

1 TUESDAY LYNCH  
2 175 E. 2<sup>ND</sup> Street, No. 2358  
3 Reno, NV 89501  
4 775-437-8348  
5 [lynchtuesday@gmail.com](mailto:lynchtuesday@gmail.com)

Electronically Filed  
Jun 23 2022 10:47 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7  
8 IN AND FOR THE COUNTY OF WASHOE

9  
10 TUESDAY LYNCH,

Case No. CV21-02175

11 Appellant,

12 vs.

Dept. No. 4

13 RENO SUITES,

14 Respondent.

15  
16 **NOTICE OF APPEAL**

17 TO: Respondent, RENO SUITES and its attorney of record, Thomas C. Vallas, Esq.

18  
19 PLEASE TAKE NOTICE that Appellant, Tuesday Lynch, appeals the above-entitled  
20 Court's Order Granting Motion to Dismiss Appeal dated June 15, 2022, to the Nevada Supreme  
21 Court.

22 Dated this 21<sup>st</sup> day of June, 2022.

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25 **/s/ Tuesday Lynch**

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Thomas C. Vallas, Esq.

/s/ Tuesday Lynch

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

**TUESDAY LYNCH,**

**Appellant,**

**Case No. CV21-02175**

**vs.**

**Dept. No. 4**

**RENO SUITES, INC.,**

**Respondent.**

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**CASE APPEAL STATEMENT**

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is Tuesday Lynch.
2. This appeal is from an order entered by the Honorable Judge Connie J. Steinheimer.
3. Appellant is representing herself in Proper Person on appeal, the Appellant's address is:  
Tuesday Lynch  
175 E. 2<sup>nd</sup> Street, No. 2358  
Reno, Nevada 89501
4. Respondent is Reno Suites, Inc.. Respondent was represented in District Court by:  
Thomas A. Vallas, Esq. SBN 4076  
Hoy Chrissinger Vallas  
50 West Liberty Street, Suite 840  
Reno, Nevada 89501
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is not represented by retained counsel in District Court.
7. Appellant is not represented by retained counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court on March 24, 2022..
9. Proceeding commenced by the filing of a Justice Court Civil Appeal Proceedings on December 13, 2021.
10. This is a civil proceeding and the Appellant is appealing the Order Granting Reno Suites, Inc.'s Motion to Dismiss Appeal and Remanding to Reno Justice Court filed June 15<sup>th</sup>, 2022
11. The case has not been the subject of a previous appeals to the Supreme Court.
12. This case does not involve child custody or visitation.
13. It is unknown if the case involves the possibility of a settlement.

Dated this 22nd day of June, 2022.

Alicia L. Lerud  
Clerk of the Court  
By: /s/ Y.Viloria  
Y.Viloria  
Deputy Clerk

1 CODE NO. 3035  
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 TUESDAY LYNCH,

Case No. CV21-02175

10 Appellant,

Dept. No. 4

11 vs.

12 RENO SUITES, INC.  
13

14 Respondent.  
15 \_\_\_\_\_/

16 **ORDER GRANTING APPLICATION AND DECLARATION TO WAIVE FEES AND COSTS**

17 Before this Court is the *Application to Proceed in Forma Pauperis* filed by Appellant  
18 TUESDAY LYNCH ("Appellant"), which was filed on February 7, 2022, and, in the interest of  
19 judicial economy, the Court deems the matter submitted.

20 NRS 12.015(1)(a)<sup>1</sup> provides, in pertinent part, a person desiring to "prosecute or  
21 defend a civil action without paying the costs for prosecuting or defending the action may"  
22 file an application and declaration to proceed as an indigent litigant. If the court determines  
23 an application should be granted because the applicant falls within any of the circumstances  
24 delineated in NRS 12.015(2)(a)(1)-(4), then the court "shall allow a person to commence or  
25 defend an action without costs and file or issue any necessary writ, process, pleading or  
26 paper without charge. . . ."  
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<sup>1</sup> Amended by Laws 2021, c. 114 § 1, eff. June 26, 2021.

1 Having reviewed the moving papers, the Court finds and determines there are  
2 sufficient grounds to permit Appellant to proceed as an indigent litigant.

3 Accordingly, and good cause appearing therefor,  
4

5 **IT IS HEREBY ORDERED** the *Application and Declaration to Waive Fees and Costs*  
6 is GRANTED.

7 **IT FURTHER ORDERED** the Court allows Appellant to proceed without payment of  
8 fees or security thereof;

9 **IT IS FURTHER ORDERED** the Clerk of Court shall file and process all pleadings  
10 necessary in the prosecution of this action without fees;  
11

12 **IT IS FURTHER ORDERED** the Sheriff shall make personal service of any necessary  
13 pleadings or papers for Appellant in this action without charge.

14 DATED this 24th day of March, 2022.

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17 DISTRICT JUDGE  
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THOMAS VALLAS, ESQ.  
TUESDAY LYNCH

Holly W. Lange

**SECOND JUDICIAL DISTRICT COURT****STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV21-02175****Case Description: TUESDAY LYNCH VS RENO SUITES (D4)****Case Number: CV21-02175 Case Type: APPEAL FROM LOWER COURT - Initially Filed On: 12/13/2021****Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - CONNIE J. STEINHEIMER - D4	Active
APPE - TUESDAY R LYNCH - @1322561	Active
ATTY - Thomas A. Vallas, Esq. - 4076	Active
RESP - RENO SUITES - @1380148	Active

**Disposed Hearings**

- 1 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 2/3/2022 at 14:10:00  
Extra Event Text: MOTION TO SUBMIT PROPOSED ORDER (ORDER PROVIDED)  
Event Disposition: S200 - 3/24/2022
- 2 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 2/3/2022 at 13:52:00  
Extra Event Text: MOTION TO DISMISS APPEAL DATED 1/19/2022  
Event Disposition: S200 - 3/24/2022
- 3 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 2/8/2022 at 15:17:00  
Extra Event Text: MOTION TO DISMISS APPEAL FILED 1/19/2022  
Event Disposition: S200 - 3/24/2022
- 4 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 4/26/2022 at 13:17:00  
Extra Event Text: MOTION TO DISMISS APPEAL FILED 1/19/2022 (ORDER PROVIDED)  
Event Disposition: S200 - 6/15/2022
- 5 Department: D4 -- Event: Request for Submission -- Scheduled Date & Time: 5/6/2022 at 17:25:00  
Extra Event Text: MOTION TO DISMISS APPEAL FILED 1/19/2022  
Event Disposition: S200 - 6/15/2022

**Actions**

- |   | <u>Filing Date</u> | <u>-</u> | <u>Docket Code &amp; Description</u>   |
|---|--------------------|----------|--|
| 1 | 12/13/2021         | -        | 1175 - Appeal from Justice Court<br>Additional Text: DFX: FILING FEE OF \$211.00 DUE - Transaction 8793344 - Approved By: CSULEZIC : 12-13-2021:10:37:03 |
| 2 | 12/16/2021         | -        | FIE - **Document Filed in Error<br>Additional Text: Transaction 8802037 - Approved By: NOREVIEW : 12-16-2021:17:17:04                                    |
| 3 | 12/16/2021         | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 8802040 - Approved By: NOREVIEW : 12-16-2021:17:18:05                                  |
| 4 | 12/16/2021         | -        | 2880 - Ord for Briefing Schedule<br>Additional Text: Transaction 8802046 - Approved By: NOREVIEW : 12-16-2021:17:21:04                                   |
| 5 | 12/16/2021         | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 8802047 - Approved By: NOREVIEW : 12-16-2021:17:22:04                                  |

**Report Does Not Contain Sealed Cases or Confidential Information**



- 6 1/19/2022 - 2315 - Mtn to Dismiss ...  
Additional Text: MOTION TO DISMISS APPEAL - Transaction 8850643 - Approved By: YVILORIA : 01-19-2022:13:32:21
- 7 1/19/2022 - \$1560 - \$Def 1st Appearance - CV  
Additional Text: RENO SUITES, INC. - Transaction 8850643 - Approved By: YVILORIA : 01-19-2022:13:32:21
- 8 1/19/2022 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of \$208.00 was made on receipt DCDC685797.
- 9 1/19/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8850711 - Approved By: NOREVIEW : 01-19-2022:13:33:19
- 10 2/3/2022 - 3860 - Request for Submission  
Additional Text: Transaction 8879482 - Approved By: NOREVIEW : 02-03-2022:13:58:55  
DOCUMENT TITLE: MOTION TO DISMISS APPEAL DATED 1/19/2022  
PARTY SUBMITTING: THOMAS VALLAS ESQ  
DATE SUBMITTED: 2/03/2022  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:
- 11 2/3/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8879487 - Approved By: NOREVIEW : 02-03-2022:14:00:02
- 12 2/3/2022 - 3860 - Request for Submission  
Additional Text: Transaction 8879581 - Approved By: NOREVIEW : 02-03-2022:14:16:49  
DOCUMENT TITLE: MOTION TO SUBMIT PROPOSED ORDER (ORDER PROVIDED)  
PARTY SUBMITTING: THOMAS VALLAS ESQ  
DATE SUBMITTED: 2/03/2022  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:
- 13 2/3/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8879598 - Approved By: NOREVIEW : 02-03-2022:14:19:05
- 14 2/7/2022 - 3866 - Request/Waive Fees/Costs  
Additional Text: APPLICATION AND DECLARATION TO WAIVE FEES AND COSTS  
Transaction 8883833 - Approved By: NMASON : 02-07-2022:11:55:37
- 15 2/7/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8883858 - Approved By: NOREVIEW : 02-07-2022:11:56:34
- 16 2/8/2022 - 3790 - Reply to/in Opposition  
Additional Text: REPLY IN SUPPORT OF MOTION TO DISMISS APPEAL - Transaction 8887132 - Approved By: CSULEZIC : 02-08-2022:15:50:32
- 17 2/8/2022 - 3860 - Request for Submission  
Additional Text: - Transaction 8887132 - Approved By: CSULEZIC : 02-08-2022:15:50:32  
DOCUMENT TITLE: MOTION TO DISMISS APPEAL FILED 1/19/2022  
PARTY SUBMITTING: THOMAS VALLAS ESQ  
DATE SUBMITTED: 2/08/2022  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:
- 18 2/8/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8887261 - Approved By: NOREVIEW : 02-08-2022:15:52:19
- 19 3/24/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*

- 20 3/24/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 21 3/24/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 22 3/24/2022 - FIE - \*\*Document Filed in Error  
Additional Text: DOCUMENT ATTACHED TO FILING FROM INCORRECT CASE - Transaction 8964126 - Approved By: NOREVIEW : 03-24-2022:15:14:39
- 23 3/24/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8964128 - Approved By: NOREVIEW : 03-24-2022:15:17:23
- 24 3/24/2022 - 3035 - Ord Grant in Forma Pauperis  
Additional Text: ORDER GRANTING APPLICATION AND DECLARATION TO WAIVE FEES AND COSTS- Transaction 8964244 - Approved By: NOREVIEW : 03-24-2022:15:41:18
- 25 3/24/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8964245 - Approved By: NOREVIEW : 03-24-2022:15:41:38
- 26 4/11/2022 - 2682 - Ord Addressing Motions  
Additional Text: ORDER ADDRESSING RENO SUITES, INC.'S MOTION TO DISMISS APPEAL - Transaction 8990631 - Approved By: NOREVIEW : 04-11-2022:08:25:06
- 27 4/11/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8990633 - Approved By: NOREVIEW : 04-11-2022:08:25:47
- 28 4/26/2022 - 3860 - Request for Submission  
Additional Text: Request to Submit Motion to Dismiss Appeal - Transaction 9017708 - Approved By: NOREVIEW : 04-26-2022:13:18:00  
DOCUMENT TITLE: MOTION TO DISMISS APPEAL FILED 1/19/2022 (ORDER PROVIDED)  
PARTY SUBMITTING: THOMAS VALLAS ESQ  
DATE SUBMITTED: 4/26/2022  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:
- 29 4/26/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9017714 - Approved By: NOREVIEW : 04-26-2022:13:18:41
- 30 4/29/2022 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO MOTION TO DISMISS APPEAL - Transaction 9024546 - Approved By: CSULEZIC : 04-29-2022:12:10:55
- 31 4/29/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9024561 - Approved By: NOREVIEW : 04-29-2022:12:11:30
- 32 5/6/2022 - 3790 - Reply to/in Opposition  
Additional Text: REPLY IN SUPPORT OF MOTION TO DISMISS APPEAL - Transaction 9036661 - Approved By: CSULEZIC : 05-06-2022:16:18:10
- 33 5/6/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9036698 - Approved By: NOREVIEW : 05-06-2022:16:18:53
- 34 5/6/2022 - 3860 - Request for Submission  
Additional Text: Req for Submission re Motion to Dismiss - Transaction 9036871 - Approved By: NOREVIEW : 05-06-2022:17:25:55  
DOCUMENT TITLE: MOTION TO DISMISS APPEAL FILED 1/19/2022  
PARTY SUBMITTING: THOMAS VALLAS ESQ  
DATE SUBMITTED: 5/06/2022  
SUBMITTED BY: CS  
DATE RECEIVED JUDGE OFFICE:

- 35 5/6/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9036872 - Approved By: NOREVIEW : 05-06-2022:17:26:22
- 36 6/15/2022 - 3060 - Ord Granting Mtn ...  
Additional Text: ORDER GRANTING RENO SUITES, INC.'S MOTION TO DISMISS APPEAL AND REMANDING TO RENO JUSTICE COURT - Transaction 9101602 - Approved By: NOREVIEW : 06-15-2022:14:00:37  
  
ORDER EMAILED TO RENO JUSTICE COURT ON 6/15/22. nm
- 37 6/15/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9101604 - Approved By: NOREVIEW : 06-15-2022:14:01:06
- 38 6/15/2022 - F135 - Adj Motion to Dismiss by DEFT  
*No additional text exists for this entry.*
- 39 6/15/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 40 6/15/2022 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 41 6/15/2022 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 9101758 - Approved By: NOREVIEW : 06-15-2022:14:31:29
- 42 6/15/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9101761 - Approved By: NOREVIEW : 06-15-2022:14:32:08
- 43 6/15/2022 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 9101770 - Approved By: NOREVIEW : 06-15-2022:14:38:21
- 44 6/15/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9101782 - Approved By: NOREVIEW : 06-15-2022:14:39:02
- 45 6/22/2022 - 2515 - Notice of Appeal Supreme Court  
Additional Text: Transaction 9111549 - Approved By: YVILORIA : 06-22-2022:10:19:40
- 46 6/22/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9111586 - Approved By: NOREVIEW : 06-22-2022:10:20:20
- 47 6/22/2022 - 1310 - Case Appeal Statement  
Additional Text: CASE APPEAL STATEMENT - Transaction 9111652 - Approved By: NOREVIEW : 06-22-2022:10:39:11
- 48 6/22/2022 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 9111652 - Approved By: NOREVIEW : 06-22-2022:10:39:11
- 49 6/22/2022 - NEF - Proof of Electronic Service  
Additional Text: Transaction 9111658 - Approved By: NOREVIEW : 06-22-2022:10:39:52

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

TUESDAY LYNCH,

Appellant,

v.

RENO SUITES, INC.,

Respondent.

Case No. CV21-02175

Department No.: 4

**ORDER GRANTING RENO SUITES, INC.'S MOTION TO DISMISS APPEAL AND  
REMANDING TO RENO JUSTICE COURT**

On December 7, 2021, Appellant TUESDAY LYNCH (hereinafter "LYNCH"), in pro per, filed a *Notice of Appeal*, in Reno Justice Court, Case No. REV2021-001965, wherein LYNCH appeals the Decision entered on November 23, 2021, concerning her eviction from the premises located at 175 E. 2<sup>nd</sup> St., #2358, Reno, Nevada 89501. On December 13, 2021, the *Justice Court Proceedings* were received by the Second Judicial District Court.

On December 16, 2021, an *Order for Briefing Schedule* was entered.

On January 19, 2022, Respondent RENO SUITES, INC. (hereinafter "RENO SUITES"), by and through its attorney, Thomas A. Vallas, Esq. of Hoy, Chrissinger, Vallas, filed a *Motion to Dismiss Appeal* wherein RENO SUITES moves the Court to dismiss the above entitled matter on the basis that LYNCH failed to file an Opening Brief as required by the Court's Order for Briefing Schedule. On February 3, 2022, RENO SUITES submitted its Motion to Dismiss Appeal for the Court's consideration, and submitted a proposed order.

On February 7, 2022, LYNCH filed an *Application and Declaration to Waive Fees and Costs*.

1  
2 On February 8, 2022, RENO SUITES filed a *Reply in Support of Motion to Dismiss*  
3 *Appeal*, and submitted its Reply for the Court's consideration.

4 On March 24, 2022, an *Order Granting Application and Declaration to Waive Fees and*  
5 *Costs* was entered.

6 On April 11, 2022, the Court entered an *Order Addressing Reno Suites, Inc.'s Motion to*  
7 *Dismiss Appeal* wherein the Court ruled that LYNCH had 14 days from the date of the Order to  
8 file her opposition to the Motion to Dismiss Appeal and/or her Opening Brief.

9 On April 26, 2022, RENO SUITES filed a *Request to Submit Motion to Dismiss Appeal*  
10 after the extended time allowed LYNCH to respond by the Court's April 11, 2022 order had  
11 expired.

12 On April 29, 2022, LYNCH filed an *Opposition to Motion to Dismiss Appeal*. On May 6,  
13 2022, RENO SUITES filed its *Reply in Support of Motion to Dismiss Appeal*, and submitted the  
14 matter, for a second time, for the Court's consideration.

15 Within 14 days after the service of the motion, the opposing party shall serve and  
16 file a written opposition thereto, together with a memorandum of points and  
17 authorities and supporting affidavits, if any, stating facts showing why the motion  
18 should not be denied. Failure of the opposition party to serve and file an written  
opposition may be construed as an admission that the motion is meritorious and  
consent to the granting of the same.

19 If an opposing party fails to serve and file a written opposition to a motion with appropriate  
20 supporting affidavits or declarations showing the grounds upon which the motion should be  
21 denied, the district court may, in its discretion, construe that the failure serves as an admission  
22 that the motion is meritorious and grant the motion.

23 In the instant matter, LYNCH failed to file a timely opposition to RENO SUITES motion  
24 to dismiss. In her untimely opposition to the motion to dismiss states that she is not receiving  
25 physical mail at her address; however, a review of the Court's record indicates that LYNCH has  
26 an E-Flex account for the Second Judicial District Court. Therefore, she has agreed to accept  
27 service of Court filings through the Court's eflex system which sends an email notification of  
28 pleadings filed into her case. It is incumbent upon LYNCH to be aware of the filings when

1 notified, and to respond accordingly, even as a self-represented litigant.<sup>1</sup> As such, LYNCH's  
2 argument that RENO SUITES is withholding her mail is unpersuasive.

3 Additionally, a review of the Court's docket as of June 14, 2022, indicates that LYNCH  
4 has failed to file an Opening Brief pursuant to this Court's Order for Briefing Schedule.  
5 Pursuant to that order, LYNCH was provided notice that failure to file her Opening Brief within  
6 the time limitation would be deemed an admission that the appeal was not well founded and  
7 constitute adequate grounds for dismissal of the appeal. Taking into consideration that the Court  
8 is not persuaded by LYNCH's argument concerning her delay in filing her opening brief and her  
9 continued failure to file her opening brief, the Court finds that is appropriate to dismiss the  
10 above-entitled matter, and return the matter to the Justice Court.

11 Based on the foregoing and good cause appearing,

12 IT IS HEREBY ORDERED that RENO SUITE, INC.'s Motion to Dismiss Appeal is  
13 GRANTED.

14 IT IS HEREBY FURTHER ORDERED that the Clerk shall return the matter to the Reno  
15 Justice Court for imposition of judgment.

16 Dated this 15 day of June, 2022.

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19 DISTRICT JUDGE  
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27 <sup>1</sup> A self-represented litigant must follow the same rules of procedure as parties proceeding through  
28 attorneys. Bonnell v. Lawrence, 282 P.3d 712, 718 (Nev. 2012)(stating "[e]ven pro se litigants must follow the  
rules.")



**CERTIFICATE OF SERVICE**

CASE NO. CV21-02175

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 5 day of June, 2022, I filed the **ORDER GRANTING RENO SUITES, INC.'S MOTION TO DISMISS APPEAL AND REMANDING TO RENO JUSTICE COURT** with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

       **Personal delivery to the following: [NONE]**

  X   **I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

THOMAS VALLAS, ESQ. for RENO SUITES  
TUESDAY LYNCH

       **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada: [NONE]**

       **Placing a true copy thereof in a sealed envelope for service via:**

       Reno/Carson Messenger Service – [NONE]

       Federal Express or other overnight delivery service [NONE]

DATED this 5 day of June, 2022.

  
\_\_\_\_\_

1 Code: 2540  
HOY | CHRISSINGER | VALLAS  
2 Thomas A. Vallas (NV Bar 4076)  
50 West Liberty Street, Suite 840  
3 Reno, Nevada 89501  
(775) 786-8000 (main)  
4 (775) 786-7486 (facsimile)  
service@nevadalaw.com  
5 Attorneys for RENO SUITES, Inc.

6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 TUESDAY LYNCH,

9 Appellant,

Case No. CV22-02175

10 vs.

Dept. No. 4

11 RENO SUITES,

12 Respondent.

13  
14 **NOTICE OF ENTRY OF ORDER**

15 PLEASE TAKE NOTICE that the Court entered an order granting Reno Suite's  
16 Motion to Dismiss Appeal, a copy of which is attached as Exhibit 1 (Transaction  
17 #9101602).

18 **NRS 239B.030 Affirmation**

19 Pursuant to NRS 239B.030, the undersigned affirms that this document does not  
20 contain the Social Security Number of any person.  
21

22 DATED: This 15<sup>th</sup> day of June, 2022.

23 HOY | CHRISSINGER | VALLAS

24  
25 By /s/Thomas A. Vallas

26 Thomas A. Vallas  
Attorneys for Respondent  
RENO SUITES



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I served the foregoing using the electronic filing system (eFlex) which will send a notice to Ms. Lynch, as well as served Ms. Lynch via regular first-class mail and via email to the following:

Mail: Tuesday Lynch  
175 E. Second St., #2358  
Reno, NV 89501

Email: lynchtuesday@gmail.com

DATED: June 15, 2022

/s/Shondel Seth  
Shondel Seth

Exhibit No.

1

Description

June 15, 2022 Order  
Granting

No. of Pages

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## **Exhibit 1**

## **Exhibit 1**

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

TUESDAY LYNCH,

Appellant,

v.

RENO SUITES, INC.,

Respondent.

Case No. CV21-02175

Department No.: 4

**ORDER GRANTING RENO SUITES, INC.'S MOTION TO DISMISS APPEAL AND  
REMANDING TO RENO JUSTICE COURT**

On December 7, 2021, Appellant TUESDAY LYNCH (hereinafter "LYNCH"), in pro per, filed a *Notice of Appeal*, in Reno Justice Court, Case No. REV2021-001965, wherein LYNCH appeals the Decision entered on November 23, 2021, concerning her eviction from the premises located at 175 E. 2<sup>nd</sup> St., #2358, Reno, Nevada 89501. On December 13, 2021, the *Justice Court Proceedings* were received by the Second Judicial District Court.

On December 16, 2021, an *Order for Briefing Schedule* was entered.

On January 19, 2022, Respondent RENO SUITES, INC. (hereinafter "RENO SUITES"), by and through its attorney, Thomas A. Vallas, Esq. of Hoy, Chrissinger, Vallas, filed a *Motion to Dismiss Appeal* wherein RENO SUITES moves the Court to dismiss the above entitled matter on the basis that LYNCH failed to file an Opening Brief as required by the Court's Order for Briefing Schedule. On February 3, 2022, RENO SUITES submitted its Motion to Dismiss Appeal for the Court's consideration, and submitted a proposed order.

On February 7, 2022, LYNCH filed an *Application and Declaration to Waive Fees and Costs*.

1  
2 On February 8, 2022, RENO SUITES filed a *Reply in Support of Motion to Dismiss*  
3 *Appeal*, and submitted its Reply for the Court's consideration.

4 On March 24, 2022, an *Order Granting Application and Declaration to Waive Fees and*  
5 *Costs* was entered.

6 On April 11, 2022, the Court entered an *Order Addressing Reno Suites, Inc.'s Motion to*  
7 *Dismiss Appeal* wherein the Court ruled that LYNCH had 14 days from the date of the Order to  
8 file her opposition to the Motion to Dismiss Appeal and/or her Opening Brief.

9 On April 26, 2022, RENO SUITES filed a *Request to Submit Motion to Dismiss Appeal*  
10 after the extended time allowed LYNCH to respond by the Court's April 11, 2022 order had  
11 expired.

12 On April 29, 2022, LYNCH filed an *Opposition to Motion to Dismiss Appeal*. On May 6,  
13 2022, RENO SUITES filed its *Reply in Support of Motion to Dismiss Appeal*, and submitted the  
14 matter, for a second time, for the Court's consideration.

15 Within 14 days after the service of the motion, the opposing party shall serve and  
16 file a written opposition thereto, together with a memorandum of points and  
17 authorities and supporting affidavits, if any, stating facts showing why the motion  
18 should not be denied. Failure of the opposition party to serve and file an written  
opposition may be construed as an admission that the motion is meritorious and  
consent to the granting of the same.

19 If an opposing party fails to serve and file a written opposition to a motion with appropriate  
20 supporting affidavits or declarations showing the grounds upon which the motion should be  
21 denied, the district court may, in its discretion, construe that the failure serves as an admission  
22 that the motion is meritorious and grant the motion.

23 In the instant matter, LYNCH failed to file a timely opposition to RENO SUITES motion  
24 to dismiss. In her untimely opposition to the motion to dismiss states that she is not receiving  
25 physical mail at her address; however, a review of the Court's record indicates that LYNCH has  
26 an E-Flex account for the Second Judicial District Court. Therefore, she has agreed to accept  
27 service of Court filings through the Court's eflex system which sends an email notification of  
28 pleadings filed into her case. It is incumbent upon LYNCH to be aware of the filings when

1 notified, and to respond accordingly, even as a self-represented litigant.<sup>1</sup> As such, LYNCH's  
2 argument that RENO SUITES is withholding her mail is unpersuasive.

3 Additionally, a review of the Court's docket as of June 14, 2022, indicates that LYNCH  
4 has failed to file an Opening Brief pursuant to this Court's Order for Briefing Schedule.  
5 Pursuant to that order, LYNCH was provided notice that failure to file her Opening Brief within  
6 the time limitation would be deemed an admission that the appeal was not well founded and  
7 constitute adequate grounds for dismissal of the appeal. Taking into consideration that the Court  
8 is not persuaded by LYNCH's argument concerning her delay in filing her opening brief and her  
9 continued failure to file her opening brief, the Court finds that is appropriate to dismiss the  
10 above-entitled matter, and return the matter to the Justice Court.

11 Based on the foregoing and good cause appearing,

12 IT IS HEREBY ORDERED that RENO SUITE, INC.'s Motion to Dismiss Appeal is  
13 GRANTED.

14 IT IS HEREBY FURTHER ORDERED that the Clerk shall return the matter to the Reno  
15 Justice Court for imposition of judgment.

16 Dated this 15 day of June, 2022.

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19 DISTRICT JUDGE  
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27 <sup>1</sup> A self-represented litigant must follow the same rules of procedure as parties proceeding through  
28 attorneys. Bonnell v. Lawrence, 282 P.3d 712, 718 (Nev. 2012)(stating "[e]ven pro se litigants must follow the  
rules.")

**CERTIFICATE OF SERVICE**

CASE NO. CV21-02175

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the STATE OF NEVADA, COUNTY OF WASHOE; that on the 5 day of June, 2022, I filed the **ORDER GRANTING RENO SUITES, INC.'S MOTION TO DISMISS APPEAL AND REMANDING TO RENO JUSTICE COURT** with the Clerk of the Court.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

       **Personal delivery to the following: [NONE]**

  X   **I electronically filed with the Clerk of the Court, using the ECF which sends an immediate notice of the electronic filing to the following registered e-filers for their review of the document in the ECF system:**

THOMAS VALLAS, ESQ. for RENO SUITES  
TUESDAY LYNCH

       **Deposited in the Washoe County mailing system in a sealed envelope for postage and mailing with the United States Postal Service in Reno, Nevada: [NONE]**

       **Placing a true copy thereof in a sealed envelope for service via:**

       Reno/Carson Messenger Service – [NONE]

       Federal Express or other overnight delivery service [NONE]

DATED this 5 day of June, 2022.

  
\_\_\_\_\_

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

**TUESDAY LYNCH,**

**Appellant,**

**Case No. CV21-02175**

**vs.**

**Dept. No. 4**

**RENO SUITES, INC.,**

**Respondent.**

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 22nd day of June, 2022, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 22nd day of June, 2022.

Alicia L. Lerud  
Clerk of the Court  
By /s/Y.Viloria  
Y.Viloria  
Deputy Clerk