *compliance with these provisions is required. As Frey did not timely record and serve his affidavit*
6 *of renewal, he did not comply with NRS 17.214(1)(b) and (3), and thus he failed to successfully*
7 *renew the judgment.”*

8 Plaintiff state in their untimely ISO (Page 9 line 7): “The Slight delay of mere hours between
9 plaintiff’s mailing of the affidavit and the USPS’ processing of the mail parcel was not due to
10 plaintiff’s own conduct!’ If plaintiff and plaintiff only were SOLELY responsible for filing,
11 recording, and serving of documents, plaintiff cannot claim their conduct did not control the
12 outcome. If plaintiff would have mailed, around 10am on Monday morning, as he claims on
13 Monday, the mail would have been scanned/documented on Monday! That did not occur.

14 Fox Rothchild office mailed on the 11th. This is not a mail issue, this is Fox Rothchild failing to
15 even attempt to mail the necessary documents timely. Therefore, ensuring the ‘mere hours delay’
16 versus doing everything to ensure a timely mailing.

17 **3. PLAINTIFF VIOLATED EDCR 2.20(e):**

18 (e) Within 14 days after the service of the motion, and 5 days after service of any joinder to the
19 motion, the opposing party must serve and file written notice of non-opposition or opposition
20 thereto, together with a memorandum of points and authorities and supporting affidavits, if any,
21 stating facts showing why the motion and/or joinder should be denied. Failure of the opposing
22 party to serve and file written opposition may be construed as an admission that the motion and/or
23 joinder is meritorious and a consent to granting the same.

24 Plaintiff failed to file and serve a response to the Motion on January 21st, 2022, within 14 days.
25 Therefore, defendant motion to strike should be granted.

26 **4. PLAINTIFF VIOLATED NRAP 25 (5)(C):**

27 **(c) Manner of Service.**

28 (1) Service may be any of the following:

(A) personal, including delivery of the copy to a clerk or other responsible person at the
office of counsel.

(B) by mail.

(C) by third-party commercial carrier for delivery within 3 days.

(3) **Service by mail or by commercial carrier is complete on mailing or delivery to the
carrier.** Service by electronic means under Rule 25(c)(1)(D) is complete on transmission, unless
the party making service is notified that the paper was not received by the party served. Service

1 through the court's electronic filing system under Rule 25(c)(1)(E) is complete at the time that the
2 document is submitted to the court's electronic filing system.

3 The Supreme have held how strict the requirements of NRS 17.214 are:

4 "Accordingly, "[t]he judgment creditor or the judgment creditor's successor in
5 interest *shall* notify the judgment debtor of the renewal of the judgment by sending a copy of the
6 affidavit of renewal by certified mail, return receipt requested. . . ." NRS 17.214(3) (emphasis
7 added); Markowitz v. Saxon Special Servicing, 129 Nev. 660, 665, 310 P.3d 569, 572
8 (2013) ("The word 'shall' is generally regarded as mandatory."). Because NRS 17.214(3) was not
9 strictly complied with, the district court did not err by denying appellants' motion for declaratory
10 relief and application to enforce a foreign judgment"

11 JOHN LYNCH, AN INDIVIDUAL; AND KELLIE FUHR, Appellants, v. YEHIA AWADA,
12 AN INDIVIDUAL, Respondent. No. 73561. Supreme Court of Nevada. Filed September 28,
13 2018

14 Plaintiff failed to 'deliver' to the mail carrier within 3 days. Therefore, defendant motion to strike
15 should be granted.

16 **5. PLAINTIFF VIOLATED NRCP - RULE 11(A).**

17 **RULE 11(A) - Signing Pleadings, Motions, and Other Papers; Representations to the Court;**
18 **Sanctions**

19 (a) **Signature.** Every pleading, written motion, and other paper must be signed by at least
20 one attorney of record in the attorney's name — or by a party personally if the party is
21 unrepresented. The paper must state the signer's address, email address, and telephone number.
22 Unless a rule or statute specifically states otherwise, a pleading need not be verified or
accompanied by an affidavit. The court must strike an unsigned paper unless the omission is
promptly corrected after being called to the attorney's or party's attention.

23 Plaintiff failed to serve within 3 days by sending an UNSIGNED AFFIDAVIT without exhibits
24 and even tho, has been brought to the attention of Plaintiff, they have failed to correct in a timely
25 manner. Therefore, defendant motion to strike should be granted.

1 Based on the above law, Defendant respectfully requests the court to strike Plaintiff
2 affidavit of judgment renewal against Defendant and declare judgment void.

3
4 III. CONCLUSION AND REQUEST

5 Defendant requests the court to 1) Strike Plaintiffs' Affidavit of Judgment Renewal
6 given their inability to satisfy the strict requirements of NRS 17.214 and 2) confirm that
7 Plaintiff judgment(s) are void, expired and ineligible for renewal.
8

9
10 DATED this 14th day of February 2022.

11 Respectfully submitted,

12
13 /s/ Alex Penly

14 _____
15 Alex Penly
16 8529 Fox Brook Street
17 Las Vegas, NV 89139
18 Email: Alexpenly@msn.com
19 Telephone: 702-761-1634
20 In Pro Per
21
22
23
24
25
26
27
28

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), on this 14th day of February 2022, a true and complete copy of
3 the foregoing document entitled DEFENDANT ALEX PENLY'S MOTION TO STRIKE THE
4 AFFIDAVIT OF JUDGMENT RENEWAL was served on the following interested parties by the
5 action(s) indicated below:
6

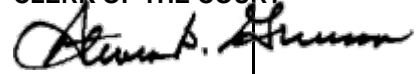
7 MARK J. CANNOT (10010)
8 KEVIN M. SUTEHALL (9437)
9 FOX ROTHSCHILD LLP
10 1980 Festival Plaza Drive, Suite 700
11 Las Vegas, Nevada, 89135
12 *Attorney for Plaintiffs*

13 Method of Service

14 X Electronic Service: I caused said document(s) to be delivered by electronic means
15 upon all eligible electronic recipients via the United States District Court CM/ECF
16 system or Clark County District Court E-Filing system (Odyssey)

17 /s/ Alexander Penly

18 Alex Penly
19 8529 Fox Brook Street
20 Las Vegas, NV 89139
21 Email: Alexpenly@msn.com
22 Telephone: 702-761-1655
23 In Pro Per
24
25
26
27
28



ASTA

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

MILTON J. WOODS; CIRRUS AVIATION
SERVICES, INC.,

Plaintiff(s),

vs.

EAGLE JET AVIATION, INC.; ALEX PENLY;
STUART M. WARREN; PRIVATE JET
SERVICES, INC.; MILT'S EAGLE, LLC,

Defendant(s),

Case No: 07A546250

Dept No: XXVII

CASE APPEAL STATEMENT

1. Appellant(s): Alex Penly

2. Judge: Nancy Allf

3. Appellant(s): Alex Penly

Counsel:

Alex Penly
8529 Fox Brook St.
Las Vegas, NV 89139

4. Respondent (s): Milton J. Woods; Cirrus Aviation Services, Inc.

Counsel:

Mark J. Connot
1980 Festival Plaza Dr., Suite 700
Las Vegas, NV 89135

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

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

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

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

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

9. Date Commenced in District Court: August 10, 2007

10. Brief Description of the Nature of the Action: Unknown

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 69873

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

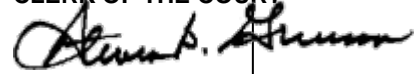
Dated This 12 day of May 2022.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

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

cc: Alex Penly



Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

MIL TON J. WOODS and CIRBUS
AVIATION SERVICES, INC., a
Washington corporation,
Plaintiffs,

v.

EAGLE JET AVIATION, INC., A Nevada
corporation; ALEX PENL Y; STUART M.
WARREN; PRIVATE JET SERVICES,
INC., a Nevada corporation; MILT'S
EAGLE, LLC, a Nevada limited liability
company and DOES I-X, inclusive.
Defendants.

Case No.: 07A546250

DEPT. NO.: IX

DEFENDANT
STATEMENT

CASE

APPEAL

CASE APPEAL STATEMENT

1. Name of Appellant filing this Case Appeal Statement:

Defendant Alex Penly

2. Identify the Judge Issuing the Decision, Judgment, or Order appealed from:

Judge Allf issued the Order Denying Defendant Motion to Strike.

3. Identify all parties to the proceedings in the District Court:

Plaintiff: 1. MIL TON J. WOODS and CIRBUS AVIATION SERVICES, INC

Defendants: 1. EAGLE JET AVIATION, INC., A Nevada corporation; ALEX
PENL Y; STUART M. WARREN; PRIVATE JET SERVICES, INC., a Nevada
corporation; MILT'S EAGLE, LLC,

4. Identify all parties involved in this appeal:

1. Plaintiff: 1. MIL TON J. WOODS and CIRRUS AVIATION SERVICES, INC
2. Defendant: 1. Alex Penly

5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent:

Appellants: Alex Penly
Pro Se
8529 Fox Brook Street
Las Vegas, NV 89139
(702) 761-1634

Respondent: MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Representing Plaintiff/Respondent)

6. Whether an attorney identified in response to Paragraph 5 is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission.

All attorneys identified in Paragraph 5 are licensed to practice law in Nevada.

7. Indicate whether Appellant was represented by appointed or retained counsel in District Court.

Appellant was represented by retained counsel.

8. Indicate whether Appellant is represented by appointed or retained counsel on appeal:

Appellant is not represented at this time.

9. Indicate whether Appellant was granted leave to proceed in forma pauperis, and the date of entry of the District Court order granting such leave:

Appellant is not proceeding in forma pauperis

1 **10. Indicate the date the proceedings commenced in the District Court (e.g., date**
2 **Complaint, Indictment, Information, or Petition was filed):**

3 The Complaint was filed on August 10th, 2007

4 **11. A brief description of the nature of the action and result in the district court,**
5 **including the type of judgment or order being appealed and the relief granted by**
6 **the district court.**

7
8 Plaintiff falsely recorded their lien against Mr. Penly's homestead property in 2016
9 twice, in the amount of \$1,580,000.00. Defendant sought to remove lien based on the
10 homestead Act. This was granted by Judge Allf in a Sua Sponte motion dated December
11 14th, 2021. Plaintiff moved to renew judgement on January 7th, 2022. However, upon
12 renewal, Plaintiff issued 4 (four) renewals – breaking down the original 1 (one)
13 Judgment - to the District Court Electronic System on January 7th, 2022. Plaintiff then
14 recorded 4 (four) renewals to the Clark County Recorder on January 10th, 2022.
15 Certified Mail scanned by receiving mailman at Fox Rothchild's Office was January
16 11th, 2022, at 13:39pm. Plaintiff mailed 3 signed copies (\$80,000 twice and
\$1,500,000.00) and 1 unsigned affidavit for \$111,750 to the address of Defendant.
District court denied defendant Motion to Strike Judgment Renewal citing that the
efforts were that of substantial compliance and Plaintiff did not invalid service by
causing certified mail to be scanned later than 3 days or by causing an unsigned affidavit
to be served.

17 **12. Whether the case has previously been the subject of an appeal to or original writ**
18 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket**
19 **number of the prior proceeding.**

20 Yes. Case No. 69873

21 **13. Whether the appeal involves child custody or visitation.**

22 No.

23 **14. Whether the appeal involves the possibility of settlement.**

24 No.

25 /s/ Alexander Penly

26 Alex Penly

27 8529 Fox Brook Street

28 Las Vegas, NV 89139

Email: Alexpenly@msn.com

Telephone: 702-761-1655

In Pro Per

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Attorney for Plaintiffs

X Electronic Service: I caused said document(s) to be delivered by electronic means upon all eligible electronic recipients via the United States District Court CM/ECF system or Clark County District Court E-Filing system (Odyssey)

Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1655
In Pro Per

CASE SUMMARY**CASE NO. 07A546250**

Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

§
§
§
§
§
§

Location: **Department 27**
 Judicial Officer: **Allf, Nancy**
 Filed on: **08/10/2007**
 Case Number History:
 Cross-Reference Case **A546250**
 Number:
 Supreme Court No.: **69873**

CASE INFORMATION**Statistical Closures**

01/21/2016 Judgment on Arbitration
 04/30/2015 Judgment on Arbitration

Case Type: **Business Court**

Case
Status: **01/21/2016 Closed**

DATE**CASE ASSIGNMENT****Current Case Assignment**
















Case Number 07A546250
 Court Department 27
 Date Assigned 01/22/2013
 Judicial Officer Allf, Nancy

PARTY INFORMATION

Plaintiff	Cirrus Aviation Services Inc	Connot, Mark J <i>Retained</i> 702-262-6899(W)
	Woods, Milton J	Connot, Mark J <i>Retained</i> 702-262-6899(W)
Defendant	Eagle Jet Aviation Inc	Fields, Mark C. <i>Retained</i> 213-617-5225(W)
	Milt's Eagle LLC	
	Penley, Alex	Pro Se 702-761-1655(H)
	Private Jet Services Inc	Reade, Robert C. <i>Retained</i> 702-794-4411(W)
	Warren, Stuart M	Pro Se 323-938-6652(H)
Conversion	No Convert Value @ 07A546250	
Extended	Removed: 04/24/2009	
Connection Type	Converted From Blackstone	
Counter Claimant	Penley, Alex	Pro Se 702-761-1655(H)
Counter Defendant	Cirrus Aviation Services Inc	Connot, Mark J <i>Retained</i> 702-262-6899(W)
	Removed: 08/17/2012 Data Entry Error	
	Woods, Milton J	Connot, Mark J <i>Retained</i>









CASE SUMMARY**CASE NO. 07A546250**

702-262-6899(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
08/10/2007	 Complaint <i>[1] Complaint Filed Fee \$178.00</i>	
08/10/2007	 Initial Appearance Fee Disclosure Filed By: Counter Defendant Woods, Milton J <i>[3] Initial Appearance Fee Disclosure</i>	
08/13/2007	 Motion <i>[2] Plaintiff's Motion for Appointment VE 10/2/07 for Injunctive Relief</i>	
08/13/2007	 Initial Appearance Fee Disclosure <i>[13] Initial Appearance Fee Disclosure</i>	
08/15/2007	 Summons Issued <i>[4] Summons - (Milt's Eagle LLC)</i>	
08/15/2007	 Summons Issued <i>[5] Summons - (Alex Penly)</i>	
08/15/2007	 Summons Issued <i>[6] Summons - (Private Jet Services Inc)</i>	
08/15/2007	 Summons Issued <i>[7] Summons - (Eagle Jet Aviation Inc)</i>	
08/15/2007	 Summons Issued <i>[8] Summons - (Stuart M Warren)</i>	
08/15/2007	 Acceptance of Service Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[9] Acceptance of Service of Process</i>	
08/15/2007	 Receipt of Copy Filed by: Counter Defendant Woods, Milton J <i>[10] Receipt of Copy</i>	
09/06/2007	 Stipulation and Order <i>[11] Stipulation</i>	
09/13/2007	 Motion to Associate Counsel <i>[12] Defendant's Motion to Associate Counsel Polard/02 (VJ 10/17/07)</i>	
09/17/2007	 Notice of Entry of Order Filed By: Defendant Warren, Stuart M <i>[14] Notice of Entry of Order</i>	
09/21/2007	 Stipulation and Order Filed by: Counter Defendant Woods, Milton J	

CASE SUMMARY

CASE NO. 07A546250

	<i>[15] Stipulation and Order</i>	
09/26/2007	 Notice of Entry of Order Filed By: Defendant Warren, Stuart M <i>[16] Notice of Entry of Order</i>	
10/17/2007	Conversion Case Event Type <i>[17] MINUTE ORDER RE:DEFT'S MTN TO ASSOCIATE COUNSEL</i>	07A5462500017.tif pages
10/18/2007	 Order Admitting to Practice <i>[18] Order Admitting Steven G Polard to Practice</i>	
10/24/2007	 Notice of Entry of Order Filed By: Counter Claimant Penley, Alex <i>[19] Notice of Entry of Order Admitting Steven G Polard to Practice</i>	
01/07/2008	 Request <i>[20] Plaintiffs Request for a Lift Stay and for a Hearing on the Motion for Appointment of Receiver for Injunctive Relief and for an Accounting</i>	
01/10/2008	 Request Filed by: Counter Claimant Penley, Alex <i>[21] Request for Transfer to Business Court</i>	
01/10/2008	Conversion Case Event Type <i>[22] TRANSFERRED TO BUSINESS COURT</i>	07A5462500022.tif pages
01/12/2008	 Notice of Department Reassignment <i>[23] NOTICE OF DEPARTMENT REASSIGNMENT 000408004989FC 004989000408</i>	07A5462500024.tif pages
01/17/2008	 Motion for Appointment of Receiver <i>[24] Plaintiff's Motion for Appointment of Receiver/04 (VJ 02/08/08)</i>	
01/18/2008	 Notice of Entry of Order Filed By: Counter Defendant Woods, Milton J <i>[25] Notice of Entry of Order</i>	
01/22/2008	 Certificate of Mailing Filed By: Counter Defendant Woods, Milton J <i>[26] Certificate of Mailing</i>	
02/01/2008	 Motion to Compel <i>[27] Defendant's Motion to Compel Arbitration and Motion for Appointment of Receiver/5 (VJ 02/07/08)</i>	
11/24/2008	 Conversion Case Event Type <i>[28] STATUS CHECK: CASE</i>	07A5462500029.tif pages
12/05/2008	 Conversion Case Event Type Party: Counter Claimant Penley, Alex <i>[30] STATUS REPORT</i>	07A5462500031.tif pages
12/11/2008	Conversion Case Event Type <i>[29] STATUS CHECK: ARBITRATION</i>	07A5462500030.tif pages













CASE SUMMARY

CASE NO. 07A546250

01/29/2009	 Notice of Change of Address Filed By: Counter Defendant Woods, Milton J <i>[31] Notice of Change of Address</i>
06/12/2009	 Motion for Appointment of Receiver Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[32] Plaintiffs' Renewed Motion for Appointment of Receiver for Injunction Relief, and for an Accounting</i>
06/16/2009	 Motion to Dismiss <i>[33] Defendants' Motion for Dismissal of Plaintiffs' Complaint Or, Alternatively, to Amend the September 21, 2007 Stipulated Order</i>
06/16/2009	 Declaration <i>[34] Declaration of Steven G. Polard in Support of Defendants' Motion for Dismissal of Plaintiffs' Complaint Or, Alternatively, to Amend the September 21, 2007 Stipulated Order</i>
06/16/2009	 Declaration <i>[35] Declaration of Alex Penly in Support of Defendants' Motion for Dismissal of Plaintiffs' Complaint Or, Alternatively, to Amend the September 21, 2007 Stipulated Order</i>
06/29/2009	 Opposition to Motion <i>[36] Opposition to Plaintiffs' Renewed Motion for Appointment of Receiver, for Injunctive Relief, and for an Accounting</i>
07/10/2009	 Reply to Opposition <i>[37] Reply to Opposition to Plaintiff's Reviewed Motion for Appointment of Receiver, for Injunctive Relief, and for an Accounting</i>
07/13/2009	 Opposition to Motion to Dismiss <i>[38] Opposition to Defendants' Motion for Dismissal of Plaintiffs' Complaint or, Alternatively, to Amend the September 21, 2007 Stipulated Order</i>
07/16/2009	 Receipt of Copy <i>[39] Receipt of Copy</i>
07/16/2009	 Receipt of Copy <i>[40] Receipt of Copy</i>
07/17/2009	 Receipt of Copy <i>[42] Receipt of Copy</i>
07/17/2009	 Reply <i>[43] Defendants' Reply Brief for Dismissal of Plaintiffs' Complaint Or, Alternatively, to Amend the September 21, 2007 Stipulated Order</i>
07/17/2009	 Supplemental <i>[44] Supplemental Declaration of Alex Penly In Support of Defendants' Motion for Dismissal of Plaintiffs' Complaint or, Alternatively, to Amend the September 21, 2007 Stipulated Order</i>
07/17/2009	

CASE SUMMARY

CASE NO. 07A546250

	 Addendum Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[41] Addendum to Plaintiffs Motion for Appointment of a Reciver for a Preliminary Injunction and or an Accounting</i>
07/20/2009	 Declaration <i>[45] Declaration of Alex Penly in Response to Late Filing of Plaintiff's Addendum to Plaintiff's Motion for Appointment of a Receiver, For a Preliminary Injunction and or an Accounting</i>
09/08/2009	 Notice of Change of Address Filed By: Attorney Freer, Alan D.; Attorney Solomon, Mark Alan; Attorney Barton, Denise Anne; Defendant Eagle Jet Aviation Inc; Counter Claimant Penley, Alex; Defendant Warren, Stuart M; Defendant Private Jet Services Inc; Defendant Milt's Eagle LLC <i>[46]</i>
10/05/2009	 Motion for Appointment of Receiver Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[47] Plaintiffs' Renewed Motion for Appointment of Receiver, for Injunctive RELief and for an Accounting</i>
10/20/2009	 Receipt of Copy <i>[49] Receipt of Copy</i>
10/20/2009	 Certificate of Mailing <i>[48] Certificate of Mailing</i>
11/02/2009	 Motion Filed By: Counter Claimant Penley, Alex <i>[50] Solomon Dwiggins & Freer's Motion on Order Shortening Time for Extension of Time to File an Opposition to Plaintiffs' Renewed Motion for Receiver for Injunctive Relief and for Accounting And/Or Hearing Thereon (First Requested Extension)</i>
11/02/2009	 Motion Filed By: Counter Claimant Penley, Alex <i>[51] Solomon Dwiggins & Freer's Motion on Order Shortening Time to Withdraw as Counsel of Record</i>
11/03/2009	 Receipt of Copy Filed by: Defendant Eagle Jet Aviation Inc; Counter Claimant Penley, Alex; Defendant Private Jet Services Inc <i>[52] Receipt of Copy</i>
11/03/2009	 Motion to Withdraw As Counsel Filed By: Defendant Eagle Jet Aviation Inc; Counter Claimant Penley, Alex; Defendant Private Jet Services Inc; Defendant Milt's Eagle LLC <i>[53] Perkins Coie LLP's Motion on Order Shortening Time to Withdraw as Counsel of Record</i>
11/04/2009	 Objection <i>[54] Pro Forma Objection to Plaintiffs' Renewed Motion for Appointment of a Receiver, for Injunctive Relief and for an Accounting</i>
11/04/2009	 Certificate of Electronic Service Filed By: Defendant Eagle Jet Aviation Inc; Counter Claimant Penley,

CASE SUMMARY

CASE NO. 07A546250

Alex; Defendant Private Jet Services Inc
[55]

11/04/2009	 Receipt of Copy Filed by: Defendant Eagle Jet Aviation Inc; Counter Claimant Penley, Alex; Defendant Private Jet Services Inc <i>[56] Receipt of Copy of Perkins Coe LLPs Motion on Order Shortening Time of Withdraw as Counsel of Record</i>
11/05/2009	 Ex Parte Application Party: Defendant Warren, Stuart M <i>[57] Morris Peterson's Ex Parte Application for Order Shortening Time to Consider it's Motion to Withdraw as Counsel of Record</i>
11/05/2009	 Certificate of Service Filed by: Defendant Warren, Stuart M <i>[58] Certificate of Service</i>
11/12/2009	 Notice of Entry of Order Filed By: Defendant Warren, Stuart M <i>[59] Granting Motion to Withdraw as Counsel of Record</i>
11/12/2009	 Order Granting Motion Filed By: Defendant Warren, Stuart M <i>[60] To Withdraw as Counsel of Record</i>
11/25/2009	 Order to Withdraw as Attorney of Record <i>[61] Order Granting Solomon Dwiggins & Freer, Ltd. s Motion to Withdraw as Counsel of Record; Granting Perkins Coie, LLP s Motion to Withdraw as Counsel of Record; and Granting Motion for Extension of Time to File an Opposition to Plaintiffs Renewed Motion for Receiver, for Injunctive Relief and for an Accounting and/or Hearing Thereon</i>
11/30/2009	 Notice of Withdrawal of Attorney <i>[62] Notice of Entry of Order Granting Solomon Dwiggins & Freer, Ltd.'s Motion to Withdraw as Counsel of Record; Granting Perkins Coie,LLP's Motion to Withdraw as Counsel of Record; and Granting Motion for Extension of Time to File an Opposition to Plaintiffs' Renewed Motion for Reeiver, for Inujunctive Relief and for an Accounting and/or Hearing Thereon</i>
01/05/2010	 Receipt of Copy Filed by: Defendant Warren, Stuart M <i>[63] Receipt of Copy</i>
01/05/2010	 Response Filed by: Defendant Eagle Jet Aviation Inc; Defendant Warren, Stuart M <i>[64] Defendants Response To Plaintiffs Renewed Motion For Appointment of A Receiver Injunctive Relief and An Accounting</i>
01/13/2010	 Reply to Opposition <i>[65] Reply to Opposition to Plaintiffs' Renewed Motion for Appointment of a Receiver, for Injunctive Relief and for an Accounting</i>
01/29/2010	 Transcript of Proceedings <i>[66]</i>
08/17/2010	 Notice of Appearance

CASE SUMMARY

CASE NO. 07A546250

Party: Counter Claimant Penley, Alex
[67] as Counsel for Defendant Alex Penly

09/16/2010



Motion to Enforce

Filed By: Counter Claimant Penley, Alex
[68] Defendant Alex Penly's Motion to Enforce the September 21, 2007 Stipulation and Order Pertaining to the Production of Documents From Plaintiffs Milton Woods and Cirrus Aviation Services, INC. Related to Eagle Jet Aviation, INC

10/08/2010



Opposition to Motion

Filed By: Counter Defendant Woods, Milton J
[69] Plaintiffs' Opposition to Defendant Alex Penly's Motion to Enforce the September 21, 2007 Stipulation and Order Pertaining to the Production of Documents from Plaintiffs Milt Woods and Cirrus Aviation Services, Inc. Related to Eagle Jet Aviation, Inc.

10/13/2010



Receipt of Copy

Filed by: Counter Defendant Woods, Milton J
[70] Receipt of Copy

10/18/2010



Reply in Support

Filed By: Counter Claimant Penley, Alex
[71] Defendant Alex Penly's Reply in Support of His Motion to Enforce the September 21, 2007 Stipulation and Order Pertaining to the Production of Documents from Plaintiffs Milton Woods and Cirrus Aviation Services Inc Related to Eagle Jet Aviation Inc

11/24/2010



Order

Filed By: Counter Claimant Penley, Alex
[72] Order

12/03/2010



Notice of Entry of Order

Filed By: Counter Claimant Penley, Alex
[73] Notice of Entry of Order

04/22/2011



Motion for Order to Show Cause

Filed By: Counter Claimant Penley, Alex
[74] Defendant Alex Penly's Motion for an Order to Show Cause Why Plaintiffs Should Not Be Held in Contempt of this Court's September 21st, 2007 Stipulation and Order or in the Alternative Application for Temporary Restraining Order and/or Preliminary Injunction Pursuant to N.R.C.P. 65 on Order Shortening Time

04/25/2011



Amended Certificate of Service

Party: Counter Claimant Penley, Alex
[75] Amended Certificate of Mailing

05/04/2011



Receipt of Copy

Filed by: Counter Defendant Woods, Milton J
[76] Receipt of Copy

05/04/2011



Opposition to Motion

Filed By: Counter Defendant Woods, Milton J
[77] Plaintiffs' Opposition to Defendant Alex Penly's Motion for an Order to Show Cause Why Plaintiffs Should Not be Held in Contempt of This Court's September 21, 2007 Stipulation and Order or in the Alternative, Application for Temporary Restraining Order and/or Preliminary Injunction Pursuant to NRCP 65 on Order Shortening Time

06/07/2011



Subpoena

CASE SUMMARY

CASE NO. 07A546250

Filed by: Counter Defendant Woods, Milton J
[78] Subpoena - Alex Penly

06/09/2011



Supplement

Filed by: Counter Claimant Penley, Alex
[79] Defendant Alex Penly's First Supplement in Support of Motion for an Order to Show Cause why Plaintiffs Should not be Held in Contempt of this Court's September 21, 2007 Stipulation and Order or in the Alternative Application for Temporary Restraining Order and/or Preliminary Injunction pursuant to NRCP 65 on Order Shortening Time.

06/23/2011



Transcript of Proceedings

[80] Transcript of Proceedings Preliminary Injunction Hearing June 10, 2011

07/13/2011



Status Check

Filed By: Counter Claimant Penley, Alex
[81] Defendant Alex Penly's Status Memorandum for July 14th, 2011 Status Check Hearing and Renewed Request for Order to Show Cause Why Milton Woods and Greg Woods Should Not Be Held in Contempt of the Orders of this Court.

07/14/2011



Supplement

Filed by: Counter Claimant Penley, Alex
[84] Defendant Alex Penly's First Supplement to Status Memorandum for July 14th, 2011 Status Check Hearing and Renewed Request for Order to Show Cause Why Milton Woods and Greg Woods Should Not be Held in Contempt of Orders of this Court.

07/14/2011



Subpoena

Filed by: Counter Defendant Woods, Milton J
[82] Subpoena - Randy Kidd

07/14/2011



Subpoena

Filed by: Counter Defendant Woods, Milton J
[83] Subpoena - Ryan Kidd

07/15/2011



Subpoena Duces Tecum

Filed by: Counter Claimant Penley, Alex
[85] Subpoena Duces Tecum - Ryan Kidd

09/01/2011



Motion for Order to Show Cause

Filed By: Counter Defendant Woods, Milton J
[86] Motion for Order to Show Cause Why Alex Penly Should Not Be Found Guilty of Perjury and in Contempt of Court

09/20/2011



Opposition to Motion

Filed By: Defendant Eagle Jet Aviation Inc
[87] Defendants Eagle Jet Aviation Inc. and Alex Penly's Opposition to Plaintiff's Motion for Order to Show Cause and Motion to Strike Plaintiff's Motion for Scandalous and Impertinent Content

10/05/2011



Notice of Change of Address

Filed By: Counter Claimant Penley, Alex
[88] Notice of Change of Firm Address

10/14/2011
















Reply to Opposition

Filed by: Counter Defendant Woods, Milton J
[89] Reply to Opposition to Plaintiffs' Motion for Order to Show Cause Why Alex Penly Should Not be Found Guilty of Perjury and In Contempt of Court and Opposition to

CASE SUMMARY

CASE NO. 07A546250

Motion to Strike for Scandalous and Impertinent Content

11/23/2011	 Order Filed By: Counter Claimant Penley, Alex <i>[90] Order</i>
11/28/2011	 Notice of Entry of Order Filed By: Counter Claimant Penley, Alex <i>[91] Notice of Entry of Order</i>
02/27/2012	 Transcript of Proceedings <i>[92] Transcript Of Proceedings Contempt Hearing July 15, 2011</i>
04/10/2012	 Notice of Association of Counsel Filed By: Defendant Eagle Jet Aviation Inc <i>[93] Notice of Association of Counsel</i>
04/26/2012	 Motion to Quash Filed By: Other Penly, Karen <i>[94] Karen and Laura Penly's Motion to Quash on Order Shortening Time</i>
04/27/2012	 Receipt of Copy Filed by: Counter Claimant Penley, Alex <i>[95] Receipt of Copy</i>
05/04/2012	 Opposition to Motion Filed By: Counter Defendant Woods, Milton J <i>[96] Opposition to Karen and Laura Penly's Motion to Quash on Order Shortening Time</i>
05/07/2012	 Certificate of Mailing Filed By: Counter Defendant Woods, Milton J <i>[97] Certificate of Mailing</i>
06/11/2012	 Order Filed By: Counter Claimant Penley, Alex <i>[98] Order</i>
06/12/2012	 Notice of Entry of Order Filed By: Counter Claimant Penley, Alex <i>[99] Notice of Entry of Order</i>
07/17/2012	 Motion <i>[100] Defendant/Counterclaimant Alex Penly's Motion for Recusal of Arbitrator, or, in the Alternative to Disqualify Arbitrator Pursuant to Chapter 38 of the Nevada Revised Statutes</i>
08/03/2012	 Opposition to Motion Filed By: Counter Defendant Woods, Milton J <i>[102] Opposition to Defendant/Counterclaimant (sic) Alex Penly's Motion for Recusal of Arbitrator, or in the Alternative, to Disqualify Arbitrator Pursuant to Chapter 38 of the Nevada Revised Statutes</i>
08/03/2012	 Amended Filed By: Counter Defendant Woods, Milton J

CASE SUMMARY

CASE NO. 07A546250

[103] Amended Certificate of Service

08/03/2012



Notice of Change of Address

Filed By: Counter Claimant Penley, Alex

[101] Notice of Change of Firm Address

08/17/2012



Reply to Opposition

Filed by: Counter Claimant Penley, Alex

[104] Defendant/ Counterclaimant Alex Penly's Reply To Plaintiffs/Counterdefendants' Opposition To Motion For Recusal Of Arbitrator, Or, In The Alternative To Disqualify Arbitrator Pursuant To Chapter 38 Of The Nevada Revised Statutes

01/22/2013

Case Reassigned to Department 27

Case reassigned from Judge Elizabeth Gonzalez Dept 11

01/28/2013



Order Scheduling Status Check

[105] Order Scheduling Status Check

02/27/2013



Memorandum

Filed By: Counter Defendant Woods, Milton J

[106] Plaintiffs' Status Memorandum

08/20/2013



Motion

Filed By: Counter Defendant Woods, Milton J

[107] Motion to Confirm Arbitration Award for Attorney's Fees and Costs

08/21/2013



Notice of Hearing

Filed By: Counter Defendant Woods, Milton J

[108] Notice of Hearing

09/09/2013



Opposition to Motion

Filed By: Counter Claimant Penley, Alex

[109] Defendants' Opposition to Plaintiffs' Motion to Confirm Arbitration Award for Attorneys' Fees and Costs

09/27/2013



Stipulation and Order

Filed by: Counter Defendant Woods, Milton J

[110] Stipulation and Order Continuing Hearing Date on Plaintiff's Motion to Confirm Arbitration Award for Attorneys' Fees and Costs

10/10/2013



Stipulation and Order

Filed by: Counter Defendant Woods, Milton J

[111] Stipulation and Order Continuing Hearing Date on Plaintiff's Motion to Confirm Arbitration Award for Attorneys' Fees and Costs

10/15/2013



Supplement to Opposition

Filed By: Defendant Eagle Jet Aviation Inc

[112] Defendants and Counterclaimants' Supplemental Opposition to Plaintiffs' Motion to Confirm Arbitration Ruling

03/05/2014



Notice of Firm Name Change

Filed By: Defendant Eagle Jet Aviation Inc

[113] Notice of Firm Name Change and Attorney of Record

04/18/2014



Motion to Dismiss

CASE SUMMARY

CASE NO. 07A546250

	<p>Filed By: Defendant Eagle Jet Aviation Inc <i>[114] Motion To Dismiss Claims Against Milt's Eagle, Private Jet Services, And Stuart Warren Pursuant To NRCP 41(E)</i></p>
04/22/2014	<p> Notice of Hearing Filed By: Defendant Eagle Jet Aviation Inc <i>[115] Notice of Hearing</i></p>
05/06/2014	<p> Opposition to Motion to Dismiss Filed By: Counter Defendant Woods, Milton J <i>[116] Opposition to Defendants Motion to Dismiss Claims Against Milt's Eagle, Private Jet Services, and Stuart Warren Pursuant to NRCP 41(e)</i></p>
05/12/2014	<p> Certificate of Service Filed by: Counter Defendant Woods, Milton J <i>[117] Amended Certificate of Service (by U.S. Mail)</i></p>
05/15/2014	<p> Reply to Motion Filed By: Counter Claimant Penley, Alex <i>[118] Defendants Penly and Eagle Jet's Reply to Motion to Dismiss under NRCP 41(e)</i></p>
02/20/2015	<p> Memorandum Filed By: Defendant Eagle Jet Aviation Inc <i>[119] Status Update Regarding Arbitration</i></p>
02/23/2015	<p> Motion Filed By: Counter Defendant Woods, Milton J <i>[120] Motion to Confirm Arbitration Award</i></p>
03/13/2015	<p> Opposition to Motion Filed By: Counter Claimant Penley, Alex <i>[121] Defendants' And Counterclaimants' Opposition To Motion To Confirm Arbitration Award; Declaration Of Mark C. Fields</i></p>
04/20/2015	<p> Reply to Opposition Filed by: Counter Defendant Woods, Milton J <i>[122] Reply to Defendants' and Counterclaimants' Opposition to Motion to Confirm Arbitration Award</i></p>
04/28/2015	<p> Motion to Vacate Filed By: Counter Claimant Penley, Alex <i>[123] Defendants' And Counterclaimants' Motion To Vacate Arbitration Award</i></p>
04/28/2015	<p> Motion Filed By: Counter Claimant Penley, Alex <i>[124] Defendants' And Counterclaimants' Motion To Modify Or Correct Arbitration Award</i></p>
04/30/2015	<p> Order to Statistically Close Case <i>[125] Civil Order to Statistically Close Case</i></p>
05/20/2015	<p> Certificate of Service Filed by: Counter Defendant Woods, Milton J <i>[127] Certificate of Service</i></p>

CASE SUMMARY

CASE NO. 07A546250

05/20/2015	 Opposition Filed By: Counter Defendant Woods, Milton J <i>[126] Opposition to Defendants' and Counterclaimants' Motion to Modify or Correct Arbitration Award</i>
05/21/2015	 Opposition Filed By: Counter Defendant Woods, Milton J <i>[128] Opposition to Defendants and Counterclaimants' Motion to Vacate Arbitration Award</i>
06/08/2015	 Reply to Opposition Filed by: Counter Claimant Penley, Alex <i>[129] Defendants' and Counterclaimants' Reply to Opposition to Motion to Modify or Correct Arbitration Award</i>
06/08/2015	 Reply to Opposition Filed by: Defendant Eagle Jet Aviation Inc <i>[130] Defendants' and Counterclaimants' Reply to Opposition to Motion to Vacate Arbitration Award</i>
09/18/2015	 Order Filed By: Counter Defendant Woods, Milton J <i>[131] Order</i>
09/18/2015	 Order Filed By: Counter Defendant Woods, Milton J <i>[132] Order Confirming Arbitration Award</i>
09/21/2015	 Notice of Entry Filed By: Counter Defendant Woods, Milton J <i>[133] Notice of Entry of Order</i>
09/21/2015	 Notice of Entry Filed By: Counter Defendant Woods, Milton J <i>[134] Notice of Entry of Order Confirming Arbitration Award</i>
01/12/2016	 Substitution of Attorney Filed by: Counter Defendant Woods, Milton J <i>[135] Substitution of Attorney</i>
01/20/2016	 Judgment Filed By: Counter Defendant Woods, Milton J <i>[136] Judgment</i>
01/27/2016	 Notice Filed By: Counter Defendant Woods, Milton J <i>[138] Notice of Entry of Judgment</i>
01/27/2016	 Memorandum of Costs and Disbursements Filed By: Counter Defendant Woods, Milton J <i>[137] Memorandum of Costs and Disbursements</i>
02/25/2016	 Notice of Appeal Filed By: Defendant Eagle Jet Aviation Inc

CASE SUMMARY

CASE NO. 07A546250

[139] Defendants/Counterclaimants Eagle Jet Aviation Inc. and Alex Penly's Notice of Appeal

02/25/2016



Case Appeal Statement

Filed By: Defendant Eagle Jet Aviation Inc

[140] Case Appeal Statement

03/02/2016



Amended Case Appeal Statement

Party: Counter Claimant Penley, Alex

[141] Amended Case Appeal Statement

03/03/2016



Amended Case Appeal Statement

Party: Counter Claimant Penley, Alex

[142] Second Amended Case Appeal Statement

03/07/2016



Motion

Filed By: Counter Defendant Woods, Milton J

[143] Motion to Enter Costs on Margin of Judgment

03/29/2016



Opposition

Filed By: Counter Claimant Penley, Alex

[144] Defendants/Counterclaimants Alex Penly and Eagle Jet Aviation Inc.'s Opposition to Plaintiffs' Motion to Enter Costs on Margin of Judgment

04/01/2016



Reply

Filed by: Counter Defendant Woods, Milton J

[145] Reply in Support of Motion to Enter Costs on Margin of Judgment

04/18/2016



Application for Default Judgment

Party: Defendant Private Jet Services Inc

[146] Application for Entry of Judgment on Garnishee Interrogatories Pursuant to NRS 31.330; Points and Authorities

05/05/2016



Response

Filed by: Counter Defendant Woods, Milton J

[147] Plaintiffs' Response to Application for Entry of Judgment on Garnishee Interrogatories

06/16/2016



Findings of Fact, Conclusions of Law and Judgment

Filed by: Other Private Jet Services Inc

[148] Findings of Fact, Conclusions of Law and Judgment on Responses to Garnishee Interrogatories

06/21/2016



Notice of Entry

Filed By: Defendant Eagle Jet Aviation Inc

[149] Notice of Entry of Findings of Fact and Conclusions of Law and Judgment on Responses to Garnishee Interrogatories

06/28/2016



Request

Filed by: Defendant Eagle Jet Aviation Inc

[150] Request for Transcript of Proceeding

06/28/2016

















Request

Filed by: Defendant Eagle Jet Aviation Inc

[151] Request for Transcript of Proceedings














CASE SUMMARY

CASE NO. 07A546250

09/27/2016	 Recorders Transcript of Hearing <i>[152] Transcript of Proceedings: Plaintiffs' Motion to Confirm Arbitration Award - April 29, 2015</i>
09/27/2016	 Recorders Transcript of Hearing <i>[153] Transcript of Proceedings: Defendants' and Counterclaimants' Motion to Vacate Arbitration Award; Defendants' and Counterclaimants' Motion to Modify or Correct Arbitration Award; Status Check: Additional Attorney Fees; Status Check: Plaintiffs' Motion to Confirm Arbitration Award - June 15, 2015</i>
07/28/2017	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[154] Nevada Supreme Court Clerk's Certificate Judgment - Affirmed</i>
07/20/2021	 Motion Filed By: Counter Claimant Penley, Alex <i>[155] Defendant Motion to Remove Judgment Filling Against Homestead Property</i>
07/20/2021	 Clerk's Notice of Hearing <i>[156] Notice of Hearing</i>
07/20/2021	 Notice of Withdrawal Filed By: Defendant Eagle Jet Aviation Inc; Counter Claimant Penley, Alex <i>[157] Notice of Withdrawal of Counsel Pursuant to SCR 46</i>
08/03/2021	 Opposition to Motion <i>[158] Plaintiffs' Opposition to Defendant Alex Penly's Motion to Remove Judgment Filing Against Homestead Property</i>
08/11/2021	 Certificate of Service Filed by: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[159] Certificate of Service</i>
08/12/2021	 Motion Filed By: Counter Claimant Penley, Alex <i>[160] Reply in Support of Motion to remove judgment from homestead property</i>
08/26/2021	 Order <i>[161] Order</i>
09/01/2021	 Notice of Entry of Order Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[162] Notice of Entry of Order</i>
10/21/2021	 Motion to Reconsider Filed By: Counter Claimant Penley, Alex <i>[163] Defendant Alex Penly's Motion to Reconsideration</i>
10/21/2021	 Clerk's Notice of Hearing <i>[164] Notice of Hearing</i>
11/04/2021	 Opposition to Motion Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[165] Plaintiffs' Opposition to Defendant Alex Penly's Motion for Reconsideration</i>


CASE SUMMARY


CASE NO. 07A546250


11/15/2021	 Reply in Support Filed By: Counter Claimant Penley, Alex <i>[166] Defendant's Reply in Support of his Motion for Reconsideration</i>
12/14/2021	 Amended Order <i>[167] Amended Order Granting Motion for Reconsideration</i>
01/07/2022	 Affidavit for Renewal of Judgment Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[168] Affidavit of Renewal of Judgment</i>
01/07/2022	 Affidavit for Renewal of Judgment Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[169] Affidavit of Renewal of Judgment</i>
01/07/2022	 Affidavit for Renewal of Judgment Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[170] (Duplicate) Affidavit of Renewal of Judgment</i>
01/07/2022	 Affidavit for Renewal of Judgment Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[171] Affidavit of Renewal of Judgment</i>
01/11/2022	 Certificate of Service Filed by: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[172] Certificate of Service</i>
01/21/2022	 Opposition Filed By: Counter Claimant Penley, Alex <i>[173] Opposition to Affidavit of Renewal Judgment</i>
02/08/2022	 Reply in Support Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[174] Reply in Support of Affidavit(s) for Renewal of Judgment</i>
02/14/2022	 Motion to Strike Filed By: Counter Claimant Penley, Alex <i>[175] Defendant Motion to Strike Affidavit(s) of Renewal of Judgment and Untimely Reply in Support of Affidavit</i>
02/15/2022	 Clerk's Notice of Hearing <i>[176] Notice of Hearing</i>
02/28/2022	 Opposition to Motion Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[177] Opposition to Defendant's Motion to Strike Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit</i>
04/11/2022	 Order Denying Motion Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc <i>[178] Order Denying Defendant Alex Penly s Motion To Strike Plaintiff Affidavits Of Renewal Of Judgment And Untimely Reply In Support Of Affidavit</i>


CASE SUMMARY


CASE NO. 07A546250


04/11/2022  Notice of Entry of Order
Filed By: Counter Defendant Woods, Milton J; Plaintiff Cirrus Aviation Services Inc
[179] Notice of Entry of Order

04/13/2022  Order Denying Motion
[180] Order Denying Defendant Alex Penley's Motion To Strike Plaintiff Affidavits Of Renewal Of Judgment And Untimely Reply In Support Of Affidavit

04/18/2022  Notice of Entry of Decision and Order
[181] Notice of Entry of Order

05/09/2022  Notice of Appeal
Filed By: Counter Claimant Penley, Alex
[182] Notice of Appeal

05/09/2022  Case Appeal Statement
Filed By: Counter Claimant Penley, Alex
[183] Case Appeal Statement

05/12/2022  Case Appeal Statement
Case Appeal Statement

DISPOSITIONS

06/16/2016 **Judgment** (Judicial Officer: Allf, Nancy)
Debtors: Milton J Woods (Plaintiff), Cirrus Aviation Services Inc (Plaintiff)
Creditors: Private Jet Services Inc (Defendant)
Judgment: 06/16/2016, Docketed: 06/23/2016
Debtors: Milton J Woods (Plaintiff), Cirrus Aviation Services Inc (Plaintiff)
Creditors: Berkeley Group LLC (Other)
Judgment: 06/16/2016, Docketed: 06/23/2016

07/28/2017 **Clerk's Certificate** (Judicial Officer: Allf, Nancy)
Debtors: Eagle Jet Aviation Inc (Defendant), Alex Penley (Defendant)
Creditors: Milton J Woods (Plaintiff), Cirrus Aviation Services Inc (Plaintiff)
Judgment: 07/28/2017, Docketed: 08/04/2017
Comment: Supreme Court No. 69873 APPEAL AFFIRMED

01/07/2022 **Amended Judgment Plus Legal Interest** (Judicial Officer: Allf, Nancy)
Debtors: Alex Penley (Defendant)
Creditors: Cirrus Aviation Services Inc (Plaintiff)
Judgment: 01/07/2022, Docketed: 01/27/2016
Total Judgment: 2,788,094.58

01/07/2022 **Amended Judgment Plus Legal Interest** (Judicial Officer: Allf, Nancy)
Debtors: Alex Penley (Defendant)
Creditors: Milton J Woods (Plaintiff), Cirrus Aviation Services Inc (Plaintiff)
Judgment: 01/07/2022, Docketed: 01/27/2016
Total Judgment: 148,698.40

01/07/2022 **Amended Judgment Plus Legal Interest** (Judicial Officer: Allf, Nancy)
Debtors: Eagle Jet Aviation Inc (Defendant)
Creditors: Milton J Woods (Plaintiff)
Judgment: 01/07/2022, Docketed: 01/27/2016
Total Judgment: 207,713.02

HEARINGS

09/18/2007 **Conversion Hearing Type** (8:30 AM) (Judicial Officer: Johnson, Susan)

CASE SUMMARY

CASE NO. 07A546250

	<p>Events: 08/13/2007 Motion <i>PLTF'S MTN FOR APPOINTMENT VE 10/2/07 FOR INJUNCTIVE RELIEF</i> Continuance Granted;</p>
10/11/2007	<p>CANCELED Conversion Hearing Type (9:00 AM) (Judicial Officer: Johnson, Susan) <i>Vacated</i></p>
10/17/2007	<p>Minute Order (3:00 AM) (Judicial Officer: Johnson, Susan) <i>MINUTE ORDER RE:DEFT'S MTN TO ASSOCIATE COUNSEL Court Clerk: Michelle Jones Heard By: Susan Johnson</i></p> <p>MINUTES Conversion Case Event Type <i>[17] MINUTE ORDER RE:DEFT'S MTN TO ASSOCIATE COUNSEL</i> Matter Heard; Journal Entry Details: <i>Having examined the Motion and noting no Opposition has been filed and good cause appearing, COURT ORDERED, Penly, Eagle Jet Aviation, and Private Jet Services' Motion to Associate Steven G. Polard is hereby GRANTED. Matter taken off calendar pursuant to EDCR 2.23. Order to be submitted to the Court within 10 days, or not later than October 29, 2007 pursuant to EDCR 7.21. CLERK'S NOTE: A copy of this minute order to be placed in the attorney folder(s) of M. Solomon, Esq. (SOLOMON DWIGGINS & FREER). ;</i></p>
10/18/2007	<p>CANCELED Motion to Associate Counsel (9:00 AM) (Judicial Officer: Johnson, Susan) Events: 09/13/2007 Motion to Associate Counsel <i>Vacated</i></p>
02/07/2008	<p>Conversion Hearing Type (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 01/17/2008 Motion for Appointment of Receiver <i>PLTF'S MTN FOR APPOINTMENT OF RECEIVER/04 (VJ 02/08/08)</i> Continuance Granted; Journal Entry Details: <i>Court received fax regarding Counsel's stipulation to STAY the case and vacate the calendar. At request of counsel, COURT ORDERED, OFF CALENDAR. ;</i></p>
02/14/2008	<p>CANCELED Conversion Hearing Type (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated</i></p>
02/14/2008	<p>CANCELED Motion to Compel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 02/01/2008 Motion to Compel <i>Vacated</i></p>
12/11/2008	<p>Status Check (8:45 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 11/24/2008 Conversion Case Event Type <i>STATUS CHECK: CASE Court Clerk: Kathy Klein Reporter/Recorder: Jill Hawkins Heard By: Elizabeth Gonzalez</i> Matter Heard; Journal Entry Details: <i>Counsel noted this is in arbitration; However there is no date set. COURT ORDERED, matter set for a status check in chambers. 06/11/09 (CHAMBERS) STATUS CHECK: ARBITRATION ;</i></p>
06/11/2009	<p>Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 12/11/2008 Conversion Case Event Type <i>STATUS CHECK: ARBITRATION</i> Off Calendar;</p>
07/21/2009	<p>Motion for Appointment of Receiver (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 06/12/2009 Motion for Appointment of Receiver <i>Plaintiffs' Renewed Motion for Appointment of Receiver for Injunction Relief, and for an Accounting</i></p>

07A5462500017.tif pages

CASE SUMMARY

CASE No. 07A546250

	Denied in Part;
07/21/2009	<p>Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Events: 06/16/2009 Motion to Dismiss</p> <p><i>Dismissal of Plaintiffs' Complaint Or, Alternatively, to Amend the September 21, 2007 Stipulated Order</i></p> <p>Moot;</p>
07/21/2009	<p> All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p><i>All Pending Motions (07/21/09)</i></p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DISMISSAL OF PLAINTIFF'S COMPLAINT OR, ALTERNATIVELY, TO AMEND THE SEPTEMBER 21, 2007 STIPULATED ORDER...PLAINTIFFS' RENEWED MOTION FOR APPOINTMENT OF RECEIVER FOR INJUNCTION RELIEF, AND FOR AN ACCOUNTING Mr. Steven Polard, Esq. Pro Hac Vice, appearing telephonically, on behalf of the Defendants. PLAINTIFFS' RENEWED MOTION FOR APPOINTMENT OF RECEIVER FOR INJUNCTION RELIEF, AND FOR AN ACCOUNTING: Arguments by Counsel. Colloquy regarding arbitration, the MSP, Plaintiff's having access to books, upcoming inspection and Counsel's stipulation. Mr. Flangas noted they agreed upon Mr. John Bailly as the arbitrator. COURT ORDERED, Plaintiff's Motion for Appointment of Receiver, DENIED. COURT FURTHER ORDERED, Plaintiff's Motion for Injunction Relief, GRANTED, with a BOND of \$250.00; Limited injunction relief, Deft. not to sell the air craft or encumber the lien of the air craft; subject to a Court's order. Court further noted since the Plaintiff is a shareholder, he is entitled to look at the books. COURT ORDERED, Accounting, DENIED. Court directed Counsel to provide the previous stipulation to the Court for its signature. COURT ORDERED, matter set for a status check regarding the arbitration, and Counsel to submit briefs one day prior. Mr. Flangus requested a special master and access to the private jet. COURT ORDERED, Mr. Flangus' oral requests, DENIED. Mr. Flangus to prepare the order. DISMISSAL OF PLAINTIFF'S COMPLAINT OR, ALTERNATIVELY, TO AMEND THE SEPTEMBER 21, 2007 STIPULATED ORDER: Court noted request is MOOT. 10/20/09 9:00 AM STATUS CHECK: ARBITRATION ;</i></p>
10/20/2009	<p>Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>10/20/2009, 01/21/2010</p> <p><i>Status Check: Arbitration</i></p> <p>Matter Heard; Status Check: Arbitration</p> <p>Matter Heard;</p> <p>Matter Heard; Status Check: Arbitration</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Mr. Flangas noted they did not set the arbitration and they refiled their Plaintiff's Motion for Appointment of Receiver. At the request of Mr. Flangas, COURT ORDERED, Plaintiff's Motion for Appointment of Receiver reset with this continued status check. Mr. Flangas further noted Deft's moved Milt's Eagle LLC into bankruptcy. 11/17/09 9:00 AM STATUS CHECK: ARBITRATION...PLAINTIFF'S RENEWED MOTION FOR APPOINTMENT OF RECEIVER ;</i></p>
11/05/2009	<p>Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Events: 11/02/2009 Motion</p> <p><i>Solomon Dwiggins & Freer's Motion on Order Shortening Time for Extension of Time to File an Opposition to Plaintiffs' Renewed Motion for Receiver for Injunctive Relief and for Accounting And/Or Hearing Thereon (First Requested Extension)</i></p> <p>Granted;</p>
11/05/2009	<p>Motion (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p> <p>Events: 11/02/2009 Motion</p> <p><i>Solomon Dwiggins & Freer's Motion on Order Shortening Time to Withdraw as Counsel of Record</i></p> <p>Granted;</p>
11/05/2009	<p>Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)</p>

CASE SUMMARY

CASE NO. 07A546250

Events: 11/03/2009 Motion to Withdraw As Counsel

Perkins Coie LLP's Motion on Order Shortening Time to Withdraw as Counsel of Record
Granted;

11/05/2009



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

All Pending Motions (11/05/09)

Matter Heard;

Journal Entry Details:

SOLOMON DWIGGINS & FREER'S MOTION ON ORDER SHORTENING TIME FOR EXTENSION OF TIME TO FILE AN OPPOSITION TO PLAINTIFFS' RENEWED MOTION FOR RECEIVER FOR INJUNCTIVE RELIEF AND FOR ACCOUNTING AND/OR HEARING THEREON (FRIST REQUESTED EXTENSION)...SOLOMON DWIGGINS & FREER'S MOTION ON ORDER SHORTENING TIME TO WITHDRAW AS COUNSEL OF RECORD...PERKINS COLE LLP MOTION ON ORDER SHORTENING TIME TO WITHDRAW AS COUNSEL OF RECORD Steven Polard, Esq., Pro Hac Vice appearing telephonically, on behalf of the Deft's SOLOMON DWIGGINS & FREER'S MOTION ON ORDER SHORTENING TIME TO WITHDRAW AS COUNSEL OF RECORD...PERKINS COLE LLP MOTION ON ORDER SHORTENING TIME TO WITHDRAW AS COUNSEL OF RECORD: There being no objection, COURT ORDERED, Motion's to Withdraw as Counsel, GRANTED. SOLOMON DWIGGINS & FREER'S MOTION ON ORDER SHORTENING TIME FOR EXTENSION OF TIME TO FILE AN OPPOSITION TO PLAINTIFFS' RENEWED MOTION FOR RECEIVER FOR INJUNCTIVE RELIEF AND FOR ACCOUNTING AND/OR HEARING THEREON (FRIST REQUESTED EXTENSION): Colloquy. There being no objection, COURT ORDERED, Extension to file Opposition, GRANTED. COURT FURTHER ORDERED, Plaintiff's Renewed Motion for Appointment of Receiver, CONTINUED. Ms. Solis-Rainey noted she has a Motion to Withdraw to file. COURT ORDERED, Morris & Peterson's Motion to Withdraw, to set a time certain. 11/12/09 11/12/09 9:00 AM MORRIS & PETERSON'S MOTION TO WITHDRAW AS COUNSEL 01/21/10 9:00 AM PLAINTIFF'S RENEWED MOTION FOR APPOINTMENT OF RECEIVER, FOR INJUNCTIVE RELIEF AND FOR AN ACCOUNTING...STATUS CHECK: ARBITRATION ;

11/12/2009



Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 11/05/2009 Ex Parte Application

Morris Peterson's Ex Parte Application for Order Shortening Time to Consider it's Motion to Withdraw as Counsel of Record

Granted; Morris Peterson's Ex Parte Application for Order Shortening Time to Consider it's Motion to Withdraw as Counsel of Record

Journal Entry Details:

There being no opposition, COURT ORDERED, Morris Peterson's Motion to Withdraw as counsel of Record, GRANTED. Court signed order in open Court, with future dates listed on the order.;

01/21/2010

Motion for Appointment of Receiver (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Events: 10/05/2009 Motion for Appointment of Receiver

Plaintiffs' Renewed Motion for Appointment of Receiver, for Injunctive RELief and for an Accounting

Denied Without Prejudice;

01/21/2010



All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

All Pending Motions (01/21/10)

Matter Heard;

Journal Entry Details:

STATUS CHECK: ARBITRATION...PLAINTIFF'S RENEWED MOTION FOR APPOINTMENT OF RECEIVER, FOR INJUNCTIVE RELIEF AND FOR AN ACCOUNTING Mr. Alex Penley and Mr. Stuart Warren appearing telephonically. Court noted they were only to speak as to their individual claims and not allowed to represent the entity. Arguments by Counsel, Mr. Penley and Mr. Warren. Colloquy regarding bankruptcy assets, shareholders annual meeting, and the production of documents. COURT stated its findings and ORDERED, Plaintiff's Renewed Motion for Appointment of Receiver, DENIED, Without Prejudice. COURT FURTHER ORDERED, Def't's to produce all the documents as ordered, within two weeks. Court noted prior to the next Court hearing, an annual shareholders meeting will be held, if not this Court may appoint

CASE SUMMARY**CASE NO. 07A546250**

a receiver. **COURT ORDERED**, matter set for a status check: regarding the discovery production. Court directed Counsel to coordinate with the bankruptcy regarding the assets. Upon inquiry, Court noted customer lists are not fair game. 02/11/10 9:00 AM **STATUS CHECK: DISCOVERY PRODUCTION/ANNUAL MEETING** ;

02/11/2010

**Status Check (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)*Status Check: Discovery production/Annual meeting*

Matter Heard; Status Check: Discovery production/Annual meeting

Journal Entry Details:

*Mr. Penley appearing telephonically. Arguments by Counsel. Counsel provided the 2007 Eagle Jet general ledger, and the listing of creditor claims produced by Deft's; Court marked as a Court's exhibits. Further arguments by Counsel, and Mr. Penley. Upon inquiry, Mr. Penley noted he sent notices for the shareholders meeting but did not set the date. Court directed parties to hold the shareholders meeting 03/11/10 @ 10:00 am and Mr. Penley to give notice to all and to select a location that is not intimidating to anyone. **COURT ORDERED**, matter set for a status check regarding the shareholders meeting and if issues arise, we will reset hearing on the oral calendar. Upon Mr. Price's inquiry, Court noted Counsel may renew their Motion for a receiver, if problems with the shareholders meeting. 03/19/10 (CHAMBERS) **STATUS CHECK: SHAREHOLDERS MEETING** ;*

03/19/2010

**Status Check (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)*Status Check: Shareholders meeting*

Minute Order - No Hearing Held;

Journal Entry Details:

*Meeting held. **COURT ORDERED**, transcript marked as Court's Exhibit 1. **CLERK'S NOTE:** A copy of the above minute order has been placed in the attorney folder(s) of Gus W. Flangas (Flangas McMillan). /// sj **CLERK'S NOTE:** A copy of the above minute order has been delivered by regular mail to Alex Penly: 1287 Rolling Sunset, Henderson, Nevada 89052. /// sj;*

10/26/2010

**Motion to Enforce (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Events: 09/16/2010 Motion to Enforce

Defendant Alex Penly's Motion to Enforce the September 21, 2007 Stipulation and Order Pertaining to the Production of Documents From Plaintiffs Milton Woods and Cirrus Aviation Services, INC. Related to Eagle Jet Aviation, INC

Matter Heard;

Journal Entry Details:

*Court **NOTED** it had previously sent parties to arbitration. Arguments by Mr. Reade regarding documents that are necessary for the operation of the company. Colloquy regarding corporate accounts. Mr. Price stated he gave Mr. Penley time, March through July, to get the documents. Deft. advised he had retained counsel, in August. Mr. Price advised Defts' are reworking the accounts and documents. Colloquy regarding arbitration. Mr. Price stated this is clearly a discovery motion. **COURT ORDERED**, parties **REFERRED** to arbitration. Mr. Reade to prepare the order.;*

05/05/2011

**Motion for Order to Show Cause (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Events: 04/22/2011 Motion for Order to Show Cause

Defendant Alex Penly's Motion for an Order to Show Cause Why Plaintiffs Should Not Be Held in Contempt of this Court's September 21st, 2007 Stipulation and Order or in the Alternative Application for Temporary Restraining Order and/or Preliminary Injunction Pursuant to N.R.C.P. 65 on Order Shortening Time

MINUTES

Matter Heard;


Journal Entry Details:

*After arguments by counsel, **COURT STATED ITS FINDINGS** fully on the record, and **ORDERED**, Court finds cause shown regarding violation of Stipulation and Order and **SET** Preliminary Injunction hearing as to whether violation was knowing and willful, time estimate 4-6 hours. Upon request of counsel, **COURT ORDERED**, Mr. Carlston to provide download of thumbnail drive to Mr. Price and to the Court. 6/10/11 9:00 AM **PRELIMINARY INJUNCTION HEARING**;*


SCHEDULED HEARINGS

CASE SUMMARY

CASE NO. 07A546250

 **Preliminary Injunction Hearing** (06/10/2011 at 9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

06/10/2011


 **Preliminary Injunction Hearing** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Heard;

Journal Entry Details:

Court noted it received a Supplement from Mr. Reade this morning. Mr. Flangas requested that it not be used as it was untimely. Court noted it was untimely but could be used for rebuttal purposes or refreshing memory. Opening Statements by Mr. Flangas. Opening Statements by Mr. Reade. Testimony and Exhibits presented. (See Worksheets.) At the hour of 10:49 AM, Mr. Flangas INVOKED THE EXCLUSIONARY RULE. Further testimony and Exhibits presented. (See Worksheets.) COURT ORDERED, matter to break for lunch and counsel to provide a thumbdrive. RECALLED. Plaintiffs' counsel reviewed the thumbdrive provided. At the hour of 2:57 PM, Mr. Flangas advised matter resolved for this Motion and Hearing and stated resolution on the record herein. COURT ORDERED, matter SET for Status Check: Resolution in 30 days. If resolved, counsel need not be present at the next Court date. 7/14/11 9:00 AM STATUS CHECK: RESOLUTION ;

07/14/2011

 **Status Check** (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)


Resolution

Matter Heard;

Journal Entry Details:

Upon request of Mr. Reade, COURT ORDERED, Contempt Hearing SET. Mr. Reade to deliver brief by noon today to Mr. Price and to the Court; provided information in open court in electronic format. Mr. Reade advised Ryan Kidd as witness in Contempt Hearing. 7/15/11 9:30 AM CONTEMPT HEARING;

07/15/2011

 **Hearing** (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

CONTEMPT HEARING

Matter Heard;

Journal Entry Details:

ALSO PRESENT: Plaintiff Greg Woods; Laura Penly, Eagle Jet Aviation Inc. Opening statements by Mr. Flangas and Mr. Price. Upon Motion, COURT ORDERED, EXCLUSIONARY RULE INVOKED. Hearing commences with witness testimony and exhibits (see worksheets). COURT DISCLOSED, prior working knowledge of Mr. Dowers. Mr. Flangas' oral Motion for Court to Deny Defendants' Contempt Motion, COURT ORDERED, Plaintiff's Motion DENIED. Plaintiff RESTS. Upon conclusion of Defendants' case, Defendants' REST. Closing arguments by Mr. Flangas and oral Motion for Attorney Fees; COURT ORDERED, Motion DENIED. Closing argument by Mr. Price. COURT STATED ITS FINDINGS AND ORDERED, as fully stated on the record, NO FINDING of Contempt; NO FINDING of violation of Stipulation. COURT ORDERED, Plaintiff precluded from releasing password. COURT FURTHER ORDERED, Defendants' Exhibit BW, electronic flashdrive, returned to Mr. Reade. ;

10/21/2011

Motion for Order to Show Cause (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
10/21/2011, 11/10/2011

Events: 09/01/2011 Motion for Order to Show Cause


Motion for Order to Show Cause Why Alex Penly Should Not Be Found Guilty of Perjury and in Contempt of Court

10/21/2011

Opposition and Countermotion (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)
10/21/2011, 11/10/2011

Defendants Eagle Jet Aviation Inc. and Alex Penly's Opposition to Plaintiff's Motion for Order to Show Cause and Motion to Strike Plaintiff's Motion for Scandalous and Impertinent Content

10/21/2011

 **All Pending Motions** (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Matter Continued;


Journal Entry Details:

CASE SUMMARY

CASE NO. 07A546250

MOTION FOR ORDER TO SHOW CAUSE WHY ALEX PENLY SHOULD NOT BE FOUND GUILTY OF PERJURY AND IN CONTEMPT OF COURT...DEFENDANTS EAGLE JET AVIATION INC. AND ALEX PENLY'S OPPOSITION TO PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE AND MOTION TO STRIKE PLAINTIFF'S MOTION FOR SCANDALOUS AND IMPERTINENT CONTENT COURT ORDERED, above Motions CONTINUED on the oral Calendar. CONTINUED TO: 11/10/11 9:00 AM ABOVE MOTIONS CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Gus W. Flangas, Esq. (Flangas McMillan Law Group); Robert Reade, Esq. (Read & Associates); and mailed to Stuart M. Warren, Defendant (7100 Hayrenhurst Avenue, Suite 320, Van Nuys, CA 91406). ;

11/10/2011


 **All Pending Motions (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Denied;

Journal Entry Details:

MOTION FOR ORDER TO SHOW CAUSE WHY ALEX PENLY SHOULD NOT BE FOUND GUILTY OF PERJURY AND IN CONTEMPT OF COURT...DEFENDANTS EAGLE JET AVIATION INC. AND ALEX PENLY'S OPPOSITION TO PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE AND MOTION TO STRIKE PLAINTIFF'S MOTION FOR SCANDALOUS AND IMPERTINENT CONTENT Attorney Adam Graff also present with Mr. Reade. Arguments by counsel. Court stated its findings, and ORDERED, Motion is DENIED. Countermotion is DENIED. Counsel advised they Stipulated to EXTEND THE 5-YEAR RULE. Mr. Bailey to prepare Findings and Order. Mr. Flangas requested the Stipulation on the record be in writing. Court noted the Stipulation on the record was sufficient and directed it be part of the Order. ;

05/08/2012

 **Motion to Quash (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)


Karen and Laura Penly's Motion to Quash on Order Shortening Time

Denied;

Journal Entry Details:

Attorney Adam Graff present representing Karen and Laura Penly. Arguments by counsel. Court stated its findings, and ORDERED, Motion to Quash is DENIED. Request for fees is DENIED. Ms. Price to prepare the Order. ;

08/24/2012

 **Motion (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)


Defendant/Counterclaimant Alex Penly's Motion for Recusal of Arbitrator, or, in the Alternative to Disqualify Arbitrator Pursuant to Chapter 38 of the Nevada Revised Statutes

Denied;

Journal Entry Details:

The Court having reviewed the Motion to Recuse Arbitrator Bailey, or Alternatively to Disqualify, and the related briefing, and being fully informed, COURT ORDERED, the Motion is DENIED. The facts raised by movant as to the previous co-employment are not the type of facts which would justify disqualification. In addition, the Arbitrator serving on multiple cases for Plaintiff's counsel is also not a basis for disqualification. Counsel for Plaintiff is directed to submit a Proposed Order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further Order of the Court to make such disposition effective as an Order or Judgment. Mr. Flangas to be notified by way of minute order to prepare the order and notify appropriate parties. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Gus W. Flangas, Flangas McMillan Law Group). ;

02/27/2013

 **Status Check: Status of Case (9:30 AM)** (Judicial Officer: Allf, Nancy)

Matter Continued;


Journal Entry Details:

Colloquy regarding the status report being marked as confidential. Mr. Price stated the order was unclear whether or not the status report should be marked as confidential. Mr. Price further stated that the report was not filed or served but he would do so. Colloquy regarding arbitration proceedings before John Bailey and approaching discovery deadlines. COURT ORDERED, status check CONTINUED SIX (6) MONTHS. CONTINUED TO.....8/28/2013 9:30 AM ;

CASE SUMMARY

CASE NO. 07A546250

08/23/2013

 **Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)


Minute Order: Status Check set for 8/28/2013

Minute Order - No Hearing Held; Minute Order: Status Check set for 8/28/2013

Journal Entry Details:

COURT FINDS after review a Status Check on the status of this case was set for MOTION CALENDAR on February 27, 2013 at 9.30 a.m. and continued to August 28, 2013 at 9.30 a.m. COURT FURTHER FINDS after review the parties are presently in arbitration and the Defendant filed a Motion to Confirm the Arbitration Award on August 20, 2013. COURT FURTHER FINDS after review a Hearing on the Motion to Confirm the Arbitration Award is scheduled on September 25, 2013 at 9.30 a.m. COURT ORDERS for good cause appearing the Status Check on August 28, 2013 at 9.30 a.m. VACATED. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of: Gus W. Flangas, Esq. (382-9452) and R. Christopher Reade, Esq. (794-4421).;

10/16/2013

 **Motion to Confirm Arbitration Award (9:30 AM)** (Judicial Officer: Allf, Nancy)

Motion to Confirm Arbitration Award for Attorney's Fees and Costs


MINUTES

Granted in Part;

Journal Entry Details:


Arguments by counsel regarding the arbitration award for attorney's fees and costs, whether or not award was in lieu of striking the pleadings, NRS 38.239, arguments in supplement filed by defense counsel, and further arguments. Mr. Flangas moved to strike the supplement as a fugitive document. Court stated its findings and ORDERED, Motion to Confirm Arbitration Award for Attorney Fees and Costs GRANTED IN PART as to confirmation of the award and DENIED IN PART as Court FINDS it is interlocutory and not enforceable at this time, STATUS CHECK set 3/5/2014 9:00 am. Court stated that if the arbitration is not complete in February and it hears complaints regarding dilatory tactics on behalf of the Defendant it will enforce the order. 3/5/2014 9:00 AM STATUS CHECK: ARBITRATION PROCEEDINGS ;

SCHEDULED HEARINGS

 **Status Check (03/05/2014 at 9:00 AM)** (Judicial Officer: Allf, Nancy)

Status Check: Arbitration proceedings

03/05/2014

 **Status Check (9:00 AM)** (Judicial Officer: Allf, Nancy)

Status Check: Arbitration proceedings


Matter Continued;

See Minute Order of 5/5/14

Journal Entry Details:

Mr. Shafer stated Mr. Flangas contacted him and is not able to appear. Court noted he also contacted chambers. Mr. Shafer stated the arbitration date was continued, parties have engaged in significant motion practice, and he has been pushing for a new arbitration date but on has not been set. Colloquy regarding Court's previous ruling that it would enforce the arbitration award of attorney fees if arbitration was did not occur and Mr. Shafer's attempts to compel discovery and set a new arbitration date. COURT ORDERED, status check SET in sixty days, if case does not move forward then Court will it for a show cause hearing for dismissal CONTINUED TO.....5/7/2014 9:30 AM ;

05/05/2014

 **Minute Order (2:53 PM)** (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

MINUTE ORDER - NO HEARING COURT FINDS after review a Status Check on Arbitration was set for MOTION CALENDAR on May 7, 2014 at 9.00 a.m. COURT FURTHER FINDS after review the Court Granted a motion to Confirm Arbitration Award for Attorney Fees on October 16, 2013 however the Award would not be enforceable until arbitration was complete. At a status check on arbitration on March 5, 2014 the Court found that the parties had not yet set an arbitration date and ordered the status check continued 60 days. If the case did not move forward in the next 60 days the Court would set a Show Cause Hearing for dismissal. COURT FURTHER FINDS after review

CASE SUMMARY

CASE NO. 07A546250

Defendant filed a Motion to Dismiss Claims against Milt's Eagle, Private Jet Services and Stuart Warren pursuant to NRCP 41(e) on April 18, 2014 and the Motion is set for Hearing on MOTION CALENDAR on May 21, 2014 at 10.00 a.m. COURT ORDERS for good cause appearing Status Check on arbitration VACATED. CLERK'S NOTE: A copy of this minute order has been distributed to the following: Gus W. Flangas (Flangas & McMillan) FAX: 702-382-9452 Jay A. Shafer or Robert C. Reade (Premier Legal Group) Email: jshafer@premierlegallgroup.com ;

05/21/2014

Motion to Dismiss (10:00 AM) (Judicial Officer: Allf, Nancy)

Motion To Dismiss Claims Against Milt's Eagle, Private Jet Services, And Stuart Warren Pursuant To NRCP 41(E)

Referred;

Journal Entry Details:

Arguments by Mr. Shafer regarding it being past the five year rule, the waiver of the five year rule not being stipulated to by Defendants Private Jet Services Inc., Stuart M. Warren and Milt's Eagle LLC, dismissal being appropriate to those three defendants, and waiver needing to be explicit. Mr. Shafer stated he has never represented Defendant Warren and some of the other parties. Colloquy between Mr. Shafer and Court regarding stipulation and parties Mr. Shafer represented at the time. Mr. Shafer stated he could provide additional briefing on the issue. Arguments by Ms. Alanis regarding the stipulation to arbitration by the parties, case having been in arbitration since 2008, there being discovery done and dispositive motion deadlines, opinion that this motion should be before the arbitrator, and request for attorney's fees for having to defend against the motion. Ms. Alanis requested more time to provide supplemental briefing if the Court was inclined to rule on the motion. Further arguments made by counsel. COURT ORDERED, Motion to Dismiss Claims Against Milt's Eagle, Private Jet Services, and Stuart Warren Pursuant to NRCP 41(E) REFERRED to the arbitrator on the case, parties DIRECTED to provide addition briefing on both sides including the scope of the representation of defense counsel at the time the stipulation was made on the record. Upon inquiry by Mr. Shafer, Court stated it did intend to adopt the ruling of the arbitrator.;

11/20/2014

Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: Arbitration/Status Check

Minute Order - No Hearing Held; Minute Order: Arbitration/Status Check

Journal Entry Details:

COURT FINDS after review that on May 21, 2014, the parties came before the Court on a Motion to Dismiss. COURT FURTHER FINDS after review that the Court referred the Motion to Dismiss to the Arbitrator. COURT FURTHER FINDS after review that counsel for the parties advised the law clerk that, as of November 20, 2014, the arbitration proceedings were ongoing and scheduled to conclude in December 2014. COURT ORDERS for good cause appearing and after review of the file a STATUS CHECK is scheduled for CHAMBERS CALENDAR on January 20, 2015; the parties are to each submit a status update on the arbitration proceedings to the Court prior to that date. 1/20/2015 (CHAMBERS) STATUS CHECK: ARBITRATION/STATUS OF CASE CLERK'S NOTE: A copy of this minute order was faxed to: Gus W. Flangas, Esq. (702-382-9452) and emailed to: Jay A. Shafer, Esq. (jshafer@premierlegallgroup.com) ;

01/20/2015

Status Check (3:00 AM) (Judicial Officer: Allf, Nancy)

01/20/2015, 02/24/2015

Status Check: Arbitration/Status of Case

Matter Continued;

Vacate;

Journal Entry Details:

COURT FINDS after review that on May 21, 2014, the parties came before the Court on a Motion to Dismiss. COURT FURTHER FINDS after review that the Court referred the Motion to Dismiss to the Arbitrator. COURT FURTHER FINDS after review that counsel for the parties advised the law clerk that the arbitration had concluded on December 15, 2014 and as of the January 20, 2015 status check, they were still awaiting the decision. COURT FURTHER FINDS after review the status check was continued to February 25, 2015. COURT FURTHER FINDS after review Plaintiffs filed a Motion to Confirm Arbitration Award on February 23, 2015, with a hearing set for March 26, 2015. COURT ORDERS for good cause appearing and after review of the file a STATUS CHECK scheduled for CHAMBERS CALENDAR February 24, 2015 is VACATED. CLERK'S

CASE SUMMARY

CASE NO. 07A546250

NOTE: A copy of this minute order was faxed to: Gus W. Flangas, Esq. (702-382-9452) and emailed to: Jay A. Shafer, Esq. (jshafer@premierlegalgroup.com);

Matter Continued;

Vacate;

Journal Entry Details:

COURT FINDS after review that on May 21, 2014, the parties came before the Court on a Motion to Dismiss. COURT FURTHER FINDS after review that the Court referred the Motion to Dismiss to the Arbitrator. COURT FURTHER FINDS after review that counsel for the parties advised the law clerk that the arbitration had concluded on December 15, 2014 and as of the January 20, 2015 status check, they were still awaiting the decision. COURT ORDERS for good cause appearing and after review of the file a STATUS CHECK scheduled for CHAMBERS CALENDAR on January 20, 2015 CONTINUED to February 24, 2015; the parties are to each submit a status update on the arbitration proceedings to the Court by February 20, 2015. CONTINUED TO.....2/24/2015 (CHAMBERS) CLERK'S NOTE: A copy of this minute order was faxed to: Gus W. Flangas, Esq. (702-382-9452) and emailed to: Jay A. Shafer, Esq. (jshafer@premierlegalgroup.com);

04/29/2015



Motion to Confirm Arbitration Award (9:30 AM) (Judicial Officer: Allf, Nancy)

Plaintiff's Motion to Confirm Arbitration Award

MINUTES

Granted;

Journal Entry Details:

Mark c. Field, Esq. present telephonically. Arguments by Mr. Flangas regarding confirmation of the arbitration award and his request that the Court sanction Mr. Fields. Mr. Flangas stated he received a notice of motion to set aside arbitration award. Further arguments by Mr. Fields and Mr. Flangas. Court stated its findings and ORDERED, Plaintiff's Motion to Confirm Arbitration Award, GRANTED, request for additional attorney fees deferred until after the pending hearings. Colloquy regarding resetting of Defendants' And Counterclaimants' Motion To Modify Or Correct Arbitration Award and Defendants' And Counterclaimants' Motion To Vacate Arbitration Award to mutually agreed date. COURT ORDERED, motions CONTINUED from June 10, 2015 to June 15, 2015 10:00 am. Court directed parties to include the rescheduled dates in its order. Mr. Shafer stated that granting of the motion to confirm arbitration award may be premature given the pending motion. COURT ORDERED, matter SET for status check to preserve issues addressed by Mr. Shafer. Mr. Flangas requested Court order that Mr. Fields be present at the next hearing. COURT ORDERED, request DENIED, Court allows everyone to make a telephonic appearance. 6/15/2015 10:00 AM STATUS CHECK: ADDITIONAL ATTORNEY FEES...STATUS CHECK: PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD...DEFENDANTS' AND COUNTERCLAIMANTS' MOTION TO MODIFY OR CORRECT ARBITRATION AWARD...DEFENDANTS' AND COUNTERCLAIMANTS' MOTIN TO VACATE ARBITRATION AWARD;

SCHEDULED HEARINGS

Status Check (06/15/2015 at 10:00 AM) (Judicial Officer: Allf, Nancy)

Status Check: Additional Attorney Fees

Status Check (06/15/2015 at 10:00 AM) (Judicial Officer: Allf, Nancy)

Status Check: Plaintiff's Motion to Confirm Arbitration Award

06/15/2015

Motion to Vacate (10:00 AM) (Judicial Officer: Allf, Nancy)

Defendants' And Counterclaimants' Motion To Vacate Arbitration Award

Denied;

06/15/2015

Motion (10:00 AM) (Judicial Officer: Allf, Nancy)

Defendants' And Counterclaimants' Motion To Modify Or Correct Arbitration Award

Denied;

06/15/2015

Status Check (10:00 AM) (Judicial Officer: Allf, Nancy)

Status Check: Additional Attorney Fees

Off Calendar;

06/15/2015

Status Check (10:00 AM) (Judicial Officer: Allf, Nancy)

Status Check: Plaintiff's Motion to Confirm Arbitration Award

CASE SUMMARY

CASE NO. 07A546250

Off Calendar;

06/15/2015



All Pending Motions (10:00 AM) (Judicial Officer: Allf, Nancy)

Matter Heard;

Journal Entry Details:

DEFENDANTS' AND COUNTERCLAIMANTS' MOTION TO VACATE ARBITRATION AWARD.....DEFENDANTS' AND COUNTERCLAIMANTS' MOTION TO MODIFY OR CORRECT ARBITRATION AWARD.....STATUS CHECK: ADDITIONAL ATTORNEY FEES.....STATUS CHECK: PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD Greg Woods present for Cirrus Aviation Services, Inc. Mark Fields present on Court Call. Argument by Mr. Fields that there were no disclosures as confirmed by the Arbitrator; thereafter, disclosures were given and Mr. Flangas refused to agree on a new Arbitrator and there was a motion to recuse Arbitrator Bailey which was denied three years ago. He stated there were discovery failures, he addressed fiduciary duties and he requested under NRS 38.241 to vacate the award then the motion to modify or correct Arbitration Award becomes moot. He advised there is no basis for the amount of the award and he believed it's very arbitrary and capricious. He asked to return it to the Arbitrator based on lack of the evidence on the Arbitrator's findings. Opposition by Mr. Flangas that this is a dilatory tactic and dislike of Bailey's decision. He stated counsel wanted to know how he arrived at his decision and he addressed Bailey being the Arbitrator. He addressed Bailey's employment history and how he was selected and how Bailey was a litigant. Mr. Flangas reviewed the litigation before Judge Gonzalez in 2012 and Defendant Penley committed perjury before the Judge and reviewed prior hearings; therefore, he believed Penley's affidavit should not be considered. Further arguments by Mr. Flangas on the other reasons not to vacate the award and he addressed Bailey's order and the \$80,000 sanction related to discovery abuses. He noted there is no transcript of the Arbitration and as to the second motion to modify or correct Arbitration Award this same motion was brought before Bailey and cited case law. He stated they want this Court's decision to substitute over Bailey's decision. He asked for an award of attorney's fees and sanctions and he believed there should be a sanction personally on counsel as there is no relief Mr. Fields is seeking. Reply by Mr. Fields on procedural mistakes, the Arbitrator's opinion and on the motion to vacate which he believed is timely. He further believed the award is arbitrary and capricious. Court stated her findings, and ORDERED, Defendants' and Counterclaimants' motion to Vacate Arbitration Award is DENIED pursuant to NRS 38.241 and motion to Modify or Correct Arbitration Award is DENIED as the burden has not been met. Mr. Flangas to prepare the order and send to Mr. Fields for review as to form only. Mr. Flangas advised he wanted a ruling on sanctions for attorney's fees on these motions. Court asked counsel to file a separate motion for consideration of attorney's fees. COURT ORDERED, Status Check for additional Attorney's Fees and Status Check for Plaintiff's motion to Confirm Arbitration Award OFF CALENDAR pending filing of motion by Mr. Flangas for attorney's fees. ;

08/20/2015



Telephonic Conference (2:30 PM) (Judicial Officer: Allf, Nancy)

Telephonic Conference: Competing Orders

Matter Heard;

Journal Entry Details:

Counsel present telephonically. Arguments by counsel regarding competing orders offered by counsel. Colloquy between Court and Mr. Fields as to the changes he is requesting to the order. Court stated it would consider both arguments, enter something today and have it faxed to parties tomorrow.;

04/07/2016



Motion (9:30 AM) (Judicial Officer: Allf, Nancy)

Plaintiff's Motion to Enter Costs on Margin of Judgment

Granted in Part;

Journal Entry Details:

Arguments by counsel regarding the merits of and opposition to motion. Court stated its findings and ORDERED, Plaintiff's Motion to Enter Costs on Margin of Judgment GRANTED IN PART, DENIED IN PART, Court will allow the court filing fees of \$553.50.;

05/25/2016



Motion for Entry of Judgment (9:30 AM) (Judicial Officer: Allf, Nancy)

Application for Entry of Judgment on Garnishee Interrogatories Pursuant to NRS 31.330; Points and Authorities

CASE SUMMARY

CASE NO. 07A546250

Granted;

Journal Entry Details:

Mr. Sutehall stated they have submitted a brief response, he would just reserve the right to go back and seek relief on the judgment if it's deemed it was entered based on one of the criteria in rule 60, however, there is no objection to the motion given as they do not have sufficient facts to oppose the statements in the writ and interrogatory responses. Mr. Reade stated Plaintiff can reserve whatever rights they like and it can be disputed at the time it becomes relevant. COURT ORDERED, Application for Entry of Judgment on Garnishee Interrogatories Pursuant to NRS 31.330 GRANTED, realizing that they can serve subsequent garnishments and subject to Plaintiff's reservations. Colloquy regarding effective date of garnishment. Court stated the date of the garnishment is only effective as of the date of the garnishment. Judgment provided IN OPEN COURT.;

08/24/2021



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

Department 27 Information to Appear Telephonically Re: Matter set on August 25, 2021, 9:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/24/2021. ;

08/25/2021



Motion (9:00 AM) (Judicial Officer: Allf, Nancy)

[155] Defendant Motion to Remove Judgment Filling Against Homestead Property

Granted in Part;

Journal Entry Details:

All appearances made via the BlueJeans Videoconferencing Application. Arguments by Mr. Penley and Mr. Sutehall in support of and in opposition to the motion. COURT ORDERED, Defendant Motion to Remove Judgment Filling Against Homestead Property GRANTED IN PART, DENIED IN PART; Mr. Penley has the right to sell his house, that any proceeds would be held in escrow to see if Mr. Penley can satisfy the statute, and Court will prepare the order.;

12/08/2021



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order: BlueJeans Information

Minute Order - No Hearing Held; Minute Order: BlueJeans Information

Journal Entry Details:

CASE SUMMARY

CASE NO. 07A546250

Department 27 Information to Appear Telephonically Re: Matter set on December 9, 2021
 Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/8/2021. ;

12/08/2021

**Minute Order (3:00 AM)** (Judicial Officer: Allf, Nancy)

Minute Order: Defendant Alex Penly's Motion to Reconsideration

Minute Order - No Hearing Held; Minute Order: Defendant Alex Penly's Motion to Reconsideration

Journal Entry Details:

COURT FINDS after review that on October 21, 2021, Defendant Alex Penley's Motion to Reconsideration (Motion for Reconsideration) was filed. COURT FURTHER FINDS after review EDCR 2.24(a) provides in relevant part: A party seeking reconsideration of a ruling of the court must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order. COURT FURTHER FINDS after review that a Motion for Reconsideration is scheduled for December 9, 2021, at 10 a.m. on Motion Calendar. COURT FURTHER FINDS after review that Defendant's Motion is untimely because it was not filed within 14 days after service of the Notice of Entry of Order entered on September 1, 2021, and was instead filed 50 days after on October 21, 2021. THEREFORE COURT ORDERS for good cause appearing and after review that the Motion for Reconsideration is hereby DENIED and the matter scheduled on December 9, 2021, at 10 a.m. on Motion Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/8/2021.;

12/09/2021

CANCELED Motion For Reconsideration (10:00 AM) (Judicial Officer: Allf, Nancy)

Vacated

Defendant Alex Penly's Motion to Reconsideration

03/17/2022

Motion to Strike (9:30 AM) (Judicial Officer: Allf, Nancy)

Defendant Motion to Strike Affidavit(s) of Renewal of Judgment and Untimely Reply in Support of Affidavit

Motion Denied;

DATE

FINANCIAL INFORMATION

Conversion Extended Connection Type No Convert Value @ 07A546250

Total Charges

339.00

CASE SUMMARY

CASE NO. 07A546250

Total Payments and Credits	339.00
Balance Due as of 5/12/2022	0.00
Defendant Eagle Jet Aviation Inc	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 5/12/2022	0.00
Counter Claimant Penley, Alex	
Total Charges	24.00
Total Payments and Credits	24.00
Balance Due as of 5/12/2022	0.00
Counter Defendant Woods, Milton J	
Total Charges	145.00
Total Payments and Credits	145.00
Balance Due as of 5/12/2022	0.00
Defendant Eagle Jet Aviation Inc	
Appeal Bond Balance as of 5/12/2022	500.00

CIVIL COVER SHEET

Clark County, Nevada

Case No. **A 946 250**

(Assigned by Clerk's Office)

XX11

I. Party Information

Plaintiff(s) (name/address/phone): MILTON J. WOODS, and CIRRUS AVIATION SERVICES, INC. a Washington Corporation

(name/address/phone):

Gus W. Flangas, Esq.
Flangas McMillan Law Group
3275 S. Jones, #105 - Las Vegas NV 89146 (702) 307-9500

Defendant(s) (name/address/phone): EAGLE JET AVIATION, INC., a Nevada Corporation; ALEX PENLY, and STUART M. WARREN; PRIVATE JET SERVICES, INC., a Nevada Corporation; MILT'S EAGLE, LLC, a Nevada Limited Liability Company; and DOES I-X, inclusive

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases****Real Property**

- ☐ **Landlord/Tenant**
- ☐ Unlawful Detainer
- ☐ **Title to Property**
- ☐ Foreclosure
- ☐ Liens
- ☐ Quiet Title
- ☐ Specific Performance
- ☐ **Condemnation/Eminent Domain**
- ☐ **Other Real Property**
- ☐ Partition
- ☐ Planning/Zoning

Torts

- ☐ **Negligence**
- ☐ Negligence – Auto
- ☐ Negligence – Medical/Dental
- ☐ Negligence – Premises Liability (Slip/Fall)
- ☐ Negligence – Other
- ☐ **Product Liability**
- ☐ Product Liability/Motor Vehicle
- ☐ Other Torts/Product Liability
- ☐ **Intentional Misconduct**
- ☐ Torts/Defamation (Libel/Slander)
- ☐ Interfere with Contract Rights
- ☐ **Employment Torts** (Wrongful termination)
- ☐ **Other Torts**
- ☐ Anti-trust
- ☐ Fraud/Misrepresentation
- ☐ Insurance
- ☐ Legal Tort
- ☐ Unfair Competition

Probate

- ☐ **Summary Administration**
- ☐ **General Administration**
- ☐ **Special Administration**
- ☐ **Set Aside Estates**
- ☐ **Trust/Conservatorships**
- ☐ Individual Trustee
- ☐ Corporate Trustee
- ☐ **Other Probate**

Other Civil Filing Types

- ☐ **Construction Defect**
- ☐ Chapter 40
- ☐ General
- ☐ **Breach of Contract**
- ☐ Building & Construction
- ☐ Insurance Carrier
- ☐ Commercial Instrument
- ☐ Other Contracts/Acct/Judgment
- ☐ Collection of Actions
- ☐ Employment Contract
- ☐ Guarantee
- ☐ Sale Contract
- ☐ Uniform Commercial Code
- ☐ **Civil Petition for Judicial Review**
- ☐ Other Administrative Law
- ☐ Department of Motor Vehicles
- ☐ Worker's Compensation Appeal
- ☐ **Appeal from Lower Court** (also check applicable civil case box)
- ☐ Transfer from Justice Court
- ☐ Justice Court Civil Appeal
- ☐ **Civil Writ**
- ☐ Other Special Proceeding
- ☐ **Other Civil Filing**
- ☐ Compromise of Minor's Claim
- ☐ Conversion of Property
- ☐ Damage to Property
- ☐ Employment Security
- ☐ Enforcement of Judgment
- ☐ Foreign Judgment – Civil
- ☐ Other Personal Property
- ☐ Recovery of Property
- ☐ Stockholder Suit
- ☒ Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- ☒ NRS Chapters 78-88
- ☐ Investments (NRS 104 Art. 8)
- ☐ Enhanced Case Mgmt/Business
- ☐ Commodities (NRS 90)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Other Business Court Matters
- ☐ Securities (NRS 90)
- ☐ Trademarks (NRS 600A)

Date

Signature of initiating party or representative

1 **ODM**
MARK J. CONNOT (10010)
2 **FOX ROTHSCHILD LLP**
1980 Festival Plaza Drive, Suite 700
3 Las Vegas, Nevada 89135
(702) 262-6899 tel
4 (702) 597-5503 fax
mconnot@foxrothschild.com
5 *Attorneys for Plaintiffs*

6
7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
Corporation; ALEX PENLY; STUART M.
15 WARREN; PRIVATE JET SERVICES, INC.,
a Nevada Corporation; MILT'S EAGLE,
16 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

17 Defendants.
18

Case No. 07A546250
Dept. No. 27

**ORDER DENYING DEFENDANT ALEX
PENLY'S MOTION TO STRIKE
PLAINTIFF AFFIDAVITS OF RENEWAL
OF JUDGMENT AND UNTIMELY
REPLY IN SUPPORT OF AFFIDAVIT**

19 This matter came on for hearing on March 17, 2022 at 9:30 a.m., before the above-entitled
20 Court via BlueJeans Video Conferencing System. Mark J. Connot, of the law firm Fox Rothschild
21 LLP, appeared on behalf of Plaintiffs Milton J. Woods and Cirrus Aviation Services, Inc., and
22 Joshua L. Benson, of the law firm Benson Allred Injury Law, appeared on behalf of Defendant
23 Alex Penly.

24 The Court having considered the papers and pleadings on file herein and argument of
25 counsel, and good cause appearing hereby orders as follows:

26 //

27 //

28 //

1 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike Plaintiff Affidavits of
2 Renewal of Judgment and Untimely Reply in Support of Affidavit is **DENIED**.

3 **IT IS SO ORDERED.**

4
5 April 11, 2022

Dated this 11th day of April, 2022

Nancy L Alf

MA

7 Submitted by:

8 **FOX ROTHSCHILD LLP**

8F8 C66 5C36 1263
Nancy Alf
District Court Judge

9
10 /s/ Mark J. Connot
11 MARK J. CONNOT (10010)
12 1980 Festival Plaza Drive, Suite 700
13 Las Vegas, Nevada 89135
14 (702) 262-6899 tel
(702) 597-5503 fax
mconnot@foxrothschild.com
Attorneys for Plaintiffs

15 Approved as to Form and Content:

16 **BENSON ALLRED INJURY LAW**

17
18 /s/ Joshua L. Benson
19 JOSHUA L. BENSON (10514)
20 6250 N. Durango Drive
21 Las Vegas, Nevada 89149
(702) 820-0000 tel
(702) 820-1111 fax
josh@bensonallred.com

From: [Joshua Benson](#)
To: [Connot, Mark J.](#); [Loffredo, Doreen](#)
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Date: April 11, 2022 11:13:40 AM

You may use my electronic signature.

Josh

From: Connot, Mark J. <MConnot@foxrothschild.com>
Sent: Monday, April 11, 2022 11:04 AM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>; Joshua Benson <josh@bensonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

Joshua,

Please advise.

Mark

Mark Connot
Partner
Fox Rothschild LLP
One Summerlin
1980 Festival Plaza Drive, Suite 700
Las Vegas, NV 89135
(702) 699-5924 - direct
(702) 308-1912 - cell
MConnot@foxrothschild.com
www.foxrothschild.com

From: Loffredo, Doreen <dloffredo@foxrothschild.com>
Sent: April 7, 2022 4:31 PM
To: Joshua Benson <josh@bensonallred.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Doreen

Doreen Loffredo
Client Service Specialist
Fox Rothschild LLP
(702) 699-5159 - direct
dloffredo@foxrothschild.com

From: Joshua Benson <josh@benisonallred.com>
Sent: April 7, 2022 4:04 PM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Mark—

Resend it to me for my review.

Josh

From: White, Terrance <Dept27LC@clarkcountycourts.us>
Sent: Thursday, April 7, 2022 3:44 PM
To: 'Loffredo, Doreen' <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>; Joshua Benson <josh@benisonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order, hearing transcript/video, and the objection/redlining of the Order for the Court's consideration.



Terrance White JD, MBA, LLM
Law Clerk
to the Honorable Nancy L. Allf
Eighth Judicial District Court | Department 27
Regional Justice Center Courtroom 16A
Phone: (702) 671-0884
Email: Dept27LC@clarkcountycourts.us

From: Loffredo, Doreen [<mailto:dloffredo@foxrothschild.com>]
Sent: Thursday, March 24, 2022 3:47 PM
To: White, Terrance
Cc: Connot, Mark J.; josh@benisonallred.com; Loffredo, Doreen
Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good afternoon,

Attached is a copy of a proposed Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit in both word and pdf format. Prior to submitting the Order to the Department for signature, Mark Connot,

R0559

attorney for Plaintiffs, made several attempts to obtain review and approval from Joshua Benson, Mr. Penly's attorney. However, no response has been received. See attached emails.

Thank you.

Doreen

Doreen Loffredo

Client Service Specialist

Fox Rothschild LLP

(702) 699-5159 - direct

dloffredo@foxrothschild.com

From: NoReply@clarkcountycourts.us <NoReply@clarkcountycourts.us>

Sent: March 24, 2022 3:16 PM

To: Loffredo, Doreen <dloffredo@foxrothschild.com>

Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned

07A546250 - ODM - Milton J. Woods and Cirrus Aviation Services, Inc. v. Eagle Jet Aviation, Inc., et al.

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order and the objection/redlining of the Order for the Court's consideration

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

R0560

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Milton Woods, Cirrus Aviation
7 Services Inc

CASE NO: 07A546250

8 vs

DEPT. NO. Department 27

9 Eagle Jet Aviation Inc, Alex
10 Penley, et al

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/11/2022

16 Kevin Sutehall ksutehall@foxrothschild.com

17 Christopher Reade . ccreate@premierlegalgroup.com

18 Gus W. Flangas . gwf@fdlawlv.com

19 Jacque Magee . jmagee@foxrothschild.com

20 Jay A. Shafer . jshafer@premierlegalgroup.com

21 Kevin Sutehall . ksutehall@foxrothschild.com

22 Mark C. Fields . fields@markfieldslaw.com

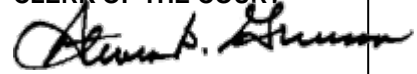
23 Mark Connot . mconnot@foxrothschild.com

24 Michelle Choto . MChoto@enensteinlaw.com

25 Monica Metoyer . mmetoyer@foxrothschild.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert A. Rabbat .	RRabbat@enensteinlaw.com
Alex Penly	alexpenly@msn.com
Mark Connot	mconnot@foxrothschild.com
Doreen Loffredo	dloffredo@foxrothschild.com



1 **NEOJ**
MARK J. CONNOT (10010)
2 **FOX ROTHSCHILD LLP**
1980 Festival Plaza Drive, Suite 700
3 Las Vegas, Nevada 89135
(702) 262-6899 tel
4 (702) 597-5503 fax
mconnot@foxrothschild.com
5 *Attorneys for Plaintiffs*

6
7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
Corporation; ALEX PENLY; STUART M.
15 WARREN; PRIVATE JET SERVICES, INC.,
a Nevada Corporation; MILT'S EAGLE,
16 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

17 Defendants.
18

Case No. 07A546250
Dept. No. 27

NOTICE OF ENTRY OF ORDER

19 **PLEASE TAKE NOTICE** that on April 11, 2022, the Court in the above-entitled action
20 entered an Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal
21 of Judgment and Untimely Reply in Support of Affidavit, a copy of which is attached hereto.

22 DATED this 11th day of April, 2022.

23 **FOX ROTHSCHILD LLP**

24 /s/ Mark J. Connot
25 MARK J. CONNOT (10010)
1980 Festival Plaza Drive, Suite 700
26 Las Vegas, Nevada 89135
(702) 262-6899 tel
27 (702) 597-5503 fax
mconnot@foxrothschild.com
28 *Attorneys for Plaintiffs*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Fox Rothschild LLP, and that on the 11th day of April, 2022, a copy of the foregoing **NOTICE OF ENTRY OF ORDER** was served via the Court's E-File and Serve system to those individuals listed on the Court's master e-service list.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

1 **ODM**
MARK J. CONNOT (10010)
2 **FOX ROTHSCHILD LLP**
1980 Festival Plaza Drive, Suite 700
3 Las Vegas, Nevada 89135
(702) 262-6899 tel
4 (702) 597-5503 fax
mconnot@foxrothschild.com
5 *Attorneys for Plaintiffs*

6
7
8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 MILTON J. WOODS and CIRRUS
11 AVIATION SERVICES, INC., a Washington
Corporation,

12 Plaintiffs,

13 v.

14 EAGLE JET AVIATION, INC., a Nevada
Corporation; ALEX PENLY; STUART M.
15 WARREN; PRIVATE JET SERVICES, INC.,
a Nevada Corporation; MILT'S EAGLE,
16 LLC, a Nevada Limited Liability Company;
and Does I-X, inclusive,

17 Defendants.
18

Case No. 07A546250
Dept. No. 27

**ORDER DENYING DEFENDANT ALEX
PENLY'S MOTION TO STRIKE
PLAINTIFF AFFIDAVITS OF RENEWAL
OF JUDGMENT AND UNTIMELY
REPLY IN SUPPORT OF AFFIDAVIT**

19 This matter came on for hearing on March 17, 2022 at 9:30 a.m., before the above-entitled
20 Court via BlueJeans Video Conferencing System. Mark J. Connot, of the law firm Fox Rothschild
21 LLP, appeared on behalf of Plaintiffs Milton J. Woods and Cirrus Aviation Services, Inc., and
22 Joshua L. Benson, of the law firm Benson Allred Injury Law, appeared on behalf of Defendant
23 Alex Penly.

24 The Court having considered the papers and pleadings on file herein and argument of
25 counsel, and good cause appearing hereby orders as follows:

26 //

27 //

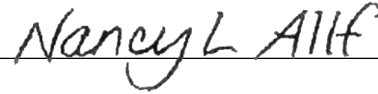
28 //

1 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike Plaintiff Affidavits of
2 Renewal of Judgment and Untimely Reply in Support of Affidavit is **DENIED**.

3 **IT IS SO ORDERED.**

4
5 April 11, 2022

Dated this 11th day of April, 2022



MA

7 Submitted by:

8 **FOX ROTHSCHILD LLP**

8F8 C66 5C36 1263
Nancy Alf
District Court Judge

9
10 /s/ Mark J. Connot
11 MARK J. CONNOT (10010)
12 1980 Festival Plaza Drive, Suite 700
13 Las Vegas, Nevada 89135
14 (702) 262-6899 tel
15 (702) 597-5503 fax
16 mconnot@foxrothschild.com
17 Attorneys for Plaintiffs

18 Approved as to Form and Content:

19 **BENSON ALLRED INJURY LAW**

20 /s/ Joshua L. Benson
21 JOSHUA L. BENSON (10514)
22 6250 N. Durango Drive
23 Las Vegas, Nevada 89149
24 (702) 820-0000 tel
25 (702) 820-1111 fax
26 josh@bensonallred.com

From: [Joshua Benson](#)
To: [Connot, Mark J.](#); [Loffredo, Doreen](#)
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Date: April 11, 2022 11:13:40 AM

You may use my electronic signature.

Josh

From: Connot, Mark J. <MConnot@foxrothschild.com>
Sent: Monday, April 11, 2022 11:04 AM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>; Joshua Benson <josh@bensonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

Joshua,

Please advise.

Mark

Mark Connot
Partner
Fox Rothschild LLP
One Summerlin
1980 Festival Plaza Drive, Suite 700
Las Vegas, NV 89135
(702) 699-5924 - direct
(702) 308-1912 - cell
MConnot@foxrothschild.com
www.foxrothschild.com

From: Loffredo, Doreen <dloffredo@foxrothschild.com>
Sent: April 7, 2022 4:31 PM
To: Joshua Benson <josh@bensonallred.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Doreen

Doreen Loffredo
Client Service Specialist
Fox Rothschild LLP
(702) 699-5159 - direct
dloffredo@foxrothschild.com

From: Joshua Benson <josh@benisonallred.com>
Sent: April 7, 2022 4:04 PM
To: Loffredo, Doreen <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

Mark—

Resend it to me for my review.

Josh

From: White, Terrance <Dept27LC@clarkcountycourts.us>
Sent: Thursday, April 7, 2022 3:44 PM
To: 'Loffredo, Doreen' <dloffredo@foxrothschild.com>
Cc: Connot, Mark J. <MConnot@foxrothschild.com>; Joshua Benson <josh@benisonallred.com>
Subject: RE: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO
Importance: High

All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order, hearing transcript/video, and the objection/redlining of the Order for the Court's consideration.



Terrance White JD, MBA, LLM
Law Clerk
to the Honorable Nancy L. Allf
Eighth Judicial District Court | Department 27
Regional Justice Center Courtroom 16A
Phone: (702) 671-0884
Email: Dept27LC@clarkcountycourts.us

From: Loffredo, Doreen [<mailto:dloffredo@foxrothschild.com>]
Sent: Thursday, March 24, 2022 3:47 PM
To: White, Terrance
Cc: Connot, Mark J.; josh@benisonallred.com; Loffredo, Doreen
Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned - CO

[NOTICE: This message originated outside of Eighth Judicial District Court -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Good afternoon,

Attached is a copy of a proposed Order Denying Defendant Alex Penly's Motion to Strike Plaintiff Affidavits of Renewal of Judgment and Untimely Reply in Support of Affidavit in both word and pdf format. Prior to submitting the Order to the Department for signature, Mark Connot,

R0568

attorney for Plaintiffs, made several attempts to obtain review and approval from Joshua Benson, Mr. Penly's attorney. However, no response has been received. See attached emails.

Thank you.

Doreen

Doreen Loffredo

Client Service Specialist

Fox Rothschild LLP

(702) 699-5159 - direct

dloffredo@foxrothschild.com

From: NoReply@clarkcountycourts.us <NoReply@clarkcountycourts.us>

Sent: March 24, 2022 3:16 PM

To: Loffredo, Doreen <dloffredo@foxrothschild.com>

Subject: [EXT] Eighth Judicial District Court - Proposed Order Returned

07A546250 - ODM - Milton J. Woods and Cirrus Aviation Services, Inc. v. Eagle Jet Aviation, Inc., et al.

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): All Parties must sign and approve the Order. If Parties object to the Order, they can file an Objection on the record or redlining the Proposed Order. Please email the law clerk at Dept27LC@clarkcountycourts.us to inform them this is a CO. Also, include a word version of the Order and the objection/redlining of the Order for the Court's consideration

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Milton Woods, Cirrus Aviation
7 Services Inc

CASE NO: 07A546250

8 vs

DEPT. NO. Department 27

9 Eagle Jet Aviation Inc, Alex
10 Penley, et al

11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/11/2022

16 Kevin Sutehall

ksutehall@foxrothschild.com

17 Christopher Reade .

creade@premierlegalgroup.com

18 Gus W. Flangas .

gwf@fdlawlv.com

19 Jacque Magee .

jmagee@foxrothschild.com

20 Jay A. Shafer .

jshafer@premierlegalgroup.com

21 Kevin Sutehall .

ksutehall@foxrothschild.com

22 Mark C. Fields .

fields@markfieldslaw.com

23 Mark Connot .

mconnot@foxrothschild.com

24 Michelle Choto .

MChoto@enensteinlaw.com

25 Monica Metoyer .

mmetoyer@foxrothschild.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Robert A. Rabbat .	RRabbat@enensteinlaw.com
Alex Penly	alexpenly@msn.com
Mark Connot	mconnot@foxrothschild.com
Doreen Loffredo	dloffredo@foxrothschild.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 17, 2007

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

October 17, 2007 3:00 AM Minute Order

HEARD BY: Johnson, Susan **COURTROOM:** RJC Courtroom 15D

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having examined the Motion and noting no Opposition has been filed and good cause appearing, COURT ORDERED, Penly, Eagle Jet Aviation, and Private Jet Services' Motion to Associate Steven G. Polard is hereby GRANTED. Matter taken off calendar pursuant to EDCR 2.23. Order to be submitted to the Court within 10 days, or not later than October 29, 2007 pursuant to EDCR 7.21.

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folder(s) of M. Solomon, Esq. (SOLOMON DWIGGINS & FREER).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

February 07, 2008

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

February 07, 2008	9:00 AM	Conversion Hearing Type
-------------------	---------	-------------------------

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Barton, Denise Anne Attorney

JOURNAL ENTRIES

- Court received fax regarding Counsel's stipulation to STAY the case and vacate the calendar. At request of counsel, COURT ORDERED, OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 11, 2008

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

December 11, 2008 8:45 AM Status Check

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT: Barton, Denise Anne Attorney
Price, Kim D. Attorney

JOURNAL ENTRIES

- Counsel noted this is in arbitration; However there is no date set. COURT ORDERED, matter set for a status check in chambers.

06/11/09 (CHAMBERS) STATUS CHECK: ARBITRATION

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 21, 2009

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

July 21, 2009 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Kathy Thomas

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Flangas, Gus W	Attorney
	Freer, Alan D.	Attorney
	Penley, Alex	Defendant
	Price, Kim D.	Attorney
	Woods, Milton J	Plaintiff

JOURNAL ENTRIES

- DISMISSAL OF PLAINTIFF'S COMPLAINT OR, ALTERNATIVELY, TO AMEND THE SEPTEMBER 21, 2007 STIPULATED ORDER...PLAINTIFFS' RENEWED MOTION FOR APPOINTMENT OF RECEIVER FOR INJUNCTION RELIEF, AND FOR AN ACCOUNTING

Mr. Steven Polard, Esq. Pro Hac Vice, appearing telephonically, on behalf of the Defendants.

PLAINTIFFS' RENEWED MOTION FOR APPOINTMENT OF RECEIVER FOR INJUNCTION RELIEF, AND FOR AN ACCOUNTING: Arguments by Counsel. Colloquy regarding arbitration, the MSP, Plaintiff's having access to books, upcoming inspection and Counsel's stipulation. Mr. Flangas noted they agreed upon Mr. John Baily as the arbitrator. COURT ORDERED, Plaintiff's Motion for Appointment of Receiver, DENIED. COURT FURTHER ORDERED, Plaintiff's Motion for Injunction Relief, GRANTED, with a BOND of \$250.00; Limited injunction relief, Deft. not to sell the air craft or encumber the lien of the air craft; subject to a Court's order. Court further noted since the Plaintiff is a shareholder, he is entitled to look at the books. COURT ORDERED, Accounting, DENIED. Court

directed Counsel to provide the previous stipulation to the Court for its signature. COURT ORDERED, matter set for a status check regarding the arbitration, and Counsel to submit briefs one day prior. Mr. Flangus requested a special master and access to the private jet. COURT ORDERED, Mr. Flangus' oral requests, DENIED. Mr. Flangus to prepare the order.

DISMISSAL OF PLAINTIFF'S COMPLAINT OR, ALTERNATIVELY, TO AMEND THE SEPTEMBER 21, 2007 STIPULATED ORDER: Court noted request is MOOT.

10/20/09 9:00 AM STATUS CHECK: ARBITRATION

October 20, 2009

Status Check: Arbitration

COURTROOM: RJC Courtroom 14C

COURT CLERK: Kathy Thomas

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Flangas, Gus W Attorney
Price, Kim D. Attorney

JOURNAL ENTRIES

- Mr. Flangas noted they did not set the arbitration and they refiled their Plaintiff's Motion for Appointment of Receiver. At the request of Mr. Flangas, COURT ORDERED, Plaintiff's Motion for Appointment of Receiver reset with this continued status check. Mr. Flangas further noted Deft's moved Milt's Eagle LLC into bankruptcy.

11/17/09 9:00 AM STATUS CHECK: ARBITRATION...PLAINTIFF'S RENEWED MOTION FOR APPOINTMENT OF RECEIVER

November 05, 2009

R0578

REQUESTED EXTENSION): Colloquy. There being no objection, COURT ORDERED, Extension to file Opposition, GRANTED. COURT FURTHER ORDERED, Plaintiff's Renewed Motion for Appointment of Receiver, CONTINUED.

Ms. Solis-Rainey noted she has a Motion to Withdraw to file. COURT ORDERED, Morris & Peterson's Motion to Withdraw, to set a time certain. 11/12/09

11/12/09 9:00 AM MORRIS & PETERSON'S MOTION TO WITHDRAW AS COUNSEL

01/21/10 9:00 AM PLAINTIFF'S RENEWED MOTION FOR APPOINTMENT OF RECEIVER, FOR INJUNCTIVE RELIEF AND FOR AN ACCOUNTING...STATUS CHECK: ARBITRATION

November 12, 2009

November 12, 2009	9:00 AM	Motion to Withdraw as Counsel	Morris Peterson's Ex Parte Application for Order Shortening Time to Consider it's Motion to Withdraw as Counsel of Record
-------------------	---------	-------------------------------	---

COURTROOM: RJC Courtroom 14C

REPORTER:

PRESENT: Solis-Rainey, Rosa Attorney

JOURNAL ENTRIES

- There being no opposition, COURT ORDERED, Morris Peterson's Motion to Withdraw as counsel of Record, GRANTED. Court signed order in open Court, with future dates listed on the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

January 21, 2010

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

January 21, 2010 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Kathy Thomas

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT:	Penley, Alex	Defendant
	Price, Kim D.	Attorney
	Warren, Stuart M	Defendant

JOURNAL ENTRIES

- STATUS CHECK: ARBITRATION...PLAINTIFF'S RENEWED MOTION FOR APPOINTMENT OF RECEIVER, FOR INJUNCTIVE RELIEF AND FOR AN ACCOUNTING

Mr. Alex Penley and Mr. Stuart Warren appearing telephonically. Court noted they were only to speak as to their individual claims and not allowed to represent the entity. Arguments by Counsel, Mr. Penley and Mr. Warren. Colloquy regarding bankruptcy assets, shareholders annual meeting, and the production of documents. COURT stated its findings and ORDERED, Plaintiff's Renewed Motion for Appointment of Receiver, DENIED, Without Prejudice. COURT FURTHER ORDERED, Deft's to produce all the documents as ordered, within two weeks. Court noted prior to the next Court hearing, an annual shareholders meeting will be held, if not this Court may appoint a receiver. COURT ORDERED, matter set for a status check: regarding the discovery production. Court directed Counsel to coordinate with the bankruptcy regarding the assets. Upon inquiry, Court noted customer lists are not fair game.

02/11/10 9:00 AM STATUS CHECK: DISCOVERY PRODUCTION/ANNUAL MEETING

PRINT DATE: 05/12/2022

Page 10 of 47

Minutes Date: September 18, 2007

R0581

February 11, 2010

R0582

March 19, 2010

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Meeting held. COURT ORDERED, transcript marked as Court's Exhibit 1.

CLERK'S NOTE: A copy of the above minute order has been placed in the attorney folder(s) of Gus W. Flangas (Flangas McMillan). /// sj

CLERK'S NOTE: A copy of the above minute order has been delivered by regular mail to Alex Penly: 1287 Rolling Sunset, Henderson, Nevada 89052. /// sj

October 26, 2010

R0584

May 05, 2011

R0585

June 10, 2011

R0586

July 14, 2011

R0587

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

July 15, 2011

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

July 15, 2011 9:30 AM Hearing

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Damedia Scott

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Flangas, Gus W Attorney
Penley, Alex Defendant
Price, Kim D. Attorney
Reade, Robert C. Attorney
Woods, Milton J Plaintiff

JOURNAL ENTRIES

- ALSO PRESENT: Plaintiff Greg Woods; Laura Penly, Eagle Jet Aviation Inc.

Opening statements by Mr. Flangas and Mr. Price. Upon Motion, COURT ORDERED, EXCLUSIONARY RULE INVOKED. Hearing commences with witness testimony and exhibits (see worksheets). COURT DISCLOSED, prior working knowledge of Mr. Dowers. Mr. Flangas' oral Motion for Court to Deny Defendants' Contempt Motion, COURT ORDERED, Plaintiff's Motion DENIED. Plaintiff RESTS. Upon conclusion of Defendants' case, Defendants' REST. Closing arguments by Mr. Flangas and oral Motion for Attorney Fees; COURT ORDERED, Motion DENIED. Closing argument by Mr. Price.

COURT STATED ITS FINDINGS AND ORDERED, as fully stated on the record, NO FINDING of Contempt; NO FINDING of violation of Stipulation. COURT ORDERED, Plaintiff precluded from releasing password. COURT FURTHER ORDERED, Defendants' Exhibit BW, electronic flashdrive, returned to Mr. Reade.

07A546250

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 21, 2011

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

October 21, 2011 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Billie Jo Craig

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- MOTION FOR ORDER TO SHOW CAUSE WHY ALEX PENLY SHOULD NOT BE FOUND GUILTY OF PERJURY AND IN CONTEMPT OF COURT...DEFENDANTS EAGLE JET AVIATION INC. AND ALEX PENLY'S OPPOSITION TO PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE AND MOTION TO STRIKE PLAINTIFF'S MOTION FOR SCANDALOUS AND IMPERTINENT CONTENT

COURT ORDERED, above Motions CONTINUED on the oral Calendar.

CONTINUED TO: 11/10/11 9:00 AM ABOVE MOTIONS

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:
Gus W. Flangas, Esq. (Flangas McMillan Law Group); Robert Reade, Esq. (Read & Associates); and
mailed to Stuart M. Warren, Defendant (7100 Hayrenhurst Avenue, Suite 320, Van Nuys, CA 91406).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

November 10, 2011

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

November 10, 2011 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Billie Jo Craig

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Flangas, Gus W Attorney
Penley, Alex Defendant
Price, Kim D. Attorney
Reade, Robert C. Attorney
Woods, Milton J Plaintiff

JOURNAL ENTRIES

- MOTION FOR ORDER TO SHOW CAUSE WHY ALEX PENLY SHOULD NOT BE FOUND GUILTY OF PERJURY AND IN CONTEMPT OF COURT...DEFENDANTS EAGLE JET AVIATION INC. AND ALEX PENLY'S OPPOSITION TO PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE AND MOTION TO STRIKE PLAINTIFF'S MOTION FOR SCANDALOUS AND IMPERTINENT CONTENT

Attorney Adam Graff also present with Mr. Reade.

Arguments by counsel. Court stated its findings, and ORDERED, Motion is DENIED. Counter-motion is DENIED.

Counsel advised they Stipulated to EXTEND THE 5-YEAR RULE. Mr. Bailey to prepare Findings and Order.

Mr. Flangas requested the Stipulation on the record be in writing. Court noted the Stipulation on the record was sufficient and directed it be part of the Order.

May 08, 2012

R0593

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 24, 2012

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

August 24, 2012 3:00 AM Motion

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 14C

COURT CLERK: Billie Jo Craig

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court having reviewed the Motion to Recuse Arbitrator Bailey, or Alternatively to Disqualify, and the related briefing, and being fully informed, COURT ORDERED, the Motion is DENIED. The facts raised by movant as to the previous co-employment are not the type of facts which would justify disqualification. In addition, the Arbitrator serving on multiple cases for Plaintiff's counsel is also not a basis for disqualification. Counsel for Plaintiff is directed to submit a Proposed Order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further Order of the Court to make such disposition effective as an Order or Judgment. Mr. Flangas to be notified by way of minute order to prepare the order and notify appropriate parties.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Gus W. Flangas, Flangas McMillan Law Group).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

February 27, 2013

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

February 27, 2013 9:30 AM Status Check: Status of Case

HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT: Price, Kim D. Attorney
Shafer, Jay A. Attorney

JOURNAL ENTRIES

- Colloquy regarding the status report being marked as confidential. Mr. Price stated the order was unclear whether or not the status report should be marked as confidential. Mr. Price further stated that the report was not filed or served but he would do so. Colloquy regarding arbitration proceedings before John Bailey and approaching discovery deadlines. COURT ORDERED, status check CONTINUED SIX (6) MONTHS.

CONTINUED TO.....8/28/2013 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

August 23, 2013

07A546250

Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

August 23, 2013

3:00 AM

Minute Order

Minute Order: Status
Check set for
8/28/2013

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- COURT FINDS after review a Status Check on the status of this case was set for MOTION CALENDAR on February 27, 2013 at 9.30 a.m. and continued to August 28, 2013 at 9.30 a.m. COURT FURTHER FINDS after review the parties are presently in arbitration and the Defendant filed a Motion to Confirm the Arbitration Award on August 20, 2013. COURT FURTHER FINDS after review a Hearing on the Motion to Confirm the Arbitration Award is scheduled on September 25, 2013 at 9.30 a.m. COURT ORDERS for good cause appearing the Status Check on August 28, 2013 at 9.30 a.m. VACATED.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder of: Gus W. Flangas, Esq. (382-9452) and R. Christopher Reade, Esq. (794-4421).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

October 16, 2013

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

**October 16, 2013 9:30 AM Motion to Confirm
Arbitration Award**

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT: Flangas, Gus W Attorney
Shafer, Jay A. Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the arbitration award for attorney's fees and costs, whether or not award was in lieu of striking the pleadings, NRS 38.239, arguments in supplement filed by defense counsel, and further arguments. Mr. Flangas moved to strike the supplement as a fugitive document. Court stated its findings and ORDERED, Motion to Confirm Arbitration Award for Attorney Fees and Costs GRANTED IN PART as to confirmation of the award and DENIED IN PART as Court FINDS it is interlocutory and not enforceable at this time, STATUS CHECK set 3/5/2014 9:00 am. Court stated that if the arbitration is not complete in February and it hears complaints regarding dilatory tactics on behalf of the Defendant it will enforce the order.

3/5/2014 9:00 AM STATUS CHECK: ARBITRATION PROCEEDINGS

March 05, 2014

R0598

May 05, 2014

R0599

07A546250

Jay A. Shafer or Robert C. Reade (Premier Legal Group)
Email: jshafer@premierlegalgroup.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 21, 2014

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

May 21, 2014 10:00 AM Motion to Dismiss

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT: Alanis, Michelle D. Attorney
Shafer, Jay A. Attorney

JOURNAL ENTRIES

- Arguments by Mr. Shafer regarding it being past the five year rule, the waiver of the five year rule not being stipulated to by Defendants Private Jet Services Inc., Stuart M. Warren and Milt's Eagle LLC, dismissal being appropriate to those three defendants, and waiver needing to be explicit. Mr. Shafer stated he has never represented Defendant Warren and some of the other parties. Colloquy between Mr. Shafer and Court regarding stipulation and parties Mr. Shafer represented at the time. Mr. Shafer stated he could provide additional briefing on the issue. Arguments by Ms. Alanis regarding the stipulation to arbitration by the parties, case having been in arbitration since 2008, there being discovery done and dispositive motion deadlines, opinion that this motion should be before the arbitrator, and request for attorney s fees for having to defend against the motion. Ms. Alanis requested more time to provide supplemental briefing if the Court was inclined to rule on the motion. Further arguments made by counsel. COURT ORDERED, Motion to Dismiss Claims Against Milt's Eagle, Private Jet Services, and Stuart Warren Pursuant to NRCP 41(E) REFERRED to the arbitrator on the case, parties DIRECTED to provide addition briefing on both sides including the scope of the representation of defense counsel at the time the stipulation was made on the record. Upon inquiry by Mr. Shafer, Court stated it did intend to adopt the ruling of the arbitrator.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****November 20, 2014**

07A546250

Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

November 20, 2014**3:00 AM****Minute Order**

**Minute Order:
Arbitration/Status
Check**

HEARD BY: Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on May 21, 2014, the parties came before the Court on a Motion to Dismiss. COURT FURTHER FINDS after review that the Court referred the Motion to Dismiss to the Arbitrator. COURT FURTHER FINDS after review that counsel for the parties advised the law clerk that, as of November 20, 2014, the arbitration proceedings were ongoing and scheduled to conclude in December 2014.

COURT ORDERS for good cause appearing and after review of the file a STATUS CHECK is scheduled for CHAMBERS CALENDAR on January 20, 2015; the parties are to each submit a status update on the arbitration proceedings to the Court prior to that date.

1/20/2015 (CHAMBERS) STATUS CHECK: ARBITRATION/STATUS OF CASE

CLERK'S NOTE: A copy of this minute order was faxed to: Gus W. Flangas, Esq. (702-382-9452) and emailed to: Jay A. Shafer, Esq. (jshafer@premierlegalgroup.com)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****January 20, 2015**

07A546250

Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

January 20, 2015**3:00 AM****Status Check****HEARD BY:** Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on May 21, 2014, the parties came before the Court on a Motion to Dismiss. COURT FURTHER FINDS after review that the Court referred the Motion to Dismiss to the Arbitrator. COURT FURTHER FINDS after review that counsel for the parties advised the law clerk that the arbitration had concluded on December 15, 2014 and as of the January 20, 2015 status check, they were still awaiting the decision.

COURT ORDERS for good cause appearing and after review of the file a STATUS CHECK scheduled for CHAMBERS CALENDAR on January 20, 2015 CONTINUED to February 24, 2015; the parties are to each submit a status update on the arbitration proceedings to the Court by February 20, 2015.

CONTINUED TO.....2/24/2015 (CHAMBERS)

CLERK'S NOTE: A copy of this minute order was faxed to: Gus W. Flangas, Esq. (702-382-9452) and emailed to: Jay A. Shafer, Esq. (jshafer@premierlegalgroup.com)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****February 24, 2015**

07A546250

Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

February 24, 2015**3:00 AM****Status Check****HEARD BY:** Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on May 21, 2014, the parties came before the Court on a Motion to Dismiss. COURT FURTHER FINDS after review that the Court referred the Motion to Dismiss to the Arbitrator. COURT FURTHER FINDS after review that counsel for the parties advised the law clerk that the arbitration had concluded on December 15, 2014 and as of the January 20, 2015 status check, they were still awaiting the decision. COURT FURTHER FINDS after review the status check was continued to February 25, 2015. COURT FURTHER FINDS after review Plaintiffs filed a Motion to Confirm Arbitration Award on February 23, 2015, with a hearing set for March 26, 2015.

COURT ORDERS for good cause appearing and after review of the file a STATUS CHECK scheduled for CHAMBERS CALENDAR February 24, 2015 is VACATED.

CLERK'S NOTE: A copy of this minute order was faxed to: Gus W. Flangas, Esq. (702-382-9452) and emailed to: Jay A. Shafer, Esq. (jshafer@premierlegalgroup.com)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 29, 2015

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

**April 29, 2015 9:30 AM Motion to Confirm
Arbitration Award**

HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT: Fields, Mark C. Attorney
Flangas, Gus W Attorney
Shafer, Jay A. Attorney

JOURNAL ENTRIES

- Mark c. Field, Esq. present telephonically.

Arguments by Mr. Flangas regarding confirmation of the arbitration award and his request that the Court sanction Mr. Fields. Mr. Flangas stated he received a notice of motion to set aside arbitration award. Further arguments by Mr. Fields and Mr. Flangas. Court stated its findings and ORDERED, Plaintiff's Motion to Confirm Arbitration Award, GRANTED, request for additional attorney fees deferred until after the pending hearings. Colloquy regarding resetting of Defendants' And Counterclaimants' Motion To Modify Or Correct Arbitration Award and Defendants' And Counterclaimants' Motion To Vacate Arbitration Award to mutually agreed date. COURT ORDERED, motions CONTINUED from June 10, 2015 to June 15, 2015 10:00 am. Court directed parties to include the rescheduled dates in its order. Mr. Shafer stated that granting of the motion to confirm arbitration award may be premature given the pending motion. COURT ORDERED, matter SET for status check to preserve issues addressed by Mr. Shafer. Mr. Flangas requested Court order that Mr. Fields be present at the next hearing. COURT ORDERED, request DENIED, Court allows everyone to make a telephonic appearance.

PRINT DATE: 05/12/2022

Page 34 of 47

Minutes Date: September 18, 2007

R0605

6/15/2015 10:00 AM STATUS CHECK: ADDITIONAL ATTORNEY FEES...STATUS CHECK:
PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD...DEFENDANTS' AND
COUNTERCLAIMANTS' MOTION TO MODIFY OR CORRECT ARBITRATION
AWARD...DEFENDANTS' AND COUNTERCLAIMANTS' MOTIN TO VACATE ARBITRATION
AWARD

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

June 15, 2015

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

June 15, 2015 10:00 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nora Pena

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT:	Fields, Mark C.	Attorney
	Flangas, Gus W	Attorney
	Woods, Milton J	Plaintiff
		Counter Defendant

JOURNAL ENTRIES

- DEFENDANTS' AND COUNTERCLAIMANTS' MOTION TO VACATE ARBITRATION
AWARD.....DEFENDANTS' AND COUNTERCLAIMANTS' MOTION TO MODIFY OR CORRECT
ARBITRATION AWARD.....STATUS CHECK: ADDITIONAL ATTORNEY
FEES.....STATUS CHECK: PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD

Greg Woods present for Cirrus Aviation Services, Inc. Mark Fields present on Court Call.

Argument by Mr. Fields that there were no disclosures as confirmed by the Arbitrator; thereafter, disclosures were given and Mr. Flangas refused to agree on a new Arbitrator and there was a motion to recuse Arbitrator Bailey which was denied three years ago. He stated there were discovery failures, he addressed fiduciary duties and he requested under NRS 38.241 to vacate the award then the motion to modify or correct Arbitration Award becomes moot. He advised there is no basis for the amount of the award and he believed it's very arbitrary and capricious. He asked to return it to the Arbitrator based on lack of the evidence on the Arbitrator's findings. Opposition by Mr. Flangas that this is a dilatory tactic and dislike of Bailey's decision. He stated counsel wanted to know how

he arrived at his decision and he addressed Bailey being the Arbitrator. He addressed Bailey's employment history and how he was selected and how Bailey was a litigant. Mr. Flangas reviewed the litigation before Judge Gonzalez in 2012 and Defendant Penley committed perjury before the Judge and reviewed prior hearings; therefore, he believed Penley's affidavit should not be considered. Further arguments by Mr. Flangas on the other reasons not to vacate the award and he addressed Bailey's order and the \$80,000 sanction related to discovery abuses. He noted there is no transcript of the Arbitration and as to the second motion to modify or correct Arbitration Award this same motion was brought before Bailey and cited case law. He stated they want this Court's decision to substitute over Bailey's decision. He asked for an award of attorney's fees and sanctions and he believed there should be a sanction personally on counsel as there is no relief Mr. Fields is seeking. Reply by Mr. Fields on procedural mistakes, the Arbitrator's opinion and on the motion to vacate which he believed is timely. He further believed the award is arbitrary and capricious. Court stated her findings, and ORDERED, Defendants' and Counterclaimants' motion to Vacate Arbitration Award is DENIED pursuant to NRS 38.241 and motion to Modify or Correct Arbitration Award is DENIED as the burden has not been met. Mr. Flangas to prepare the order and send to Mr. Fields for review as to form only.

Mr. Flangas advised he wanted a ruling on sanctions for attorney's fees on these motions. Court asked counsel to file a separate motion for consideration of attorney's fees. COURT ORDERED, Status Check for additional Attorney's Fees and Status Check for Plaintiff's motion to Confirm Arbitration Award OFF CALENDAR pending filing of motion by Mr. Flangas for attorney's fees.

August 20, 2015

R0609

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

April 07, 2016

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

April 07, 2016 9:30 AM Motion

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT:	Pastwick, Andrew H.	Attorney
	Sutehall, Kevin M.	Attorney

JOURNAL ENTRIES

- Arguments by counsel regarding the merits of and opposition to motion. Court stated its findings and ORDERED, Plaintiff s Motion to Enter Costs on Margin of Judgment GRANTED IN PART, DENIED IN PART, Court will allow the court filing fees of \$553.50.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

May 25, 2016

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

May 25, 2016	9:30 AM	Motion for Entry of Judgment
--------------	---------	------------------------------

HEARD BY: Allf, Nancy

COURTROOM: RJC Courtroom 03A

COURT CLERK: Nicole McDevitt

RECORDER: Traci Rawlinson

REPORTER:

PARTIES

PRESENT: Reade, Robert C. Attorney
Sutell, Kevin M. Attorney

JOURNAL ENTRIES

- Mr. Sutehall stated they have submitted a brief response, he would just reserve the right to go back and seek relief on the judgment if it's deemed it was entered based on one of the criteria in rule 60, however, there is no objection to the motion given as they do not have sufficient facts to oppose the statements in the writ and interrogatory responses. Mr. Reade stated Plaintiff can reserve whatever rights they like and it can be disputed at the time it becomes relevant. COURT ORDERED, Application for Entry of Judgment on Garnishee Interrogatories Pursuant to NRS 31.330 GRANTED, realizing that they can serve subsequent garnishments and subject to Plaintiff's reservations. Colloquy regarding effective date of garnishment. Court stated the date of the garnishment is only effective as of the date of the garnishment. Judgment provided IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****August 24, 2021**

07A546250

Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

August 24, 2021**3:00 AM****Minute Order**

Minute Order:
BlueJeans
Appearance

HEARD BY: Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

PARTIES
PRESENT:

JOURNAL ENTRIES

- Department 27 Information to Appear Telephonically

Re: Matter set on August 25, 2021, 9:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

PRINT DATE: 05/12/2022

Page 41 of 47

Minutes Date: September 18, 2007

R0612

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/242021.

August 25, 2021

R0614

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court

COURT MINUTES

December 08, 2021

07A546250 Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

**December 08, 2021 3:00 AM Minute Order Minute Order:
BlueJeans
Information**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Information to Appear Telephonically

Re: Matter set on December 9, 2021

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

PRINT DATE: 05/12/2022

Page 44 of 47

Minutes Date: September 18, 2007

R0615

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/8/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Business Court**COURT MINUTES****December 08, 2021**

07A546250

Milton Woods, Cirrus Aviation Services Inc
vs
Eagle Jet Aviation Inc, Alex Penley, et al

December 08, 2021**3:00 AM****Minute Order**

**Minute Order:
Defendant Alex
Penly's Motion to
Reconsideration**

HEARD BY: Alf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on October 21, 2021, Defendant Alex Penley's Motion to Reconsideration (Motion for Reconsideration) was filed.

COURT FURTHER FINDS after review EDCR 2.24(a) provides in relevant part: A party seeking reconsideration of a ruling of the court must file a motion for such relief within 14 days after service of written notice of the order or judgment unless the time is shortened or enlarged by order.

COURT FURTHER FINDS after review that a Motion for Reconsideration is scheduled for December 9, 2021, at 10 a.m. on Motion Calendar.

COURT FURTHER FINDS after review that Defendant's Motion is untimely because it was not filed within 14 days after service of the Notice of Entry of Order entered on September 1, 2021, and was instead filed 50 days after on October 21, 2021.

THEREFORE COURT ORDERS for good cause appearing and after review that the Motion for

Reconsideration is hereby DENIED and the matter scheduled on December 9, 2021, at 10 a.m. on Motion Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 12/8/2021.

VAULT EXHIBIT FORM

CASE NO:	A546250	HEARING DATE::	2-11-10
DEPT. NO.	XI	JUDGE :	ELIZABETH GONZALEZ
		CLERK :	KATHY KLEIN
Milton Woods Et Al		REPORTER :	JILL HAWKINS
PLAINTIFF		JURY FEES:	
		Mr Kim Price, Esq	
Eagle Jet Aviation Inc		COUNSEL FOR PLAINTIFF:	
DEFENDANT		Alex Penley-Prose	
		COUNSEL FOR DEFENDANT:	

COURTS EXHIBITS

Date Offered	Objection	Date Admitted
--------------	-----------	---------------

[illegible]

chambers status check
March 19 20

~~TRIAL~~ DATE: March 19, 2010

JUDGE: Elizabeth Gonzalez

CLERK: Susan Jovanovich

Recorder: Jill Hawkins
~~REPORTER:~~

Gus W. Flangas

COUNSEL FOR PLAINTIFF

Pro Se

COUNSEL FOR DEFENDANT

OFFERED	ADMITTED
DATE	OBJ DATE

Vault Exhibit Form 5-01/jh

VAULT EXHIBIT FORM

CASE NO: <u>A54625D</u>	HEARING DATE: <u>6/10/11</u>
DEPT. NO. <u>XI</u>	JUDGE: <u>ELIZABETH GONZALEZ</u>
<u>MILTON WORDS, ET AL</u>	CLERK: <u>BILLIE JO CRAIG</u>
	REPORTER: <u>DEBBIE WINN</u>
PLAINTIFF	JURY FEES:
<u>EAGLE JET AVIATION INC., ET AL</u>	
	COUNSEL FOR PLAINTIFF: <u>G. FLANGAS/K. PRICE</u>
DEFENDANT	
	COUNSEL FOR DEFENDANT: <u>R. READE</u>

PLAINTIFF EXHIBIT

Date Offered	Objection	Date Admitted
--------------	-----------	---------------

[illegible]

VAULT EXHIBIT FORM

CASE NO:	A 546250	HEARING DATE:	6/10/11
DEPT. NO.	XI	JUDGE :	ELIZABETH GONZALEZ
MILTON WOODS, ET AL		CLERK :	BILLIE JO CRAIG
		REPORTER :	DEBBIE WINN
PLAINTIFF		JURY FEES:	
EAGLE JET AVIATION INC., ET AL			
		COUNSEL FOR PLAINTIFF:	G. FLANGAS / K. PRICE
DEFENDANT			
		COUNSEL FOR DEFENDANT:	R. READE

DEFT. EXHIBITS

Date Offered	Objection	Date Admitted
--------------	-----------	---------------

[illegible]

DEFENDANT ALEX PENLY'S EXHIBIT LIST
July 15th, 2011

A 546250

NO.	EXHIBITS	DATE OFFERED	OBJECTION	DATE ADMITTED
B A.	Selected Excerpts of June 10 th , 2011 Transcript	7-15-11		7-15-11
B B.	Scribd.com Password Protection Page	7-15-11		7-15-11
B C.	Scribd.com document list for "Justthetruth82" as of July 14 th , 2011 at 11:00 p.m.	↑		↑
B D.	July 13 th , 2011 Scribd Printouts			
B E.	Wordpress.com Password Protection Page			
B F.	Docstoc.com website page			
B G.	GOOGLE Search for Alex Penly			
B H.	YAHOO Search for Alex Penly			
B I.	BING Search for Alex Penly			
B J.	Scribd Document List for C210Pilot			
B K.	Private Arbitration pleadings posted by C210Pilot			
B L.	Unfiled Opposition in <u>Center Capital v. Woods</u>			
B M.	C210Pilot's FOIA Request Publication	7-15-11		7-15-11
B N.	Vault Exhibit Form from June 10 th Hearing	7-15-11	YES	
B O.	4Romeo Complaint (with handwriting)	7-15-11		7-15-11
B P.	Alexpenlylitigation.wordpress.com Front Page	↑		↑
B Q.	Litigation Wordpress 5 Day Pay or Quit Page	↑		
B R.	Litigation Wordpress FOIA Request Page			
B S.	Litigation Wordpress Bankruptcy Page			
B T.	Lawsuits Wordpress Bankruptcy Page			
B U.	Electronic Mails between Greg Woods, Milt Woods and C210pilot			
B V.	Myspace Page			
		7-15-11		7-15-11

BW Flashdrive provided to Court 7-14-11 - Returned to Mr. Reade

Plaintiffs EXHIBITS - continued

CASE NO. A 546250

[illegible]



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

ALEX PENLY
8529 FOX BROOK ST.
LAS VEGAS, NV 89139

DATE: May 12, 2022
CASE: 07A546250

RE CASE: MILTON J. WOODS; CIRRUS AVIATION SERVICES, INC. vs. EAGLE JET AVIATION, INC.; ALEX PENLY; STUART M. WARREN; PRIVATE JET SERVICES, INC.; MILT'S EAGLE, LLC

NOTICE OF APPEAL FILED: May 9, 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
- ☐ 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):

DEFENDANT NOTICE OF APPEAL; CASE APPEAL STATEMENT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT ALEX PENLY'S MOTION TO STRIKE PLAINTIFF AFFIDAVITS OF RENEWAL OF JUDGMENT AND UNTIMELY REPLY IN SUPPORT OF AFFIDAVIT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

MILTON J. WOODS; CIRRUS AVIATION SERVICES, INC.,

Plaintiff(s),

vs.

EAGLE JET AVIATION, INC.; ALEX PENLY;
STUART M. WARREN; PRIVATE JET SERVICES, INC.; MILT'S EAGLE, LLC,

Defendant(s),


Case No: 07A546250

Dept No: XXVII

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 12 day of May 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Steven D. Grierson
Clerk of the Court

Anntoinette Naumec-Miller
Court Division Administrator

May 12, 2022

Elizabeth A. Brown
Clerk of the Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: MILTON J. WOODS; CIRRUS AVIATION SERVICES, INC. vs. EAGLE JET AVIATION, INC.;
ALEX PENLY; STUART M. WARREN; PRIVATE JET SERVICES, INC.; MILT'S EAGLE, LLC
D.C. CASE: 07A546250

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed May 12, 2022. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

March 17, 2022

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk

R0627

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEX PENLY,

Appellant,

vs.

MILTON J. WOODS; AND CIRRUS
AVIATION SERVICES INC., A
WASHINGTON CORPORATION,
Respondents.

No. 84710

FILED

JUN 10 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from an order denying motion to strike affidavits of renewal of judgment and untimely reply in support of affidavit. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

Initial review of the notice of appeal and the documents before this court reveals a jurisdictional defect. This court “may only consider appeals authorized by statute or court rule.” *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013). No statute or court rule allows for an appeal from the district court’s order identified in appellant’s notice of appeal. Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.

[Signature: Silver], J.
Silver

[Signature: Cadish], J.
Cadish

[Signature: Pickering], J.
Pickering

cc: Hon. Nancy L. Allf, District Judge
Alex Penly
Fox Rothschild, LLP/Las Vegas
Eighth District Court Clerk

RECEIVED
LAS VEGAS DROP BOX
CLERK OF SUPREME COURT

No. 84710

2022 JUN 27 AM 11:21

In The Supreme Court of Nevada

FILED

JUN 30 2022

ALEXANDER PENLY

Petitioner,

v.

MILTON WOODS AND CIRRUS AVIATION SERVICES INC

Respondents.

On Petition For APPEAL

PETITION FOR REHEARING

ALEXANDER PENLY

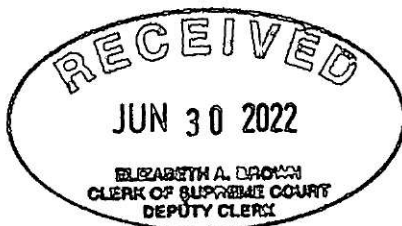
8529 FOX BROOK STREET,

LAS VEGAS, NV 89139

7027611634

ALEXPENLY@MSN.COM

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK



22-20737 R0630

TABLE OF CONTENTS

TABLE OF CONTENTS	2
TABLE OF AUTHORITIES	3
BACKGROUND	4
ARGUMENT	5 I.
<i>Did the District Court err when allowing an unsigned affidavit to renew a judgment?.....</i>	<i>5 II</i>
<i>Did the District Court err by allowing the renewal without Strict Compliance?</i>	<i>5 III</i>
<i>Did the District Court err when allowing the filing of 2 (\$80,000) of the same judgments when only one exists?.....</i>	<i>5 IIII</i>
<i>Did the District Court err when allowing the Judgment renewal filing against the wrong Debtor?</i>	<i>5 IIII</i>
CONCLUSION	8
CERTIFICATE OF COMPLIANCE.....	9
CERTIFICATE OF SERVICE	10

TABLE OF AUTHORITIES

Gumm v. Mainor, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002)	5
382 P.3d 880 (2016) Dawnette R. DAVIDSON, Appellant, v. Christopher B. DAVIDSON, Respondent. No. 67698. Supreme Court of Nevada - FILED SEPTEMBER 29, 2016.....	5
<i>Markowitz v. Saxon Special Servicing</i> , 129 Nev. 660, 665, 310 P.3d 569, 572 (2013).....	5
JOHN LYNCH, AN INDIVIDUAL; AND KELLIE FUHR, Appellants, v. YEHIA AWADA, AN INDIVIDUAL, Respondent. No. 73561. Supreme Court of Nevada. Filed September 28, 2018.....	5
<u><i>Pellegrini v. State</i></u> , 117 Nev. 860, 874, 34 P.3d 519, 528 (2001).....	5
168 P.3d 712 (2007) - Robert LEVEN, Appellant, v. Herbert FREY and Cy Yehros, Respondents. No. 41716. Supreme Court of Nevada. October 11, 2007.....	5
MARK WORSNOP, INDIVIDUALLY; AND MARK SYSTEMS, INC., A NEVADA CORPORATION, Appellants, V. MATTHEW KARAM, Respondent. No. 77248. Supreme Court of Nevada. Filed February 27, 2020 – Order of Reversal and Remand.....	6
“79832 07-01-2021 JASON HARTMAN, Appellant, v. PALMS PLACE UNIT OWNERS' ASSOCIATION, A NEVADA DOMESTIC NON-PROFIT CORPORATION; GEORGE MALOOF, JR., AN INDIVIDUAL; JULIE CHAPMAN, AN INDIVIDUAL; AND THOMAS K. LAND, ASSIGNEES OF PALMS PLACE, LLC, A NEVADA LIMITED LIABILITY COMPANY, KEN LOGAN AND QUENTIN KEARNEY, Respondents.” <i>Hartman v. Palms Place Unit Owners' Association</i> , No. 79832, (Nev. Jul. 1, 2021).....	6

BACKGROUND

- Clark County Assessor's Office
 - o Homestead Protection – May 16th, 2011
- District Court
 - o Arbitration Award Confirmed - September 21st, 2015
- District Court
 - o Judgment confirmed – January 20th 2016
- Clark County Assessor's Office
 - o Recorded (201601260003490) Judgment – January 26th 2016
- District Court
 - o Notice of Entry of Judgment filed – January 27th 2016
- Clark County Assessor's Office
 - o Recorded (201602010002431) judgment again – February 1st 2016

On January 7th, 2022, Respondent filed an Affidavit of Renewal of Judgment. Four (4) signed affidavits to the court for filing.

Respondent then recordings to Clark County Accessors office:

- January 10th, 2022 - Filing #1 (202201100001768)
- January 10th, 2022 - Filing #2 (202201100001769)
- January 10th, 2022 - Filing #3 (202201100001770)
- January 10th, 2022 - Filing #4 (202201100001771)

Respondents then sent two envelopes of four affidavits (3 signed affidavits and 1 unsigned affidavit) on January 11th, 2022. Received by Judgment Debtor was three signed affidavits with exhibits and one unsigned affidavit without exhibits.

Appellant served a Motion of Opposition to Respondent's renewal on January 21st, 2022. Hearing was requested however, no movement by court.

Respondent filed their response, on February 8th as Reply in Support of affidavits for renewal of judgment, 19 days after Opposition. With no movement by the court, Appellant filed a Motion to Strike as respondent's response to the first opposition was untimely and unsupported.

Respondent further points to not renewing the original (filled January 26th, 2016) judgment by claiming it doesn't matter and is irrelevant. Therefore, their original Judgment recorded on January 26th, 2016, a day prior to the Notice of Entry of Judgment in this matter, was not renewed. Only the most recent filing (201601260003490), recorded February 1st, 2016, is all respondents wish to renew.

Respondent claimed that a couple of hours delay on the mailing does not affect strict compliance and nor does an unsigned affidavit upon renewal.

ARGUMENT

This petition for rehearing per Rule 40 which stems from a dismissal received in June 10th 2022.

Appellant's appeal per NRAP 3A(b)(8).

NRAP 3A(b)(8) allows an appeal from any "special order entered after final judgment." In Gumm v. Mainor, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002), this court held that, "to be appealable..., a special order made after final judgment must be an order affecting the rights of some party to the action, growing out of the judgment previously entered." 382 P.3d 880 (2016) Dawnette R. DAVIDSON, Appellant, v. Christopher B. DAVIDSON, Respondent. No. 67698. Supreme Court of Nevada - FILED SEPTEMBER 29, 2016

"Accordingly, "[t]he judgment creditor or the judgment creditor's successor in interest *shall* notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested. . . ." NRS 17.214(3) (emphasis added); Markowitz v. Saxon Special Servicing, 129 Nev. 660, 665, 310 P.3d 569, 572 (2013) ("The word 'shall' is generally regarded as mandatory."). Because NRS 17.214(3) was not strictly complied with, the district court did not err by denying appellants' motion for declaratory relief and application to enforce a foreign judgment" JOHN LYNCH, AN INDIVIDUAL; AND KELLIE FUHR, Appellants, v. YEHIA AWADA, AN INDIVIDUAL, Respondent. No. 73561. Supreme Court of Nevada. Filed September 28, 2018

"[A] court's requirement for strict or substantial compliance may vary depending on the specific circumstances." Leven v. Frey, 123 Nev. 399, 407, 168 P.3d 712, 717 (2007). In general, "'time and manner' requirements are strictly construed, whereas substantial compliance may be sufficient for 'form and content' requirements." *Id.* at 408, 168 P.3d at 718; *see id.* at 408 n. 31, 168 P.3d at 718 n. 31 (noting that one part of a statute can be "subject to strict compliance, even though other aspects of the statutory scheme were subject to review for substantial compliance"). Furthermore, strict compliance does not mean absurd compliance. Pellegrini v. State, 117 Nev. 860, 874, 34 P.3d 519, 528 (2001)

"Under NRS 17.214, timely filing an affidavit, timely recording (if the judgment being renewed was recorded), and timely service are required to successfully renew a judgment. NRS 17.214 expressly refers to these three aspects of judgment renewal — affidavit filing, recording, and service:" Leven v. Frey, 123 Nev. 399, 402 (Nev. 2007)

'A judgment creditor may renew an unpaid judgment by using the renewal process established by the Legislature. First, a judgment creditor must file a complaint "Affidavit of Renewal of Judgment" in the court that entered the judgment. NRS 17.214(1)(a). This affidavit must be filed within 90 days of the judgment's expiration by limitation under NRS 11.190(1)(a). Id. After a judgment creditor files the affidavit, they must record the filed affidavit in the county recorder's office within three days. NRS 17.214(1)(b). Finally, a judgment creditor must notify the judgment debtor by sending a copy of the affidavit by certified mail, return receipt requested, to the judgment debtor's last known address. NRS 17.214(3). The judgment creditor must send this notice within three days of filing the affidavit. Id. MARK WORSNOP, INDIVIDUALLY; AND MARK SYSTEMS, INC., A NEVADA CORPORATION, Appellants, V. MATTHEW KARAM, Respondent. No. 77248. Supreme Court of Nevada. Filed February 27, 2020 – Order of Reversal and Remand.'

It has been decided in this very court, repeatedly, that strict compliance is required. In this instance, the Appellant does not believe that Respondent acted or complied with the strict requirements set forth in NRS 17.214.

Furthermore, if strict compliance is required and service is required to renew, respondents did not successfully, nor completely, serve Appellant. Service of untimely mailing and mailing an unsigned affidavit are not complete service in any fashion.

Did the District Court err when allowing an unsigned affidavit to renew a judgment?

“An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.” *Rule 11 - Signing of Pleadings*, Nev. Justice. Ct. R. Civ. P. 11

NRS 17.214(1)(b) provides that an affidavit of renewal must be recorded "in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed." As we previously stated, NRS 17.214 "includes no built-in grace period or safety valve provision." *Leven*, 123 Nev. at 407, 168 P.3d at 718. The timing requirements of NRS 17.214 "must be complied with strictly." *Id.* at 408, 168 P.3d at 718. Here, it is undisputed that Karam did not timely record his affidavit of renewal within the three-day period set forth in NRS 17.214(1)(b). Therefore, the district court properly concluded that Karam did not comply with NRS 17.214. *MARK WORSNOP, INDIVIDUALLY; AND MARK SYSTEMS, INC., A NEVADA CORPORATION, Appellants, V. MATTHEW KARAM, Respondent. No. 77248. Supreme Court of Nevada. Filed February 27, 2020 – Order of Reversal and Remand.*

The district court affirmed a prior request of acknowledgment of NRS 17 when issuing her Sua Sponte order dated December 14th, 2021. Yet, when Appellant approaches after a noncompliance in January, the very next month, strict compliance was negated.

Did the District Court err by allowing the renewal without Strict Compliance?

In the appeal at hand, Appellant moved after noticing and alerting the district court that it had not been served correctly or completely however, district court denied the motion to strike and renewed all 4 judgments. As there is no other legislation regarding the renewal of a judgment – respondent should be held to the same law that has been decided before this court multiple times.

NRS 17.214 requires a judgment creditor to timely file, record (when the judgment to be renewed is recorded) and serve his or her affidavit of renewal to successfully renew a judgment, and strict compliance with these provisions is required. As Frey did not timely record and serve his affidavit of renewal, he did not comply with NRS 17.214(1)(b) and (3), and thus he failed to successfully renew the judgment. "168 P.3d 712 (2007) - Robert LEVEN, Appellant, v. Herbert FREY and Cy Yehros, Respondents. No. 41716. Supreme Court of Nevada. October 11, 2007."

Respondents stated in their untimely affidavit ISO (Page 9 line 7): *"The Slight delay of mere hours between plaintiff's mailing of the affidavit and the USPS' processing of the mail parcel was not due to plaintiff's own conduct!"*

If Respondent were SOLELY responsible for filling, recording, and serving of documents, respondents cannot claim their conduct did not control the outcome. If respondents would have mailed, on Monday, as he claims on Monday, the mail would have been scanned/documentated on Monday upon pick up! That did not occur.

Leven v. Frey, 123 Nev. 399, 402 (Nev. 2007) (“3. The judgment creditor or his successor in interest shall notify the judgment debtor of the renewal of the judgment **by sending a copy** of the affidavit of renewal by certified mail, return receipt requested, to him at his last known address within 3 days after filing the affidavit.”)

Respondent’s office did NOT SEND or even attempt to mail the affidavits on the 10th. This is not a mail issue, this is Fox Rothchild failing to even attempt to mail the necessary documents timely, i.e., before the pickup deadline on Monday.

Therefore, ensuring the ‘mere hours delay’ versus doing ensuring a timely mailing. Even if ‘regular course of mail existed here, Respondents failed to ensure that the affidavits (including one unsigned without exhibits) were SENT in the regular course, before mail final pick up by UPS on Monday January 10th, 2022.

Subsequent, to the failure to mail on the 10th of January, Respondent’s then filled the Certificate of Service on the 11th of January at 15:49 stating they had mailed it the day before. In reference to the tracking numbers, the envelopes were not mailed on January 10th, 2022.

Respondents failed to comply strictly with NRS 17.214 and wormed other statutes as if they have any bearing on the foundation of the purpose of NRS 17.214 addressing the actual SENDING requirements.

In this instance Respondents rely on ‘regular course of mail’ however, this presumption is not correct when analyzing the verbiage of NRS 17.214. Certified mail is not considered ‘regular course of mail’ Certified mail requires tracking unlike that of a stamp and a mailbox. Respondent did not have envelope available for pickup or ensure it was sent on Monday, however, they claim they couldn’t have done better. Appellant disagrees. Ensuring an item of certified mail is sent is not difficult to ensure it makes a deadline.

(“A judgment creditor or a judgment creditor's successor in interest" may renew an unpaid judgment by filing an affidavit with pertinent information, recording the affidavit within three days, and **mailing the affidavit** to the judgment creditor within three days. NRS 17.214(1)-(3) (emphases added). **The party renewing the judgment must strictly comply with NRS 17.214's mailing and recordation provisions**, *Leven v. Frey*, 123 Nev. 399, 409, 168 P.3d 712, 719 (2007), but need only substantially comply with NRS 17.214's form-and-content requirements, *id.* at 408, 168P.3dat718.”) *Hartman v. Palms Place Unit Owners' Association*, No. 79832, (Nev. Jul. 1, 2021)

As NRS 17.214, has no ambiguous language as referenced then 3 days must mean, in this instance, Friday (7th of January) – initial filing at District Court date stamped 17:39 till EXACTLY 3 days (24 hour) periods had passed by at 17:39 on Monday the 10th of January!

Did the District Court err when allowing the filing of 2 (\$80,000) of the same judgments when only one exists?

Respondent recorded 4 documents (\$1.5 million, \$80k, \$80k and \$111,750), then he recorded 4 documents all against Alex Penly (judgement debtor). Respondents placed 3 affidavits (\$1.5 million, \$80k and \$80k) into one envelope and 1 unsigned affidavit and no exhibits (\$111,750) into a separate envelope and placed on their counter for the mailman to pick up at scan at 13:39 on Tuesday the 11th of January. If these packages were available prior to pick up on Tuesday, they would have been picked up/scanned on Monday.

Respondent assertion that it was only 'mere hours delay' was EXACTLY 20 hours later. Almost an entire day passed the deadline of 17:39 on Monday the 10th of January.

Appellant currently shows 6 filings against his name. For purposes of the assessor's office, the renewal aspect of the requirements of NRS 17.214, state to reference any other filings. Here, Respondent REFUSES to acknowledge the original recording of the judgment prior to the entry of order in District Court, January 26th, 2016, filled by Gus Flangas. Respondents want to believe, outside of evidence that at the time they filed after the entry of order was filed, that was the only filing – ignoring prior filings, causing the judgment renewal to renew the Judgment filing from February 1st and by allowing the judgment filing on January 26th to not be renewed.

Did the District Court err when allowing the Judgment renewal filing against the wrong Debtor?

Furthermore, respondent's record the \$111,750 judgment against Mr. Penly even though, Mr. Penly is not the responsible party or named on the judgment. Respondent recorded two affidavits for \$80,000 against Mr. Penly. To be clear, as seen in the original Judgment filling, there is only 1 \$80,000 against Appellant, not two!

Respondents clearly are trying the harass, annoy and frustrate not only the District Court with unnecessary judgment renewals which are false and inaccurate but further in an attempt to publicly embarrass Appellant these items are still very much a mission for respondent.

Respondents did not strictly comply with NRS 17.214, the ONLY avenue to renew Judgments and therefore their judgments should be voided, and renewal be struck from the record as they did not renew correctly and therefore should not be able to revel in the renewal.

CONCLUSION

Appellant believes that respondent failed to strictly comply with NRS 17.214 their judgment renewal should be struck and voided from renewal being that the judgment has now expired.

Respectfully submitted

/s/Alexander Penly

8529 Fox Brook Street,

Las Vegas, NV 89139

7027611634

alexpenly@msn.com

Certificate of Compliance Pursuant to Rules 40 and 40A 1.

I hereby certify that this petition for rehearing/reconsideration or answer complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

☒ It has been prepared in a proportionally spaced typeface using Microsoft Word version 16 in size 11 of Times New Roman; or

☐ It has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page or type-volume limitations of NRAP 40 or 40A because it is either:

☐ Proportionately spaced, has a typeface of 14 points or more, and contains ____ words; or

☐ Monospaced, has 10.5 or fewer characters per inch, and contains ____ words or ____ lines of text; or

☒ Does not exceed 10 pages.

Dated this June 27th 2022

/s/ Alexander Penly

8529 Fox Brook Street,

Las Vegas, NV 89139

7027611634

alexpenly@msn.com

CERTIFICATE OF SERVICE

Pursuant to Rule 40 on this 27th day of June 2022, a true and complete copy of the foregoing document entitled Petition for Rehearing was served on the following interested parties by the action(s) indicated below:

MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Attorney for Plaintiffs

Method of Service

X Federal Express Overnight Delivery: I caused said documents to be mailed by Federal Express overnight delivery requested on June 27th2022.

/s/ Alexander Penly

Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1634
In Pro Per

CASE NO. 84710
IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEX PENLY,

Appellant,

vs.

MILTON J. WOODS AND CIRRUS AVIATION SERVICES, INC.,
A WASHINGTON CORPORATION,

Respondents.

ANSWER TO PETITION FOR REHEARING

On Appeal from the Eighth Judicial District Court
Clark County, Nevada
District Court Case No. 07-A-546250
Department 27

FOX ROTHCHILD, LLP
MARK J. CONNOT (SBN 10010)
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada 89135
Telephone: (702) 262-6899
Facsimile: (702) 597-5503
Email: mconnot@foxrothschild.com
*Attorney for Respondents Milton J. Woods
and Cirrus Aviation Services, Inc.*

TABLE OF CONTENTS

	<u>Page</u>
I. PROCEDURAL BACKGROUND	1
II. STANDARD OF REVIEW	4
III. LEGAL ARGUMENTS	5
A. The Court Did Not Overlook or Misapprehend a Material Fact in the Record or a Material Question of Law in the Case.....	5
B. The Court Did Not Overlook, Misapply or Fail to Consider a Statute, Procedural Rule, Regulation or Decision Directly Controlling a Dispositive Issue in the Case.....	6
C. The Petitioner’s Petition for Rehearing Merely Reargues His Original Argument.....	8
D. Sanctions Against Petitioner are Appropriate.....	8
IV. CONCLUSION.....	10
CERTIFICATE OF SERVICE	11
CERTIFICATE OF COMPLIANCE.....	12

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Bahena v. Goodyear Tire & Rubber Co.</i> , 126 Nev. 606, 245 P.3d 1182 (2010)	4
<i>Brown v. MHC Stagecoach, LLC</i> , 129 Nev. 343, 301 P.3d 850 (2013)	7, 8
<i>City of N. Las Vegas v. 5th & Centennial</i> , 30 Nev. 619, 331 P.3d 896, 130 Nev. Adv. Op. 66 (2014)	4
<i>In re Herrmann</i> , 100 Nev. 149, 679 P.2d 246 (1984)	4, 5
<i>Taylor Constr. Co. v. Hilton Hotels Corp.</i> , 100 Nev. 207, 678 P.2d 1152 (1984)	7
<i>Valley Bank of Nev. v. Ginsburg</i> , 110 Nev. 440, 874 P.2d 729 (1994)	7

Other Authorities

Nevada Rules of Appellate Procedure:	<i>passim</i>
Nev. Const. Art. 6, § 4	7

I. PROCEDURAL BACKGROUND

On 18 September 2015, Respondents obtained a Judgment against Appellant, and by a 27 January 2016 Notice of Entry of Judgment, the district court (the “District Court”) granted Respondent Cirrus Aviation Services, Inc. (“Cirrus Aviation”), a Judgment against Appellant in the sum of One Million Five Hundred Thousand Dollars (\$1,500,000), with interest thereon, as well as a separate Judgment in the sum of Eighty Thousand Dollars (\$80,000.000), with interest thereon.

On 10 January 2022, Cirrus Aviation served copies of Affidavit(s) for Renewal of Judgment, by United States Certified Mail/Return Receipt Requested, as set forth below to Alex Penly, Director, and Alan Sklar, Registered Agent: Affidavit of Renewal of Judgment – Cirrus Aviation Inc. - \$80,000.00; Affidavit of Renewal of Judgment – Cirrus Aviation Inc. - \$1,500,000.00; and Affidavit of Renewal of Judgment – Milton Woods - \$80,000.00. Thereafter, the Certificate of Service was properly Electronically Filed on 11 January 2022 at 3:49 PM by the Clerk of the Court. Petitioner received service of the Affidavits in timely fashion.

On 21 January 2022, Appellant filed an Opposition to the Affidavit(s) for Renewal of Judgment (the “Opposition”) pursuant to which he sought to strike Respondents’ judgments as void, expired, and ineligible for renewal.

On 8 February 2022, Respondents filed a Reply in Support of Affidavit(s) for Renewal of Judgment (the “Reply”) pursuant to which they noted the numerous

factual and legal inconsistencies set forth in Appellant's Opposition to the Affidavit(s) for Renewal of Judgment.

On 14 February 2022, Appellant filed a Motion to Strike Plaintiff Affidavit(s) for Renewal of Judgment and Untimely Reply in Support of Affidavit (the "Motion to Strike") pursuant to which Appellant (1) reiterated his prior Opposition and (2) requested that the trial court strike the Reply, alleging that it was filed untimely.

On 28 February 2022, Respondents filed an Opposition to the Motion to Strike.

After oral arguments on 17 March 2022, the District Court denied Appellant's Motion to Strike.

On 11 April 2022, Respondents filed a Notice of Entry of Order pursuant to which they notified Appellant that the District Court entered an Order denying the Motion to Strike and attached such Order to the Notice of Entry of Order (the "District Court Order" denying the Motion to Strike).

On 9 May 2022, Appellant filed a Case Appeal Statement.

Also on 9 May 2022, Appellant filed a Defendant Notice of Appeal in the District Court pursuant to which Appellant gave notice of his appeal of the: (1) Notice of Entry of the District Court Order and (2) the Motion to Strike. Appellant filed the same Defendant Notice of Appeal with this Court on 16 May 2022.

On 10 June 2022, this Court issued an Order Dismissing Appeal on the grounds that the “[i]nitial review of the notice of appeal and the documents before this court reveal[d] a jurisdictional defect [and that n]o statute or court rule allows for an appeal from the district court’s order identified in Appellant’s notice of appeal.”

On 15 June 2022, Appellant filed an untimely Docketing Statement Civil Appeals.

On 27 June 2022, Appellant filed a Petition for Rehearing. In violation of Nevada Rules of Appellate Procedure (“NRAP”) 40(c)(1), the Petition for Rehearing laid out Appellant’s four arguments allegedly supporting its position that the District Court erred by entering the District Court Order. In violation of NRAP 40(c)(2), the Petition for Rehearing did not provide any discussion regarding whether this Court, when it issued the Order Dismissing Appeal, (a) overlooked or misapprehended a material fact or overlooked or (b) misapprehended a material fact or has overlooked or misapplied controlling law.

On 11 July 2022 , this Court issued an Order Directing Answer pursuant to which it ordered Respondents to file an Answer to the Petition for Rehearing, within fourteen (14) days.

II. STANDARD OF REVIEW

Pursuant to NRAP(c)(2), this Court may consider rehearings under two circumstances: (1) When the court has overlooked or misapprehended a material fact in the record or a material question of law in the case or (2) when the court has overlooked, misapplied or failed to consider a statute, procedural rule, regulation or decision directly controlling a dispositive issue in the case. However, matters presented in briefs and oral arguments may not be reargued in a petition for rehearing, and no point may be raised for the first time on rehearing. *See* NRAP 40(c)(1).

This Court applies these rules strictly. *See City of N. Las Vegas v. 5th & Centennial*, 30 Nev. 619, 622, 331 P.3d 896, 898, 130 Nev. Adv. Op. 66 (2014) (citing to both NRAP 40(c)(1) and 40(c)(2)); *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. 606, 608, 245 P.3d 1182, 1184 (2010) (“ ‘[u]nder our long established practice, rehearings are not granted to review matters that are of no practical consequence. Rather, a petition for rehearing will be entertained only when the court has overlooked or misapprehended some material matter, or when otherwise necessary to promote substantial justice.’” (quoting *In re Herrmann*, 100 Nev. 149, 151, 679 P.2d 246, 247 (1984))).

As a result, “[a] petition for rehearing may not be utilized as a vehicle to reargue matters considered and decided in the court's initial opinion. Nor may a

litigant raise new legal points for the first time on rehearing.” *In re Herrmann*, 100 Nev. 149, 151, 679 P.2d 246, 247 (1984) (cleaned up). If a petition for rehearing is raised for these reasons, it “has not been filed for any of the legitimate purposes countenanced by [the Court’s] rules. Instead...said petition has been filed for purposes of delay...” *Id.* In such a case, where a petition for rehearing does not comply with the NRAP, sanctions on the party filing the petition for rehearing may be appropriate. *See* NRAP 40(g).

III. LEGAL ARGUMENTS

The Petition for Rehearing fails to satisfy the requirements of the NRAP. Therefore, pursuant to the provisions of NRAP 40(c) and the cases decided thereunder, the Court should deny Appellant’s Petition for Rehearing of the Court’s Order Dismissing Appeal and award sanction to Respondents.

A. The Court Did Not Overlook or Misapprehend a Material Fact in the Record or a Material Question of Law in the Case.

The Court did not overlook a material question of law. The only question of law in the case related to the District Court Order. The Court clearly and explicitly identified this issue in its Order Dismissing Appeal. While Appellant may argue that the Court overlooked its second alleged issue, its appeal of the Motion to Strike, such a claim is meritless. As an initial matter, a motion itself is not appealable. *See* NRAP 3A(b). Moreover, since the Court addressed the District Court Order and the District Court Order explicitly related to the Motion to Strike, the Court did, in

fact, address the Motion to Strike. Thus, the Court reviewed the question(s) of law raised by Appellant in the Notice of Appeal and simply found it lacking.

The Court also did not overlook a material fact in the record. Appellant filed the Notice of Appeal in the District Court on 9 May 2022 and in this Court on 16 May 2022. Pursuant to NRAP 14(b), Appellant was required to file a Docketing Statement with the Court no later than 6 June 2022, twenty-one (21) days after the appeal was docketed. The purpose of the Docketing Statement “is to assist the Supreme Court in identifying jurisdictional defects...” NRAP 14(a)(3). Appellant failed and/or refused to timely file the Docketing Statement, As a result, the record contained no facts, much less any material facts and the Court was well within its rights to take “such action as [it] deem[ed] appropriate *including* sanctions and *dismissal of the appeal.*” See NRAP 14(c) (emphasis added). By dismissing Appellant’s appeal, the Court did not overlook a material fact – it merely acknowledged the lack of any facts in the record and acted as allowed pursuant to the NRAP by dismissing the appeal, noting the jurisdictional defects resulting from Appellant’s failure and/or refusal to file a Docketing Statement.

B. The Court Did Not Overlook, Misapply or Fail to Consider a Statute, Procedural Rule, Regulation or Decision Directly Controlling a Dispositive Issue in the Case.

The Court did not overlook, misapply, or fail to consider a statute, procedural rule, regulation, or decision directly controlling a dispositive issue in this case. In

fact, by dismissing the appeal, the Court followed, to the letter, the applicable statutes, procedural rules, regulations, and decisions.

This court has appellate jurisdiction to review decisions of a district courts. *See Nev. Const. Art. 6, § 4.* Its appellate jurisdiction is limited, however, *see Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 444, 874 P.2d 729, 732 (1994), and it may only consider appeals authorized by statute or court rule. *See Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984), *cited by Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d 850, 851 (2013).

To that end, if an order constitutes, for instance, a final judgment, then it is substantively appealable under NRAP 3A(b)(1) (permitting an appeal from a final judgment in a civil action). However, no statute or court rule directly provides for an appeal from an order denying a motion to strike an affidavit or an order denying a motion to strike an untimely reply. *See NRAP 3A(b)* (designating the judgments and orders from which an appeal may be taken).

Thus, this District Court Order is not a final, appealable judgment – it does not order that the prior Judgments be renewed or that they not be renewed. It merely addresses one portion of the renewal process – the filing of the affidavit(s). Accordingly, when entering the Order Dismissing Appeal, this Court properly applied the applicable statutes, procedural rules, regulations, and decisions, did not overlook, misapply, or fail to consider a statute, procedural rule, regulation, or

decision, and pursuant to *MHC Stagecoach, LLC*, correctly determined that it lacked jurisdiction.

C. The Petitioner's Petition for Rehearing Merely Reargues His Original Argument.

Appellant provides no basis for this Court to grant his Petition for Rehearing.

NCAP 40(a)(2) explicitly sets forth the requirements for a Petition for Rehearing:

The petition shall state briefly and with particularity the points of law or fact that the petitioner believes the court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present...Any claim that the court has overlooked or misapprehended a material fact shall be supported by a reference to the page of the transcript, appendix or record where the matter is to be found; any claim that the court has overlooked or misapprehended a material question of law or has overlooked, misapplied or failed to consider controlling authority shall be supported by a reference to the page of the brief where petitioner has raised the issue.

The Petition for Rehearing complies with none of these requirements. Instead, it merely regurgitates the arguments made by Appellant before the District Court in the Motion to Strike. While these arguments may, or may not, be appropriate for a brief on the merits before this Court, they fail to satisfy the requirements for filing a Petition for Rehearing set forth in NRAP 40(a)(2) and also NRAP 40(c)(2).

D. Sanctions Against Petitioner are Appropriate.

Pursuant to NRAP 40(g), petitions for rehearing which do not comply with NRAP 40 may result in the imposition of sanctions. As set forth above, Appellant

wholly failed to comply with NRAP 40(a)(2), which sets forth the requirements for the contents of a Petition for Rehearing, and NRAP 40(c)(1) and (c)(2), which address when this Court may consider a Petition for Rehearing. Moreover, Appellant failed to comply with NRAP 14 by failing and/or refusing to timely file a Docketing Statement as required by NRAP 14(b), a failure which, in and of itself, justifies the Court's Order Dismissing Appeal, and a failure which also led to the subsequent violations of NRAP by Appellant.

As a result of Appellant's multiple violations of the NRAP, Respondent's counsel has spent substantial time drafting an otherwise unnecessary Answer to the Petition for Rehearing. Respondent has accordingly incurred substantial legal fees with respect to an otherwise unnecessary Answer to the Petition for Rehearing.

Accordingly, Respondents respectfully request that this Court sanction Appellant in the amount of \$2,500.00 and amend the Order Dismissing Appeal to confirm that the dismissal is with prejudice.

//

//

//

//

//

//

//

IV. CONCLUSION

For the foregoing reasons, the Court should deny Appellant's Petition for Rehearing.

DATED this 20th day of July, 2022.

FOX ROTHSCHILD, LLP

/s/ Mark J. Connot

MARK J. CONNOT (SBN 10010)

1980 Festival Plaza Drive, Suite 700

Las Vegas, Nevada 89135

Telephone: (702) 262-6899

Facsimile: (702) 597-5503

Email: mconnot@foxrothschild.com

Attorney for Respondents Milton J.

Woods and Cirrus Aviation Services, Inc.

CERTIFICATE OF SERVICE

Pursuant to NRAP 25(c)(1), on this the 20th day of July 2022, a true and complete copy of the foregoing document entitled **ANSWER TO PETITION FOR REHEARING** was served on the following interested parties by United States Postal Service, postage prepaid, to the address set forth below, and by electronic means, as a courtesy, to the email address set forth below:

Alex Penly
8529 Fox Brook Street
Las Vegas, Nevada, 89139
Alexpenly@msn.com
Appellant

/s/ Mark J. Connot

MARK J. CONNOT

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6):

1. This brief has been prepared in a proportionally spaced typeface using Microsoft 365, Word Version 2108 in 14 point Times New Roman font.

2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it does not exceed 10 pages.

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

DATED this 20th day of July, 2022.

/s/ Mark J. Connot
MARK J. CONNOT (10010)

ALEX PENLY,
Appellant,
vs.
MILTON J. WOODS; AND CIRRUS
AVIATION SERVICES INC., A
WASHINGTON CORPORATION,
Respondents.

LEAD

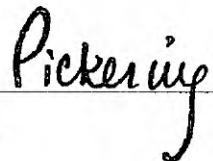
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: S. Youne
DEPUTY CLERK

in pro se, appellant shall not file an appendix. NRAP 30(i). Thereafter, briefing shall proceed as provided in NRAP 31(a)(1).

It is so ORDERED.

, J.
Silver

, J.
Cadish

, J.
Pickering

cc: Hon. Nancy L. Alf, District Judge
Alex Penly
Fox Rothschild, LLP/Las Vegas
Eighth District Court Clerk

RECEIVED
LAS VEGAS DROP BOX
CLERK OF SUPREME COURT

2022 DEC 23 AM 8:09

No. 84710

In The Supreme Court of Nevada

ALEXANDER PENLY

Petitioner,

v.

MILTON WOODS AND CIRBUS AVIATION SERVICES INC

Respondents.

On Petition For APPEAL

OPENING BRIEF

ALEXANDER PENLY

8529 FOX BROOK STREET,

LAS VEGAS, NV 89139

7027611634

ALEXPENLY@MSN.COM

FILED

DEC 27 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

RECEIVED

DEC 27 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

R0657

22-40506

TABLE OF CONTENTS

TABLE OF CONTENTS	2
TABLE OF AUTHORITIES	3
I. Jurisdictional statement.....	4
II. Issues on appeal	4
III. Statement of the case.....	4
IV. Argument.....	5
<i>a. Did the District Court err when allowing an unsigned affidavit to renew a judgment?</i>	
<i>b. Did the District Court err when allowing respondent to violated NRCp - rule 11(a)?</i>	
<i>c. Did the District Court err by allowing the renewal without Strict Compliance?</i>	
<i>d. Did the District Court err when allowing the filing of 2 (two) (\$80,000) of the same judgments when only one exists?</i>	
<i>e. Did the District Court err when allowing the Judgment renewal filing against the wrong Debtor?</i>	
<i>f. Did the District Court err when denying the Motion to Strike as respondents ISO was untimely?</i>	
V. Conclusion.....	10
CERTIFICATE OF COMPLIANCE.....	11
CERTIFICATE OF SERVICE	12

TABLE OF AUTHORITIES

Cases

Dawnette R. DAVIDSON, Appellant, v. Christopher B. DAVIDSON, Respondent. No. 67698. Supreme Court of Nevada - FILED SEPTEMBER 29, 2016.....5

Gumm v. Mainor, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002)5

MARK WORSNOP, INDIVIDUALLY; AND MARK SYSTEMS, INC., A NEVADA CORPORATION, Appellants, V. MATTHEW KARAM, Respondent. No. 77248. Supreme Court of Nevada. Filed February 27, 2020 – Order of Reversal and Remand..... 6

Markowitz v. Saxon Special Servicing, 129 Nev. 660, 665, 310 P.3d 569, 572 (2013)5

JASON HARTMAN, Appellant, v. PALMS PLACE UNIT OWNERS' ASSOCIATION, A NEVADA DOMESTIC NON-PROFIT CORPORATION; GEORGE MALOOF, JR., AN INDIVIDUAL; JULIE CHAPMAN, AN INDIVIDUAL; AND THOMAS K. LAND, ASSIGNEES OF PALMS PLACE, LLC, A NEVADA LIMITED LIABILITY COMPANY, KEN LOGAN AND QUENTIN KEARNEY, Respondents.” *Hartman v. Palms Place Unit Owners' Association*, No. 79832, (Nev. Jul. 1, 2021)6

JOHN LYNCH, AN INDIVIDUAL; AND KELLIE FUHR, Appellants, v. YEHIA AWADA, AN INDIVIDUAL, Respondent. No. 73561. Supreme Court of Nevada. Filed September 28, 20185

Pellegrini v. State, 117 Nev. 860, 874, 34 P.3d 519, 528 (2001).....5

Robert LEVEN, Appellant, v. Herbert FREY and Cy Yehros, Respondents. No. 41716. Supreme Court of Nevada. October 11, 2007.....5

Other Authorities

Nevada Rules of Appellate Procedurepassim

Nevada Revised Statutes.....passim

I. JURISDICTIONAL STATEMENT

This is an appeal from (1) an Order granting a Motion to Dismiss, (2) a final Judgement after a bench trial. Appealability is established by the court has jurisdiction pursuant to NRAP 3A(b)(1) and (8) because the district court's April 18th, 2022, order is a final order allowing the judgments filed against Alexander Penly to remain and in good standing.

The notice of appeal was timely filed on May 16th, 2022, following the District Courts order dated April 18th, 2022.

II. ISSUES ON APPEAL

Appellant believes that District Court judge erred when allowing respondents to renew their judgments without strict compliance in accordance with NRS and previous rulings in this court.

Appellant believes that District Court Judge erred when allowing Respondent to renew duplicate judgments.

Appellant believes that District Court Judge erred when allowing respondent Motion In support of to be heard when it was untimely.

Appellant believes that District Court Judge erred when allowing an unsigned affidavit to renew a judgment.

III. STATEMENT OF FACTS

- Clark County Assessor's Office
 - o Homestead Protection – May 16th, 2011
- District Court
 - o Arbitration Award Confirmed - September 21st, 2015
- District Court
 - o Judgment confirmed – January 20th, 2016
- Clark County Assessor's Office
 - o Recorded (201601260003490) Judgment – January 26th, 2016
- District Court
 - o Notice of Entry of Judgment filed – January 27th 2016
- Clark County Assessor's Office
 - o Recorded (201602010002431) judgment again – February 1st, 2016

On January 7th, 2022, Respondent filed an Affidavit of Renewal of Judgment. Four (4) signed affidavits to the court for filing.

Respondent then recordings to Clark County Accessors office:

- January 10th, 2022 - Filing #1 (202201100001768)
- January 10th, 2022 - Filing #2 (202201100001769)
- January 10th, 2022 - Filing #3 (202201100001770)
- January 10th, 2022 - Filing #4 (202201100001771)

Respondents then sent two envelopes of four affidavits (3 signed affidavits and 1 unsigned affidavit) on January 11th, 2022. Received by Judgment Debtor was three signed affidavits with exhibits and one unsigned affidavit without exhibits.

Appellant served a Motion of Opposition to Respondent's renewal on January 21st, 2022. Hearing was requested however, no movement by court.

Respondent filed their response, on February 8th as Reply in Support of affidavits for renewal of judgment, 19 days after Opposition. With no movement by the court, Appellant filed a Motion to Strike as respondent's response to the first opposition was untimely and unsupported.

Respondent further points to not renewing the original (filed January 26th, 2016) judgment by claiming it doesn't matter and is irrelevant. Therefore, their original Judgment recorded on January 26th, 2016, a day prior to the Notice of Entry of Judgment in this matter, was not renewed. Only the most recent filing (201601260003490), recorded February 1st, 2016, is all respondents wish to renew.

Respondent claimed that a couple of hours delay on the mailing does not affect strict compliance and nor does an unsigned affidavit upon renewal.

IV. ARGUMENT

This opening brief is in accordance with NRAP 14 as well as in accordance with timeline orders received from this court.

Appellant's appeal per NRAP 3A(b)(8).

NRAP 3A(b)(8) allows an appeal from any "special order entered after final judgment." In Gumm v. Mainor, 118 Nev. 912, 914, 59 P.3d 1220, 1221 (2002), this court held that, "to be appealable..., a special order made after final judgment must be an order affecting the rights of some party to the action, growing out of the judgment previously entered." 382 P.3d 880 (2016) Dawnette R. DAVIDSON, Appellant, v. Christopher B. DAVIDSON, Respondent. No. 67698. Supreme Court of Nevada - FILED SEPTEMBER 29, 2016

"Accordingly, "[t]he judgment creditor or the judgment creditor's successor in interest *shall* notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested. . . ." NRS 17.214(3) (emphasis added); Markowitz v. Saxon Special Servicing, 129 Nev. 660, 665, 310 P.3d 569, 572 (2013) ("The word 'shall' is generally regarded as mandatory."). Because NRS 17.214(3) was not strictly complied with, the district court did not err by denying appellants' motion for declaratory relief and application to enforce a foreign judgment" JOHN LYNCH, AN INDIVIDUAL; AND KELLIE FUHR, Appellants, v. YEHIA AWADA, AN INDIVIDUAL, Respondent. No. 73561. Supreme Court of Nevada. Filed September 28, 2018

"[A] court's requirement for strict or substantial compliance may vary depending on the specific circumstances." Leven v. Frey, 123 Nev. 399, 407, 168 P.3d 712, 717 (2007). In general, "'time and manner' requirements are strictly construed, whereas substantial compliance may be sufficient for 'form and content' requirements." *Id.* at 408, 168 P.3d at 718; *see id.* at 408 n. 31, 168 P.3d at 718 n. 31 (noting that one part of a statute can be "subject to strict compliance, even though other aspects of the statutory scheme were subject to review for substantial compliance").

Furthermore, strict compliance does not mean absurd compliance. Pellegrini v. State, 117 Nev. 860, 874, 34 P.3d 519, 528 (2001)

“Under NRS 17.214, timely filing an affidavit, timely recording (if the judgment being renewed was recorded), and timely service are required to successfully renew a judgment. NRS 17.214 expressly refers to these three aspects of judgment renewal — affidavit filing, recording, and service.” *Leven v. Frey*, 123 Nev. 399, 402 (Nev. 2007)

‘A judgment creditor may renew an unpaid judgment by using the renewal process established by the Legislature. First, a judgment creditor must file a complaint "Affidavit of Renewal of Judgment" in the court that entered the judgment. NRS 17.214(1)(a). This affidavit must be filed within 90 days of the judgment's expiration by limitation under NRS 11.190(1)(a). Id. After a judgment creditor files the affidavit, they must record the filed affidavit in the county recorder's office within three days. NRS 17.214(1)(b). Finally, a judgment creditor must notify the judgment debtor by sending a copy of the affidavit by certified mail, return receipt requested, to the judgment debtor's last known address. NRS 17.214(3). The judgment creditor must send this notice within three days of filing the affidavit. Id. MARK WORSNOP, INDIVIDUALLY; AND MARK SYSTEMS, INC., A NEVADA CORPORATION, Appellants, V. MATTHEW KARAM, Respondent. No. 77248. Supreme Court of Nevada. Filed February 27, 2020 – Order of Reversal and Remand.’

It has been decided in this very court, repeatedly, that strict compliance is required. In this instance, the Appellant does not believe that Respondent complied with the strict requirements set forth in NRS 17.214.

Furthermore, if strict compliance is required and service is required to renew, respondents did not successfully, nor completely, serve Appellant. Service of untimely mailing and mailing an unsigned affidavit are not complete service in any fashion.

a) Did the District Court err when allowing an unsigned affidavit to renew a judgment?

“An unsigned paper shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party.” *Rule 11 - Signing of Pleadings*, Nev. Justice. Ct. R. Civ. P. 11

NRS 17.214(1)(b) provides that an affidavit of renewal must be recorded “in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed.” As we previously stated, NRS 17.214 “includes no built-in grace period or safety valve provision.” *Leven*, 123 Nev. at 407, 168 P.3d at 718. The timing requirements of NRS 17.214 “must be complied with strictly.” *Id.* at 408, 168 P.3d at 718. Here, it is undisputed that Karam did not timely record his affidavit of renewal within the three-day period set forth in NRS 17.214(1)(b). Therefore, the district court properly concluded that Karam did not comply with NRS 17.214. *MARK WORSNOP, INDIVIDUALLY; AND MARK SYSTEMS, INC., A NEVADA CORPORATION, Appellants, V. MATTHEW KARAM, Respondent. No. 77248. Supreme Court of Nevada. Filed February 27, 2020 – Order of Reversal and Remand.’*

Here in this very court, Karam did not comply strictly with the requirements of NRS 17.214 therefore allowing the Supreme Court to overturn the lower courts ruling.

The affidavit filled January 7th 2022 was brought to the attention of the District Court as well as the attorneys during the hearing, however the attorney DID NOT correct the unsigned affidavit and the District Court allowed renewal with an unsigned Affidavit.

b) Did the District Court err when allowing respondent to violate NRCP - rule 11(a)?

RULE 11(A) - Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

(a) **Signature.** Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name — or by a party personally if the party is unrepresented. The paper must state the signer's address, email address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. *The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.*

Plaintiff failed to serve within 3 days by sending an UNSIGNED AFFIDAVIT without exhibits and even though, has been brought to the attention of Plaintiff, they have failed to correct in a timely manner. Therefore, defendant motion to strike should have been granted and the judgement which was not renewed correctly should be struck and voided.

c) Did the District Court err by allowing the renewal without Strict Compliance?

In the appeal at hand, Appellant moved after noticing and alerting the district court that it had not been served correctly or completely however, district court denied the motion to strike and renewed all 4 judgments. As there is no other legislation regarding the renewal of a judgment – respondent should be held to the same law that has been decided before this court multiple times.

NRS 17.214 requires a judgment creditor to timely file, record (when the judgment to be renewed is recorded) and serve his or her affidavit of renewal to successfully renew a judgment, and strict compliance with these provisions is required. As Frey did not timely record and serve his affidavit of renewal, he did not comply with NRS 17.214(1)(b) and (3), and thus he failed to successfully renew the judgment. "168 P.3d 712 (2007) - Robert LEVEN, Appellant, v. Herbert FREY and Cy Yehros, Respondents. No. 41716. Supreme Court of Nevada. October 11, 2007."

Respondents stated in their untimely affidavit ISO (Page 9 line 7): *"The Slight delay of mere hours between plaintiff's mailing of the affidavit and the USPS' processing of the mail parcel was not due to plaintiff's own conduct!"*

If Respondent were SOLELY responsible for filling, recording, and serving of documents, respondents cannot claim their conduct did not control the outcome. If respondents would have mailed, on Monday, as he claims on Monday, the mail would have been scanned/documentated on Monday upon pick up! That did not occur.

Leven v. Frey, 123 Nev. 399, 402 (Nev. 2007) ("3. The judgment creditor or his successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to him at his last known address within 3 days after filing the affidavit.")

Respondent's office did NOT SEND or even attempt to mail the affidavits on the 10th. This is not a mail issue, this is Fox Rothchild failing to even attempt to mail the necessary documents timely, i.e., before the pickup deadline on Monday.

Therefore, ensuring the 'mere hours delay' versus doing ensuring a timely mailing. Even if 'regular course of mail' existed here, Respondents failed to ensure that the affidavits (including one unsigned without exhibits) were SENT in the regular course, before mail final pick up by UPS on Monday January 10th, 2022.

Subsequent, to the failure to mail on the 10th of January, Respondent's then filled the Certificate of Service on the 11th of January at 15:49 stating they had mailed it the day before. In reference to the tracking numbers, the envelopes were NOT mailed on January 10th, 2022. Therefore, respondents continual disingenuity with the district court and furthermore the Supreme Court should be noted and they should be held accountable.

Respondents failed to comply strictly with NRS 17.214 and wormed other statutes as if they have any bearing on the foundation of the purpose of NRS 17.214 addressing the actual SENDING requirements.

In this instance Respondents rely on 'regular course of mail' however, this presumption is not correct when analyzing the verbiage of NRAP 25 (5)(c) and NRS 17.214. Certified mail is not considered 'regular course of mail' Certified mail requires tracking unlike that of a stamp and a mailbox. Respondent did not have envelope available for pickup or ensure it was sent on Monday, however, they claim they couldn't have done better. Appellant disagrees. Ensuring an item of certified mail is sent is not difficult to ensure it makes a deadline.

("A judgment creditor or a judgment creditor's successor in interest" may renew an unpaid judgment by filing an affidavit with pertinent information, recording the affidavit within three days, and **mailing the affidavit** to the judgment creditor within three days. NRS 17.214(1)-(3) (emphases added). **The party renewing the judgment must strictly comply with NRS 17.214's mailing and recordation provisions**, *Leven v. Frey*, 123 Nev. 399, 409, 168 P.3d 712, 719 (2007), but need only substantially comply with NRS 17.214's form-and-content requirements, *id.* at 408, 168P.3dat718.") *Hartman v. Palms Place Unit Owners' Association*, No. 79832, (Nev. Jul. 1, 2021)

As NRS 17.214, has no ambiguous language as referenced then 3 days must mean, in this instance, Friday (7th of January) – initial filing at District Court date stamped 17:39 till EXACTLY 3 days (24 hour) periods had passed by at 17:39 on Monday the 10th of January where the affidavit was not sent prior to this time.

NRAP 25 (5)(c)

(c) Manner of Service.

(1) Service may be any of the following:

- (A) personal, including delivery of the copy to a clerk or other responsible person at the office of counsel;
- (B) by mail;
- (C) by third-party commercial carrier for delivery within 3 days;
- (D) by electronic means, if the party being served consents in writing; or
- (E) notice by electronic means to registered users of the court's electronic filing system consistent with NEFCR 9.

(2) When reasonable, considering such factors as the immediacy of the relief sought, distance, and cost, service on a party shall be by a manner at least as expeditious as the manner used to file the paper with the court.

(3) **Service by mail or by commercial carrier is complete on mailing or delivery to the carrier.** Service by electronic means under Rule 25(c)(1)(D) is complete on transmission, unless the party making service is notified that

the paper was not received by the party served. Service through the court's electronic filing system under Rule 25(c)(1)(E) is complete at the time that the document is submitted to the court's electronic filing system.

The Supreme Court have held how strict the requirements of NRS 17.214 are:

"Accordingly, "[t]he judgment creditor or the judgment creditor's successor in interest *shall* notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested. . . ." NRS 17.214(3) (emphasis added); Markowitz v. Saxon Special Servicing, 129 Nev. 660, 665, 310 P.3d 569, 572 (2013) ("The word 'shall' is generally regarded as mandatory."). Because NRS 17.214(3) was not strictly complied with, the district court did not err by denying appellants' motion for declaratory relief and application to enforce a foreign judgment"

JOHN LYNCH, AN INDIVIDUAL; AND KELLIE FUHR, Appellants, v. YEHIA AWADA, AN INDIVIDUAL, Respondent. No. 73561. Supreme Court of Nevada. Filed September 28, 2018

Respondent failed to 'deliver' to the mail carrier within 3 days. Respondent purely printed pre-dated stamps and left the envelopes on the counter without verifying they were sent prior to the expiration of time mandated in NRS 214. Therefore, Respondent Renewal of Judgements should be denied due to their failures in strict compliance.

d) Did the District Court err when allowing the filing of 2 (two) (\$80,000) of the same judgments when only one exists?

Respondent recorded 4 documents (\$1.5 million, \$80k, \$80k and \$111,750), then he recorded 4 documents all against Alex Penly (judgment debtor). Respondents placed 3 affidavits (\$1.5 million, \$80k and \$80k) into one envelope and 1 unsigned affidavit and no exhibits (\$111,750) into a separate envelope and placed on their counter for the mailman to pick up at scan at 13:39 on Tuesday the 11th of January. If these packages were available prior to pick up on Tuesday, they would have been picked up/scanned on Monday.

Respondent assertion that it was only 'mere hours delay' was EXACTLY 20 hours later. Almost an entire day passed the deadline of 17:39 on Monday the 10th of January.

Appellant currently shows 6 filings against his name. For purposes of the assessor's office, the renewal aspect of the requirements of NRS 17.214, state to reference any other filings. Here, Respondent REFUSES to acknowledge the original recording of the judgment prior to the entry of order in District Court, January 26th, 2016, filled by Gus Flangas. Respondents want to believe, outside of evidence that at the time they filed after the entry of order was filed, that was the only filing – ignoring prior filings, causing the judgment renewal to renew the Judgment filing from February 1st and by allowing the judgment filing on January 26th to not be renewed.

Furthermore, respondents should have renewed the original judgment on file with the Clark County Records office. This document (201601260003490) Judgment was filled on January 26th, 2016 – however THIS judgment has not been renewed. There is NO mention of the judgement dated January 26th, 2016, whereas the only judgment which was mentioned is the judgment filed February 1st, 2016.

e) Did the District Court err when allowing the Judgment renewal filing against the wrong Debtor?

Furthermore, respondent's record the \$111,750 judgment against Mr. Penly even though, Mr. Penly is not the responsible party or named on the judgment. Respondent recorded two affidavits for \$80,000 against Mr. Penly. To be clear, as seen in the original Judgment filing, there is only 1 \$80,000 against Appellant, not two!

Respondents are clearly trying to harass, annoy and frustrate, not only the District Court with unnecessary judgment renewals which are false and inaccurate, but further publicly embarrass Appellant.

Respondents did not strictly comply with NRS 17.214, the ONLY avenue to renew Judgments and therefore their judgments should be voided, and renewal be struck from the record as they did not renew correctly and therefore should not be able to refile the renewal.

f) Did the District Court err when denying the Motion to Strike as respondents ISO was untimely?

The district Court erred when not striking Respondent ISO on February 8th due to respondent **violating** **order 2.20(e)**:

(e) Within 14 days after the service of the motion, and 5 days after service of any joinder to the motion, the opposing party must serve and file written notice of non-opposition or opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion and/or joinder should be denied. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

V. CONCLUSION

Appellant prays that Supreme Court find for reasons supported in this brief, Respondents failed to renew the judgments in questions by refusing to strictly comply with NRS 17.214 and void the judgments.

Respectfully submitted

/s/Alexander Penly

8529 Fox Brook Street,

Las Vegas, NV 89139

7027611634

alexpenly@msn.com

CERTIFICATE OF COMPLIANCE

I hereby certify that this petition for rehearing/reconsideration or answer complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because:

☒ It has been prepared in a proportionally spaced typeface using Microsoft Word version 16 in size 11 of Times New Roman; or

☐ It has been prepared in a monospaced typeface using [state name and version of word processing program] with [state number of characters per inch and name of type style].

2. I further certify that this brief complies with the page or type-volume limitations of NRAP 40 or 40A because it is either:

☐ Proportionately spaced, has a typeface of 14 points or more, and contains _____ words; or

☐ Monospaced, has 10.5 or fewer characters per inch, and contains ____ words or ____ lines of text; or

☒ Does not exceed 10 pages.

Dated this December 23rd 2022

/s/ Alexander Penly

8529 Fox Brook Street,

Las Vegas, NV 89139

7027611634

alexpenly@msn.com

CERTIFICATE OF SERVICE

Pursuant to Rule 40 on this 23rd of December 2022, a true and complete copy of the foregoing document entitled Petition for Rehearing was served on the following interested parties by the action(s) indicated below:

MARK J. CANNOT (10010)
KEVIN M. SUTEHALL (9437)
FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada, 89135
Attorney for Plaintiffs

Method of Service

X Federal Express Overnight Delivery: I caused said documents to be mailed by Federal Express overnight delivery requested on December 23rd 2022.

/s/ Alexander Penly
Alex Penly
8529 Fox Brook Street
Las Vegas, NV 89139
Email: Alexpenly@msn.com
Telephone: 702-761-1634
In Pro Per