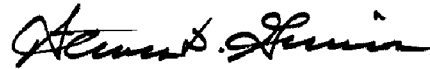


07/05/2022



CLERK OF THE COURT

NOA

EMIGDIO MARTINEZ-PINEDA

81 N. 27<sup>th</sup> Street

Las Vegas, Nevada 89101

Telephone: (702) 335-2545

Emigdio1981@live.com

*Defendant In Proper Person*

Electronically Filed

Jul 12 2022 02:58 p.m.

Elizabeth A. Brown

Clerk of Supreme Court

**DISTRICT COURT  
COUNTY OF CLARK, NEVADA**

YCC LLC, a Nevada limited liability company

Plaintiff,

vs.

CASE NO: A-20-813886-C

DEPT NO: 5

EMIGDIO MARTINEZ-PINEDA, an Individual  
EMIGDIO & EMIGDIO L.L.C., a Nevada  
limited liability company, DOES I-X; and ROE  
CORPORATIONS I-X,

Defendant.

**NOTICE OF APPEAL TO APPELLANT COURT**

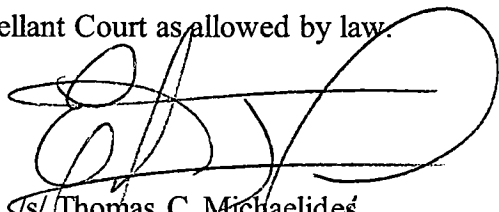
PLEASE TAKE NOTICE that pursuant to NRAP 3(c), Defendant, EMIGDIO MARTINEZ-PINEDA, In Proper Person, does hereby appeal from each and every part of the decision entered in the District Court on June 6, 2022, to the Appellant Court in and for the above-named county and state.

The basis of the appeal is that Defendant feels that the Homestead Exemption should have been granted.

I acknowledge that I may be required to post an appeal bond and to pay all filing fees and costs of appeal, including the expense of a transcript of the trial before this appeal will be filed and considered by the Appellant Court. I further acknowledge that if the appeal is dismissed or

1 the judgment is affirmed, I may be subject to reimbursing the other party for court costs and  
2 other expenses or damages as determined by the Appellant Court as allowed by law.

3 DATED this 14th day of June, 2022.


4   
5 /s/ Thomas C. Michaelides  
6 EMIGDIO MARTINEZ-PINEDA  
7 81 N. 27<sup>th</sup> Street  
8 Las Vegas, Nevada 89101  
9 Telephone: (702) 335-2545  
10 Emigdio1981@live.com  
11 Defendant In Proper Person

12 **CERTIFICATE OF SERVICE**

13 I, the undersigned, do hereby certify that on the 14th day of June 2022, a true and correct  
14 copy of the Plaintiff's Notice of Appeal was served via E-Mail to:

15 JOHNSON & GUBLER, P.C.

16 Attorney for Plaintiff

17   
18 /s/ Emigdio Martinez  
19 Defendant  
20  
21  
22  
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24  
25  
26  
27  
28



ASTA

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

YCC LLC,

Plaintiff(s),

vs.

EMIGDIO MARTINEZ-PINEDA; EMIGDIO &  
EMIGDIO L.L.C.,

Defendant(s),

Case No: A-20-813886-C

Dept No: V

**CASE APPEAL STATEMENT**

1. Appellant(s): Emigdio Martinez-Pineda

2. Judge: Veronica M. Barisich

3. Appellant(s): Emigdio Martinez-Pineda

Counsel:

Emigdio Martinez-Pineda  
81N. 27th St.  
Las Vegas, NV 89101

4. Respondent (s): YCC LLC

Counsel:

Matthew L. Johnson  
8831 W. Sahara Ave.

Las Vegas, NV 89117

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: April 20, 2020

10. Brief Description of the Nature of the Action: REAL PROPERTY - Title of Property

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 7 day of July 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: Emigdio Martinez-Pineda

**CASE SUMMARY****CASE NO. A-20-813886-C****YCC LLC, Plaintiff(s)****vs.****Emigdio Martinez-Pineda, Defendant(s)**§  
§  
§  
§  
§Location: **Department 5**Judicial Officer: **Barisich, Veronica M.**Filed on: **04/20/2020**

Case Number History:

Cross-Reference Case  
Number: **A813886****CASE INFORMATION****Statistical Closures**

06/17/2020 Transferred (before trial)





Case Type: **Other Title to Property**Case  
Status: **06/17/2020 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-20-813886-C
Court	Department 5
Date Assigned	01/04/2021
Judicial Officer	Barisich, Veronica M.

**PARTY INFORMATION**















<b>Plaintiff</b>	<b>YCC LLC</b>	<b>Johnson, Matthew L</b> <i>Retained</i> 7024710065(W)
<b>Defendant</b>	<b>Emigdio &amp; Emigdio LLC</b>	<b>Michaelides, Thomas C</b> <i>Retained</i> 702-462-6161(W)
	<b>Martinez-Pineda, Emigdio</b>	<b>Pro Se</b>
<b>Garnishee Defendant</b>	<b>Bowman, Mark</b>	
	<b>Nettles, Angelica</b>	<b>Pro Se</b> 856-286-7004(H)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

04/20/2020	 <b>Complaint</b> Filed By: Plaintiff YCC LLC <i>[1] Complaint</i>
04/20/2020	 <b>Amended Complaint</b> Filed By: Plaintiff YCC LLC <i>[2] Amended Complaint</i>
04/20/2020	 <b>Ex Parte Application</b> Party: Plaintiff YCC LLC <i>[3] Ex Parte Application for TRO and Preliminary Injunction on OST</i>
04/20/2020	 <b>Notice of Lis Pendens</b>

# CASE SUMMARY

CASE NO. A-20-813886-C

	<p>Filed by: Plaintiff YCC LLC  <i>[4] Notice of Lis Pendens</i></p>
04/22/2020	<p> Clerk's Notice of Nonconforming Document  <i>[5] Clerk's Notice of Nonconforming Document</i></p>
04/22/2020	<p> Initial Appearance Fee Disclosure            Filed By: Plaintiff YCC LLC  <i>[6] Initial Appearance Fee Disclosure</i></p>
04/22/2020	<p> Clerk's Notice of Nonconforming Document  <i>[7] Clerk's Notice of Nonconforming Document</i></p>
04/22/2020	<p> Summons Electronically Issued - Service Pending            Party: Plaintiff YCC LLC  <i>[8] Summons</i></p>
04/22/2020	<p> Summons Electronically Issued - Service Pending            Party: Plaintiff YCC LLC  <i>[9] Summons</i></p>
04/24/2020	<p> Clerk's Notice of Nonconforming Document and Curative Action  <i>[10] Clerk's Notice of Curative Action</i></p>
04/29/2020	<p> Notice of Telephonic Hearing            Filed by: Plaintiff YCC LLC  <i>[11] NOTICE OF INTENT TO APPEAR BY COMMUNICATION EQUIPMENT</i></p>
04/29/2020	<p> Order Shortening Time  <i>[12] Ex Parte Application for Temporary Restraining Order and Application for Preliminary Injunction</i></p>
04/30/2020	<p> Answer to Complaint            Filed by: Defendant Martinez-Pineda, Emigdio; Defendant Emigdio &amp; Emigdio LLC  <i>[13] Defendant's Answer to Complaint</i></p>
04/30/2020	<p> Proof of Service            Filed by: Plaintiff YCC LLC  <i>[14] Proof of Service</i></p>
04/30/2020	<p> Certificate of Mailing            Filed By: Plaintiff YCC LLC  <i>[15] Certificate of Mailing</i></p>
04/30/2020	<p> Certificate of Mailing            Filed By: Plaintiff YCC LLC  <i>[16] Certificate of Mailing</i></p>
05/01/2020	<p> Proof of Service            Filed by: Plaintiff YCC LLC  <i>[17] Proof of Service</i></p>
05/05/2020	<p> Opposition</p>

**CASE SUMMARY**

**CASE NO. A-20-813886-C**

Filed By: Defendant Martinez-Pineda, Emigdio  
*[18] Opposition to Application for Temporary Restraining Order and Application for Preliminary Injunction*

05/08/2020



Temporary Restraining Order  
*[19] Temporary Restraining Order*

05/08/2020



Notice of Entry of Order  
Filed By: Plaintiff YCC LLC  
*[20] Notice of Entry of Order Granting Temporary Restraining Order and Setting Evidentiary Hearing for Preliminary Injunction*

05/13/2020



Motion for Order to Show Cause  
Filed By: Plaintiff YCC LLC  
*[21] Emergency Motion to Show Cause Why Defendants Should Not be Held in Contempt and a Bench Warrant Issued for Intentionally Violating Temporary Restraining Order*

05/14/2020



Notice of Early Case Conference  
Filed By: Plaintiff YCC LLC  
*[22] Notice of Early Case Conference*

05/14/2020



Clerk's Notice of Hearing  
*[23] Notice of Hearing*

05/15/2020



Order Shortening Time  
*[24] Order Shortening Time*

05/15/2020



Notice of Entry of Order  
Filed By: Plaintiff YCC LLC  
*[25] Notice of Entry of Order Shortening Time on Emergency Motion to Show Cause Why Defendants Should Not be Held in Contempt and a Bench Warrant Issued for Intentionally Violating Temporary Restraining Order*

05/18/2020



Brief  
Filed By: Defendant Martinez-Pineda, Emigdio  
*[26] Defendant's Evidentiary Hearing Brief and Opposition to Motion for an Order to Show Cause*

05/19/2020



Brief  
Filed By: Plaintiff YCC LLC  
*[27] Plaintiff's Evidentiary Hearing Brief and Reply in Support of Plaintiff's Emergency Motion to Show Cause why Defendants Should Not be Held in Contempt and a Bench Warrant Issued for Intentionally Violating Temporary Restraining Order*

05/22/2020



Order Granting  
Filed By: Plaintiff YCC LLC  
*[28] Order Granting Preliminary Injunction*

05/22/2020



Notice of Entry of Order  
Filed By: Plaintiff YCC LLC  
*[29] Notice of Entry of Order Granting Preliminary Injunction*















05/27/2020



Memorandum of Costs and Disbursements  
Filed By: Plaintiff YCC LLC  
*[30] Memorandum of Fees and Costs*

# CASE SUMMARY














CASE NO. A-20-813886-C

05/28/2020	 Exhibits Filed By: Defendant Martinez-Pineda, Emigdio <i>[31] Defendant's Trial Exhibit Package</i>
05/28/2020	 Notice of Posting Bond Filed By: Plaintiff YCC LLC <i>[32] Notice of Posting Bond</i>
05/29/2020	 Order Granting Motion <i>[33] Order Granting Motion to Show Cause Why Defendant Should Not Be Held in Contempt</i>
05/29/2020	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[34] Notice of Entry of Order Granting Motion to Show Cause Why Defendant Should Not be Held in Contempt</i>
06/01/2020	 Notice of Witnesses and/or Expert Witnesses Filed By: Defendant Martinez-Pineda, Emigdio <i>[35] Defendant's List of Witnesses and Production of Documents Pursuant to NRCP 16.1</i>
06/01/2020	 Mandatory Pretrial Disclosure Party: Plaintiff YCC LLC <i>[36] PLAINTIFF S PRETRIAL MEMO</i>
06/01/2020	 Pre-trial Memorandum Filed by: Defendant Martinez-Pineda, Emigdio <i>[37] Defendant's Pre-Trial Memorandum</i>
06/01/2020	 Pre-trial Memorandum Filed by: Plaintiff YCC LLC <i>[38] Plaintiff's Amended Pretrial Memo</i>
06/02/2020	 Pre-trial Memorandum Filed by: Defendant Martinez-Pineda, Emigdio <i>[39] Defendant's Pre-Trial Memorandum</i>
06/03/2020	 Trial Memorandum Filed by: Plaintiff YCC LLC <i>[40] Plaintiff's Civil Trial Memorandum Regarding Attorney's Fees Pursuant to EDCR 7.27</i>
06/16/2020	 Findings of Fact, Conclusions of Law and Judgment <i>[41] Findings of Fact and Conclusions of Law and Judgment</i>
06/16/2020	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff YCC LLC <i>[42] Notice of Entry of Findings of Fact and Conclusions of Law and Judgment</i>
06/16/2020	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff YCC LLC <i>[43] Notice of Entry of Findings of Fact and Conclusions of Law and Judgment</i>
06/18/2020	 Memorandum of Costs and Disbursements
















**CASE SUMMARY**

**CASE NO. A-20-813886-C**

	Filed By: Plaintiff YCC LLC <i>[44] Memorandum of Fees and Costs</i>
07/08/2020	 Motion for Attorney Fees Filed By: Plaintiff YCC LLC <i>[45] Plaintiff Ycc LLC's Motion for Attorney Fees</i>
07/09/2020	 Judgment Filed By: Plaintiff YCC LLC <i>[46] Final Judgment</i>
07/09/2020	 Notice of Entry of Judgment Filed By: Plaintiff YCC LLC <i>[47] Notice of Entry of Final Judgment</i>
07/09/2020	 Clerk's Notice of Hearing <i>[48] Notice of Hearing</i>
08/12/2020	 Opposition to Motion Filed By: Defendant Martinez-Pineda, Emigdio <i>[49] Defendant's Oppostion to Plaintiff's Memorandum of Fees and Costs</i>
08/12/2020	 Reply to Opposition Filed by: Plaintiff YCC LLC <i>[50] Reply to Late Filed Opposition to Motion for Attorney Fees</i>
08/18/2020	 Ex Parte Motion for Order Allowing Examination of Judgment Filed by: Plaintiff YCC LLC <i>[51] Ex-Parte Motion for an Order Allowing Examination of Judgment Debtor</i>
08/20/2020	 Order Allowing Examination of Judgment Debtor <i>[52] Order Allowing Examination of Judgment Debtor</i>
08/20/2020	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[53] Notice of Entry of Order Allowing Examination of Judgment Debtor</i>
08/21/2020	 Order Granting Motion Filed By: Plaintiff YCC LLC <i>[54] Order Granting Motion for Attorney Fees and Judgment for Attorney's Fees</i>
08/21/2020	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[55] Notice of Entry of Order Granting Motion for Attorney Fees and Judgment for Attorney's Fees</i>
09/15/2020	 Writ of Execution Filed by: Plaintiff YCC LLC <i>[56] Writ of Execution (81 N. 27th Street, Las Vegas, NV 89101)</i>
09/15/2020	 Writ of Execution Filed by: Plaintiff YCC LLC <i>[57] Writ of Execution (Alaska USA Federal Credit Union)</i>











# CASE SUMMARY

CASE NO. A-20-813886-C

09/15/2020	 Writ of Execution Filed by: Plaintiff YCC LLC <i>[58] Writ of Execution (TD Ameritrade)</i>
09/15/2020	 Writ of Execution Filed by: Plaintiff YCC LLC <i>[59] Writ of Execution (Bank of America)</i>
09/15/2020	 Writ of Execution Filed by: Plaintiff YCC LLC <i>[60] Writ of Execution (Navy Federal Credit Union)</i>
09/15/2020	 Writ of Execution Filed by: Plaintiff YCC LLC <i>[61] Writ of Execution (Silver State Schools Credit Union)</i>
09/15/2020	 Writ of Execution Filed by: Plaintiff YCC LLC <i>[62] Writ of Execution (Wells Fargo Bank)</i>
09/22/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[63] Writ of Execution (81 N. 27th Street, Las Vegas, NV 89101)</i>
09/22/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[64] Writ of Execution (Alaska USA Federal Credit Union)</i>
09/22/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[65] Writ of Execution (Bank of America)</i>
09/22/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[66] Writ of Execution (Navy Federal Credit Union)</i>
09/22/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[67] Writ of Execution (Silver State Schools Credit Union)</i>
09/22/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[68] Writ of Execution (Wells Fargo Bank)</i>
09/22/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[69] Writ of Execution (TD Ameritrade)</i>
11/25/2020	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[70] Writ of Execution</i>
01/04/2021	Case Reassigned to Department 5 <i>Judicial Reassignment to Judge Veronica M. Barisich</i>














# CASE SUMMARY

CASE NO. A-20-813886-C

04/07/2021	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[71] Writ of Execution</i>
05/06/2021	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[72] Writ of Execution</i>
10/01/2021	 Motion Filed By: Plaintiff YCC LLC <i>[73] Motion To Impute Judgment (Angelica Nettles)</i>
10/01/2021	 Motion Filed By: Plaintiff YCC LLC <i>[74] Plaintiff Motion to Impute Judgment (Mark Bowman)</i>
10/04/2021	 Errata Filed By: Plaintiff YCC LLC <i>[75] Errata to Motion to Impute Judgment (Mark Bowman)</i>
10/05/2021	 Clerk's Notice of Hearing <i>[76] Notice of Hearing</i>
10/08/2021	 Notice of Hearing Filed By: Plaintiff YCC LLC <i>[77] Notice of Hearing Re Motion to Impute Judgment Against Angelica Nettles</i>
10/08/2021	 Amended Notice Filed By: Plaintiff YCC LLC <i>[78] Amended Notice of Hearing Re Motion to Impute Judgment Against Mark Bowman</i>
10/13/2021	 Opposition to Motion Filed By: Defendant Martinez-Pineda, Emigdio <i>[79] Defendant's Opposition to Motion to Impute Judgment</i>
10/14/2021	 Proof of Service Filed by: Plaintiff YCC LLC <i>[80] Proof of Service</i>
10/14/2021	 Proof of Service Filed by: Plaintiff YCC LLC <i>[81] Proof of Service</i>
10/14/2021	 Proof of Service Filed by: Plaintiff YCC LLC <i>[82] Proof of Service (of Mtn to Nettles)</i>
10/14/2021	 Certificate of Mailing Filed By: Plaintiff YCC LLC <i>[83] Certificate of Mailing</i>
10/14/2021	 Certificate of Mailing
















# CASE SUMMARY

CASE NO. A-20-813886-C

	<p>Filed By: Plaintiff YCC LLC  <i>[84] Certificate of Mailing</i></p>
10/22/2021	<p> Proof of Service            Filed by: Plaintiff YCC LLC  <i>[85] Proof of Service</i></p>
10/26/2021	<p> Reply in Support            Filed By: Plaintiff YCC LLC  <i>[86] Reply in Support of Motion to Impute Judgment</i></p>
11/04/2021	<p> Notice of Hearing  <i>[87] Instructions for BlueJeans VideoConferencing</i></p>
11/16/2021	<p> Order  <i>[88] Order Regarding Motion to Impute Judgment Against Angelica Nettles</i></p>
11/16/2021	<p> Order Granting Motion  <i>[89] Order Granting Motion to Impute Judgment Against Mark Bowman and Judgment</i></p>
11/17/2021	<p> Notice of Entry of Order            Filed By: Plaintiff YCC LLC  <i>[90] Notice of Entry Order Granting Motion to Impute Judgment Against Mark Bowman and Judgment</i></p>
11/17/2021	<p> Notice of Entry of Order            Filed By: Plaintiff YCC LLC  <i>[91] Notice of Entry of Order Granting Motion to Impute Judgment Against Angelica Nettles</i></p>
11/18/2021	<p> Memorandum of Costs and Disbursements            Filed By: Plaintiff YCC LLC  <i>[92] Memorandum of Fees and Costs</i></p>
11/30/2021	<p> Opposition to Motion            Filed By: Garnishee Defendant Nettles, Angelica  <i>[93] Motion/Opposition to Motion to Impute Judgment Against Angelica Nettle</i></p>
11/30/2021	<p> Application to Proceed in Forma Pauperis            Filed By: Garnishee Defendant Nettles, Angelica  <i>[94] Application to Proceed in Forma Pauperis</i></p>
12/02/2021	<p> Order to Proceed In Forma Pauperis            Granted for: Garnishee Defendant Nettles, Angelica  <i>[95] Order to Proceed In Forma Pauperis</i></p>
12/06/2021	<p> Reply in Support            Filed By: Plaintiff YCC LLC  <i>[96] Reply In Support Of Motion To Impute Judgement</i></p>
12/06/2021	<p> Certificate of Service            Filed by: Plaintiff YCC LLC  <i>[97] Certificate Of Service</i></p>
12/09/2021	














# CASE SUMMARY

CASE NO. A-20-813886-C

	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[99] Writ of Execution</i>
12/10/2021	 Notice of Hearing <i>[98] Instructions for BlueJeans VideoConferencing</i>
12/21/2021	 Memorandum of Costs and Disbursements Filed By: Plaintiff YCC LLC <i>[100] Supplemental Memorandum of Fees and Costs Regarding Motion to Impute Judgment</i>
12/26/2021	 Order <i>[101] Order Granting Motion to Impute Judgment Against Angelica Nettles</i>
12/27/2021	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[102] Notice of Entry of Order Granting Motion to Impute Judgment Against Angelica Nettles</i>
01/06/2022	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[103] Writ of Execution</i>
01/11/2022	 Judgment <i>[104] Final Judgment (against Anglelica Nettles)</i>
01/11/2022	 Judgment <i>[105] Final Judgment (against Mark Bowman)</i>
01/12/2022	 Notice of Entry of Judgment Filed By: Plaintiff YCC LLC <i>[106] Notice Of Entry Of Final Judgment</i>
01/12/2022	 Notice of Entry of Judgment Filed By: Plaintiff YCC LLC <i>[107] Notice Of Entry Of Final Judgment</i>
01/12/2022	 Proof of Service Filed by: Plaintiff YCC LLC <i>[108] Proof of Service</i>
01/19/2022	 Ex Parte Motion for Order Allowing Examination of Judgment Filed by: Plaintiff YCC LLC <i>[109] Ex-Parte Motion for am Order Allowing Examination of Judgment Debtor</i>
01/19/2022	 Ex Parte Motion for Order Allowing Examination of Judgment Filed by: Plaintiff YCC LLC <i>[110] Ex-Parte Motion for am Order Allowing Examination of Judgment Debtor</i>
01/21/2022	 Order Allowing Examination of Judgment Debtor Filed By: Plaintiff YCC LLC <i>[111] Order Allowing Examination of Judgment Debtor Emgdio Martinez-Pineda</i>
01/21/2022	 Order Allowing Examination of Judgment Debtor














**CASE SUMMARY**

**CASE NO. A-20-813886-C**

	Filed By: Plaintiff YCC LLC <i>[112] Order Allowing Examination of Judgment Debtor Angelica Nettles</i>
01/24/2022	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[113] Notice of Entry of Order Allowing Examination of Judgment Debtor (Emigdio Martinez-Pineda</i>
01/24/2022	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[114] Notice of Entry of Order Allowing Examination of Judgment Debtor</i>
01/26/2022	 Proof of Service <i>[115] Proof Of Service</i>
01/27/2022	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[116] Writ of Execution</i>
02/02/2022	 Motion Filed By: Plaintiff YCC LLC <i>[117] Plaintiff's Motion to Impute Judgment</i>
02/02/2022	 Clerk's Notice of Hearing Party: Plaintiff YCC LLC <i>[118] Notice of Hearing</i>
02/03/2022	 Motion Filed By: Plaintiff YCC LLC <i>[119] Motion for Charging Order</i>
02/04/2022	 Clerk's Notice of Hearing <i>[120] Notice of Hearing</i>
02/09/2022	 Affidavit Filed By: Plaintiff YCC LLC <i>[121] Affidavit</i>
02/21/2022	 Opposition to Motion Filed By: Defendant Martinez-Pineda, Emigdio <i>[122] Defendant's Opposition to Motion for Charging Order</i>
02/28/2022	 Reply in Support Filed By: Plaintiff YCC LLC <i>[123] Reply in Support of Motion for Charging Order</i>
03/01/2022	 Notice of Change of Hearing <i>[124] Notice of Change of Hearing</i>
03/01/2022	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[125] Writ of Execution Real Property</i>
03/07/2022	

# CASE SUMMARY

CASE NO. A-20-813886-C

	 Notice of Hearing <i>[126] Instructions for BlueJeans VideoConferencing</i>
03/10/2022	 Supplement Filed by: Plaintiff YCC LLC <i>[127] Supplement to Motion for Charging Order</i>
03/10/2022	 Order Granting Motion Filed By: Plaintiff YCC LLC <i>[128] Order Granting Plaintiff's Motion for Charging Order</i>
03/11/2022	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[129] Notice of Entry of Order Granting Motion for Charging Order</i>
03/11/2022	 Motion Filed By: Plaintiff YCC LLC <i>[130] Motion for Authorization to Garnish Bank Account of Martinez Pineda LLC on an Order Shortening Time</i>
03/11/2022	 Clerk's Notice of Hearing <i>[131] Notice of Hearing</i>
03/11/2022	 Notice of Hearing <i>[132] Instructions for BlueJeans VideoConferencing</i>
03/11/2022	 Order Shortening Time Filed By: Plaintiff YCC LLC <i>[133] Motion for Authorization to Garnish Bank Account of Martinez Pineda LLC on an Order Shortening Time</i>
03/11/2022	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[134] Notice of Entry of Order Shortening Time</i>
03/15/2022	 Order Granting Motion <i>[135] Order Granting Motion For Authority to Garnish Bank Account (Alaska USA Federal Credit Union)</i>
03/16/2022	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[136] Notice of Entry of Order Granting Motion for Authority to Garnish Bank Account Alaska USA Federal Credit Union</i>
03/21/2022	 Clerk's Notice of Nonconforming Document <i>[137] Clerk's Notice of Nonconforming Document</i>
03/29/2022	 Supplement Filed by: Plaintiff YCC LLC <i>[138] Supplement to Motion to Impute Judgment</i>
04/04/2022	 Affidavit of Posting Filed By: Plaintiff YCC LLC <i>[139] Affidavit of Posting</i>

# CASE SUMMARY

CASE NO. A-20-813886-C

04/04/2022	 Notice of Sheriff's Sale Filed By: Plaintiff YCC LLC <i>[140] Notice of Sheriff's Sale of Real Property</i>
04/07/2022	 Claim Filed By: Defendant Martinez-Pineda, Emigdio <i>[141] Claim of Exemption from Execution</i>
04/12/2022	 Notice of Withdrawal of Motion Filed By: Plaintiff YCC LLC <i>[142] Notice of Withdrawal of Motion to Impute Judgment</i>
04/19/2022	 Affidavit of Publication <i>[143] Affidavit of Publication</i>
04/19/2022	 Objection Filed By: Plaintiff YCC LLC <i>[144] Objection to Claim of Exemption from Execution</i>
04/25/2022	 Response Filed by: Defendant Martinez-Pineda, Emigdio <i>[145] Defendant Response to Plaintiff Objection to Claim of Homestead Exemption From Execution</i>
05/02/2022	 Reply Filed by: Plaintiff YCC LLC <i>[146] Reply to Response to Objection to Claim of Exemption from Execution</i>
05/06/2022	 Proof of Service Filed by: Plaintiff YCC LLC <i>[147] Proof of Service (Wells Fargo Subpoena)</i>
05/06/2022	 Writ Electronically Issued Party: Plaintiff YCC LLC <i>[148] Writ of Execution</i>
05/13/2022	 Notice of Hearing <i>[149] Instructions for BlueJeans VideoConferencing</i>
05/23/2022	 Proof of Service Filed by: Plaintiff YCC LLC <i>[150] Proof of Service (Loandepot.com Subpoena)</i>
05/30/2022	 Order Denying Filed By: Plaintiff YCC LLC <i>[151] Order Denying Claim for Exemption from Execution</i>
06/06/2022	 Notice of Entry of Order Filed By: Plaintiff YCC LLC <i>[152] Notice of Entry of Order Denying Claim of Exemption from Execution</i>
06/07/2022	 Notice



# CASE SUMMARY

CASE NO. A-20-813886-C

	<p>Filed By: Plaintiff YCC LLC  <i>[153] Notice of Recorded Notice of Sheriff's Sale of Real Property</i></p>
06/08/2022	<p> Certificate of Mailing            Filed By: Plaintiff YCC LLC  <i>[154] Certificate of Mailing</i></p>
06/10/2022	<p> Notice of Withdrawal of Attorney            Filed by: Defendant Martinez-Pineda, Emigdio  <i>[155] Notice Of Withdrawal As Attorney (Unbundled) For Defendants</i></p>
06/10/2022	<p> Motion            Filed By: Defendant Martinez-Pineda, Emigdio  <i>[156] Motion for Reconsideration and Other Related Relief</i></p>
06/10/2022	<p> Proof of Service            Filed by: Plaintiff YCC LLC  <i>[157] Proof of Service</i></p>
06/15/2022	<p> Motion            Filed By: Defendant Emigdio &amp; Emidgio LLC  <i>[158] Defendant's Motion to Stay</i></p>
06/20/2022	<p> Ex Parte            Filed By: Defendant Emigdio &amp; Emidgio LLC  <i>[159] Ex Parte Application for Order Shortening Time on Defendants Motion to Stay Pending his Motion for Reconsideration Hearing</i></p>
06/20/2022	<p> Opposition            Filed By: Plaintiff YCC LLC  <i>[160] Opposition to Motion for Reconsideration and Other Related Relief</i></p>
06/23/2022	<p> Order Shortening Time            Filed By: Garnishee Defendant Nettles, Angelica  <i>[161] Ex Parte Order Shortening Time</i></p>
06/27/2022	<p> Proof of Service            Filed by: Plaintiff YCC LLC  <i>[162] Proof of Service - Wells Fargo Bank National Association</i></p>
06/27/2022	<p> Reply to Opposition            Filed by: Defendant Emigdio &amp; Emidgio LLC  <i>[163] Defendant's Reply to Plaintiff's Opposition to Defendant's Motion for Reconsideration</i></p>
06/27/2022	<p> Receipt of Copy            Filed by: Defendant Martinez-Pineda, Emigdio  <i>[164] Receipt of Copy</i></p>
06/27/2022	<p> Opposition            Filed By: Plaintiff YCC LLC  <i>[165] Opposition to Motion to Stay</i></p>
06/28/2022	<p> Notice of Hearing  <i>[166] Instructions for BlueJeans VideoConferencing</i></p>

# CASE SUMMARY

CASE NO. A-20-813886-C

07/01/2022



Notice

Filed By: Plaintiff YCC LLC  
[167] Notice of Affidavit of Service

07/05/2022



Notice of Appeal

Filed By: Defendant Martinez-Pineda, Emigdio  
[168] Notice of Appeal to Appellant Court

07/05/2022



Notice of Bankruptcy

Filed By: Defendant Martinez-Pineda, Emigdio  
[169] Notice of Bankruptcy Filing

07/06/2022



Order Denying

[170] Order Denying [Defendant Emigdio Martinez-Pineda's] Motion for Reconsideration and Motion to Stay

07/06/2022



Notice of Entry of Order

Filed By: Plaintiff YCC LLC  
[171] Notice of Entry of Order Denying Motion for Reconsideration and Motion to Stay

07/07/2022



Case Appeal Statement

Case Appeal Statement

## **DISPOSITIONS**

05/29/2020

**Sanctions** (Judicial Officer: Atkin, Trevor)  
Debtors: Emigdio Martinez-Pineda (Defendant)  
Creditors: YCC LLC (Plaintiff)  
Judgment: 05/29/2020, Docketed: 06/01/2020  
Total Judgment: 500.00

06/16/2020

**Judgment** (Judicial Officer: Atkin, Trevor)  
Debtors: Emigdio Martinez-Pineda (Defendant), Emigdio & Emidgio LLC (Defendant)  
Creditors: YCC LLC (Plaintiff)  
Judgment: 06/16/2020, Docketed: 06/17/2020  
Total Judgment: 104,632.00

07/09/2020

**Judgment** (Judicial Officer: Atkin, Trevor)  
Debtors: Emigdio Martinez-Pineda (Defendant), Emigdio & Emidgio LLC (Defendant)  
Creditors: YCC LLC (Plaintiff)  
Judgment: 07/09/2020, Docketed: 07/16/2020  
Total Judgment: 109,840.89

08/21/2020

**Judgment** (Judicial Officer: Atkin, Trevor)  
Debtors: Emigdio Martinez-Pineda (Defendant), Emigdio & Emidgio LLC (Defendant)  
Creditors: YCC LLC (Plaintiff)  
Judgment: 08/21/2020, Docketed: 08/24/2020  
Total Judgment: 65,448.50

11/16/2021

**Judgment** (Judicial Officer: Barisich, Veronica M.)  
Debtors: Mark Bowman (Garnishee Defendant)  
Creditors: YCC LLC (Plaintiff)  
Judgment: 11/16/2021, Docketed: 11/17/2021  
Total Judgment: 175,289.39

01/11/2022

**Judgment Plus Legal Interest** (Judicial Officer: Barisich, Veronica M.)  
Debtors: Angelica Nettles (Garnishee Defendant)  
Creditors: YCC LLC (Plaintiff)

# CASE SUMMARY

CASE NO. A-20-813886-C

Judgment: 01/11/2022, Docketed: 01/12/2022  
Total Judgment: 184,831.85

01/11/2022

**Judgment Plus Legal Interest** (Judicial Officer: Barisich, Veronica M.)  
Debtors: Mark Bowman (Garnishee Defendant)  
Creditors: YCC LLC (Plaintiff)  
Judgment: 01/11/2022, Docketed: 01/12/2022  
Total Judgment: 184,831.85

## HEARINGS

05/04/2020



**Minute Order** (3:00 PM) (Judicial Officer: Atkin, Trevor)

*May 7, 2020 BlueJeans Notice*

Minute Order - No Hearing Held; BlueJeans Notice May 7, 2020 Hearing

Journal Entry Details:

*Department 8 Request to Appear Telephonically: Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 430 125 928 (NOTE: The meeting number will be different for each day's court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;*

05/07/2020



**Preliminary Injunction Hearing** (9:05 AM) (Judicial Officer: Atkin, Trevor)

### MINUTES

Hearing Set;

Journal Entry Details:

*Arguments by counsel. Court stated findings and ORDERED, Temporary Restraining Order to issue; \$500.00 CASH BOND set. FURTHER ORDERED, matter set for Evidentiary Hearing for Preliminary Injunction. 05/20/20 9:30 a.m. Hearing for Preliminary Injunction;*

### SCHEDULED HEARINGS

**Preliminary Injunction Hearing** (05/20/2020 at 9:30 AM) (Judicial Officer: Atkin, Trevor)

05/15/2020



**Minute Order** (3:00 PM) (Judicial Officer: Atkin, Trevor)

*BlueJeans Hearing Notice for May 20, 2020, at 9:00 AM MOTION CALENDAR*

Minute Order - No Hearing Held; BlueJeans Hearing Notice for May 20, 2020, at 9:00 AM MOTION CALENDAR

Journal Entry Details:

*Department 8 Request to Appear Telephonically Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 162 827 990 (NOTE: The meeting number will be different for each day's court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;*

05/18/2020



**Minute Order** (10:00 AM) (Judicial Officer: Atkin, Trevor)

*Amended Minute Order MAY 20, 2020 AT 9:30 AM Preliminary Injunction Hearing*

Minute Order - No Hearing Held; Amended Minute Order MAY 20, 2020 AT 9:30 AM Preliminary Injunction Hearing

Journal Entry Details:

*Department 8 Request to Appear By Video Conference Pursuant to Administrative Order 20-*

# CASE SUMMARY

CASE NO. A-20-813886-C

10, Department 8 will temporarily request evidentiary hearings be heard via video conference. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. Please provide information below to any witnesses that will be appearing through BlueJeans. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 162 827 990 (NOTE: The meeting number will be different for each day's court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;


05/20/2020

**Preliminary Injunction Hearing (9:30 AM)** (Judicial Officer: Atkin, Trevor)  
Granted;


05/20/2020

**Motion for Order to Show Cause (9:30 AM)** (Judicial Officer: Atkin, Trevor)  
*Emergency Motion to Show Cause Why Defendants Should Not be Held in Contempt and a Bench Warrant Issued for Intentionally Violating Temporary Restraining Order*  
Contempt of Court; Emergency Motion to Show Cause Why Defendants Should Not be Held in Contempt and a Bench Warrant Issued for Intentionally Violating Temporary Restraining Order


05/20/2020

 **All Pending Motions (9:30 AM)** (Judicial Officer: Atkin, Trevor)  
Matter Heard;  
Journal Entry Details:  
*Emergency Motion to Show Cause Why Defendants Should Not be Held in Contempt and a Bench Warrant Issued for Intentionally Violating Temporary Restraining Order ... Preliminary Injunction Hearing Certified Court Interpreter, Irma Sanchez. Arguments by counsel regarding contempt and to show cause. Court stated Findings Defendant violated the Temporary Restraining Order and ORDERED, Defendant to Pay \$500 Fine. FURTHER, Attorney Fees and Costs GRANTED associated with Plaintiff having to bring this motion. COURT ORDERED, PAYABLE NO LATER THAN 06/01/2020. Parties Stipulated to Waive exclusionary rule. Opening Statements by counsel regarding likelihood of success and irreparable harm. Exhibits presented. (See worksheet) Colloquy regarding timing in regards to irreparable harm. Further arguments by counsel. Matter submitted. COURT ORDERED, PRELIMINARY INJUNCTION IS GRANTED; Defendant is enjoined from: Transferring and/or selling property in any manner to any person or entity; Encumbering the property in any manner; Harming the property in any manner. FURTHER ORDERED, Defendant GRANTED entry to property for business purposes. COURT ORDERED, EXPEDITED TRIAL. Parties Stipulated to a Bench Trial. COURT ORDERED, Discovery DUE 5/29/20; and, Initial Case Conference WAIVED as long as counsel Stipulate. FURTHER ORDERED, cutoff for production of proposed exhibits and list of witnesses DUE to chambers 6/01/20 by Noon. COURT ORDERED, Spanish Interpreter to be present for trial. Mr. Johnson to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter. 06/03/20 10:00 a.m. Bench Trial;*

05/22/2020

 **Minute Order (3:00 AM)** (Judicial Officer: Atkin, Trevor)  
*AO 20-16 In Re Trial Protocols*  
Minute Order - No Hearing Held; Administrative Order 20-16 Re: Trial Protocols  
Journal Entry Details:  
*Court admonished counsel and parties regarding compliance with Administrative Order: 20-16 In the Administrative Matter Regarding Face Coverings and Social Distancing in Response to COVID-19, FILED May 21, 2020. CLERK'S NOTE: This matter being set for trial on June 3, 2020, at 10:00 AM in Department 8; and, In light of the ongoing pandemic, a copy of Administrative Order: 20-16 In The Matter Regarding Face Coverings and Social Distancing in Response to COVID-19 from Chief Judge Linda Bell was provided to parties by the Judicial Executive Assistant (JEA). Counsel directed to instruct their respective clients and witnesses to adhere to these directives during the trial. Further, as to any substantive/procedural questions regarding the trial or relative to Administrative Order 20-16, counsel have been directed to contact the JEA or Department 8 chambers. CLERK'S NOTE: The above minute order has been electronically distributed. ac/05/22/2020.;*

06/01/2020

 **Minute Order (3:00 PM)** (Judicial Officer: Atkin, Trevor)

# CASE SUMMARY

CASE NO. A-20-813886-C

*BlueJeans Notification for June 3, 2020 Bench Trial*

Minute Order - No Hearing Held; Minute Order BlueJeans Notice for June 3, 2020 AT 10:00 AM BENCH TRIAL

Journal Entry Details:

*Department 8 Appearance by Video Conference Counsel and witnesses are allowed to appear in person in Department 8 for the above mentioned bench trial set for June 3, 2020. If counsel and/or witnesses prefer to appear by video conferencing, Department 8 will temporarily allow witnesses and counsel to appear via video conference. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. Please provide the following information to witnesses that need to appear via BlueJeans. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 170 822 408 (NOTE: The meeting number will be different for each day s court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;*

06/03/2020



**Bench Trial** (10:00 AM) (Judicial Officer: Atkin, Trevor)

06/03/2020-06/04/2020

## MINUTES

Trial Continues;

Trial Continues;

Journal Entry Details:

*Further testimony and exhibits presented. (See worksheets) Plaintiff rested. Evening recess taken. TRIAL CONTINUES.;*

## MINUTES

Trial Continues;

Trial Continues;

Journal Entry Details:

*following Conference at side bar and discussions outside the courtroom to make attempt to settle, parties advised they were close but unable to reach a resolution. Court so noted. Opening statements WAIVED by counsel. Testimony and exhibits presented. (See worksheets) Evening recess taken. TRIAL CONTINUES.;*

## SCHEDULED HEARINGS

## SCHEDULED HEARINGS



**Bench Trial** (06/05/2020 at 9:00 AM) (Judicial Officer: Atkin, Trevor)

06/05/2020



**Bench Trial** (9:00 AM) (Judicial Officer: Atkin, Trevor)

## MINUTES

Verdict for Plaintiff;

Journal Entry Details:

*Further testimony and exhibits presented. (See worksheets) Defendant rests. Closing arguments by counsel. Matter submitted. Court notes MATTER TAKEN UNDER ADVISEMENT AND PARTIES TO BE NOTIFIED BY WAY OF WRITTEN DECISION. COURT ADJOURNED.;*

08/10/2020



**Minute Order** (3:00 AM) (Judicial Officer: Atkin, Trevor)

*MINUTE ORDER DEPT. 8 BLUEJEANS NOTICE RULE 16 CONFERENCES/ STATUS CONFERENCE AUG. 13, 2020, AT 9:00 AM LAW AND MOTION CALENDAR AUG. 13, 2020, AT 9:30 AM*

Minute Order - No Hearing Held;

Journal Entry Details:

*DEPT. 8 BLUEJEANS NOTICE RULE 16 CONFERENCES/ STATUS CONFERENCE AUG. 13, 2020, AT 9:00 AM LAW AND MOTION CALENDAR AUG. 13, 2020, AT 9:30 AM Department 8 Request to Appear Telephonically All participants MUST check in with the moderator at 9:00 AM Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video*

# CASE SUMMARY

CASE NO. A-20-813886-C

conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 883 609 171 (NOTE: The meeting number will be different for each day's court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;

08/10/2020

**CANCELED Minute Order** (3:00 AM) (Judicial Officer: Atkin, Trevor)

*Vacated - Duplicate Entry*

**MINUTE ORDER DEPT. 8 BLUEJEANS NOTICE RULE 16 CONFERENCES/ STATUS CONFERENCE AUG. 13, 2020, AT 9:00 AM LAW AND MOTION CALENDAR AUG. 13, 2020, AT 9:30 AM**

08/12/2020

**CANCELED Motion for Attorney Fees** (3:00 AM) (Judicial Officer: Atkin, Trevor)

*Vacated - Duplicate Entry*

*Plaintiff YCC LLC's Motion for Attorney Fees*

08/13/2020



**Motion for Attorney Fees and Costs** (9:30 AM) (Judicial Officer: Atkin, Trevor)

*Plaintiff's Motion for Attorney Fees and Costs*

## MINUTES

Supplemental Briefing Due;

Journal Entry Details:

*COURT finds final judgment filed on July 9, 2020. Court notes late opposition filed and reply filed without time for Court to review. COURT ORDERED, CONTINUED for review of supplemental briefing on fees. CONTINUED TO: 08/20/20 9:30 a.m.;*

## SCHEDULED HEARINGS



**Motion for Attorney Fees and Costs** (08/20/2020 at 9:30 AM) (Judicial Officer: Atkin, Trevor)

*Plaintiff's Motion for Attorney Fees and Costs*

08/17/2020



**Minute Order** (3:00 AM) (Judicial Officer: Atkin, Trevor)

*Minute Order Blue Jeans Notices for Dept. 8 for 9:00 a.m. Rule 16 Conferences/ Status Conference/ OSCs for Dismissal on Aug. 20, 2020 & for 9:30 a.m. Law and Motion Calendar on Aug. 20, 2020*

Minute Order - No Hearing Held;

Journal Entry Details:

*Minute Order Blue Jeans Notices for Dept. 8 For 9:00 a.m. Rule 16 Conferences/ Status Conference/ OSCs for Dismissal on Aug. 20, 2020 & for 9:30 a.m. Law and Motion Calendar on Aug. 20, 2020 Department 8 Request to Appear Telephonically All participants MUST check in with the moderator at 9:00 AM Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. To use BlueJeans, please call in prior to the hearing at 1-888-748-9073. To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #. Your Meeting ID: 156 741 984 (NOTE: The meeting number will be different for each day's court session.) For your hearing, PLEASE observe the following protocol: Place your telephone on mute while waiting for your matter/case to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each time as a record is being made. Please be mindful of sounds of rustling of papers or coughing.;*

08/20/2020



**Motion for Attorney Fees and Costs** (9:30 AM) (Judicial Officer: Atkin, Trevor)

*Plaintiff's Motion for Attorney Fees and Costs*

Granted;

Journal Entry Details:

*COURT FINDS based on the Brunzell factors being met and the actions of Defendant in this matter; and, in no way Defense counsel; and for good cause and ORDERED, Plaintiff's*

# CASE SUMMARY

CASE NO. A-20-813886-C

*Motion for Attorney Fees and Costs is GRANTED. Mr. Johnson to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;*

10/07/2021



**Minute Order** (3:00 AM) (Judicial Officer: Barisich, Veronica M.)

*Plaintiff Motion to Impute Judgment (Mark Bowman) ; Plaintiff Motion to Impute Judgment (Angelica Nettles)*

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court notes that Plaintiff's Motion to Impute Judgment Against Mark Bowman was erroneously set for a hearing on October 19, 2021 by the Clerk's Office. Furthermore, Plaintiff's Motion to Impute Judgment Against Angelica Nettles was not set for a hearing to date. The Court ORDERS that hearing on these two motions shall be set for November 9, 2021 at 9:00 a.m. Plaintiff's counsel shall ensure that Angelica Nettles and Mark Bowman be updated on the new hearing date. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 10/07/21 ;*

11/09/2021

**Motion** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

*[74] Plaintiff Motion to Impute Judgment (Mark Bowman)*

Motion Granted;

11/09/2021



**Motion** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

**11/09/2021, 12/14/2021**

*[73] Plaintiff Motion to Impute Judgment (Angelica Nettles)*

Matter Continued;

Motion Granted;

Journal Entry Details:

*Court noted that the Judgment from November against Mark Bowman was not received from received by the Court and requested Mr. Johnson submit the same. Upon Court's inquiry regarding whether or not the Plaintiff wanted to proceed, Mr. Johnson advised Plaintiff wished to proceed. Further, Mr. Johnson advised that during the last hearing, the Defendant was ordered to pay November and December rent; however, she has not complied with the Order. Additionally, Mr. Johnson advised he did not receive Defendant's opposition and Interrogatories. Colloquy regarding whether or not service of the Opposition and Interrogatories were was made by Defendant to Plaintiff. Court stated today's hearing was regarding the writ of execution and why the Defendant did not timely answer the interrogatories. Defendant argued that she did answer the interrogatories because she did not understand the paperwork and could not receive help from an attorney. Further the Defendant argued that the unpaid rent was paid sometime in November through a state program. Mr. Johnson argued that during the November 9 hearing, upon inquiry of the Court to the Defendant regarding rental payments she responded that the November rent was not paid. Further, Mr. Johnson argued the Court stated the Defendant was to pay the rent to Mr. Johnson on behalf of Plaintiff or to the Constable's Office. COURT stated it FINDS and CONCLUDES that the Defendant was properly served with the Writ of Garnishment and Execution but failed to timely answer the Interrogatories or provide the November and December 2021 rent to Plaintiff. Rent must be paid to Plaintiff to satisfy the Judgment. The Court continued the hearing to allow you to file and opposition and to receive the assistance of an attorney; if you are representing yourself, although it is often difficult, you are responsible for knowing the court rules and law to represent yourself. There are no genuine factual disputes over NRS 31.320 being applicable. Unfortunately, based on your statement that Defendant Emigdio advised you not to follow the writ that was provided it was wrong and bad information. COURT ORDERED, Motion GRANTED and JUDGMENT imputed as well as attorney's fees and costs NRS 22.010(3) for violation of the Writ. Defendant may continue to seek attorney assistance for any future matters and future rent must be paid to Plaintiff. Mr. Johnson to supplement the Memorandum of Costs and prepare and submit the Order.;*

Matter Continued;

Motion Granted;

11/09/2021



**All Pending Motions** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

Matter Heard;

Journal Entry Details:

*Angelica Nettles, Pro Se Defendant, also present. Court noted that Defendant Mark Bowman*

**CASE SUMMARY****CASE NO. A-20-813886-C**

was not present. Mr. Martinez-Pineda advised that his counsel was not present as he had another hearing. Ms. Nettles advise she did not have counsel and intended to represent herself in this matter. Court stated no opposition had been filed and upon Court's inquiry, Defendants Martinez-Pineda and Nettles advised they opposed the Motion. Court stated since the Defendant Nettles desired to file an opposition, ORDERED, matter CONTINUED. Court further stated that although counsel for Defendant Martinez-Pineda filed an opposition, he is not a party to this Motion, FURTHER ORDERED, Defendant had NO STANDING in the Motion. CONTINUED TO 12-14-21 09:00 AM Argument by counsel in support of Motion as to Mark Bowman. COURT stated it FINDS and CONCLUDES that Defendant Bowman did not file an opposition to the Motion and pursuant to EDCR 2.20(e) it is construed as an admission that the Motion is meritorious and consenting to granting the same. Plaintiff obtained a Judgment against Defendants and Plaintiff served the Writ of Garnishment to Mr. Bowman. Mr. Bowman failed to respond, seek exemption or comply and has violated the Writ. Pursuant to NRS 31.320(1) and Frank Settlemyer & Sons, Inc v. Smith Harmer, Ltd., that applies. Absent relief under subsection (2), requiring the Court to enter a judgment against Mr. Bowman for the value of the amount specified. Further, attorney's fees and costs shall be granted against Mr. Bowman pursuant to NRS 22.010(3) for his failure to obey the Writ. COURT ORDERED, Motion GRANTED as to MARK BOWMAN only. Mr. Johnson to supplement the Motion with fees and costs within seven (7) days. ;

03/10/2022 **Motion** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

*Plaintiff's Motion to Impute Judgment*


Matter Continued;

withdrawn per 2022-04-12 notice

03/10/2022 **Motion** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

*Plaintiff's Motion for Charging Order*


Motion Granted;

03/10/2022  **All Pending Motions** (9:00 AM) (Judicial Officer: Barisich, Veronica M.)

Matter Heard;

Journal Entry Details:

*Plaintiff's Motion To Enforce COURT stated it FINDS and CONCLUDES that there was good cause by the Defendant for the delay in remitting the settlement funds, ORDERED, Motion GRANTED as to the terms of the settlement agreement and DENIED as to Attorney's Fees. COURT FURTHER ORDERED, payment shall be DUE WITHIN 14 DAYS. Court noted no Defendants or counsel for Defendants and upon Court's inquiry Mr. Johnson advised that he had not spoken with the Defendant; however, he spoke with Defendant's counsel who is aware of the hearing but will not be in attendance today due to some State Bar of Nevada issues. Plaintiff's Motion to Impute Judgment Court state the Writ of Garnishment was to URG and the Constable's Declaration advised it was served on Anna Lopez at the address provided; however, the Court cannot be sure of the identity of Anna Lopez, her relationship to URG and there are questions about the service of the Writ. COURT stated it FINDS and CONCLUDES that proof or a declaration is required as to the identity and relationship of Anna Lopez to URG and proof that service was proper, ORDERED, Motion CONTINUED for supplemental. CONTINUED TO: 04-19-22 09:00 AM Plaintiff's Motion for Charging Order Court stated its inclinations. Argument by Mr. Johnson in support of the Motion. COURT stated it FINDS and CONCLUDES that the opposition was procedurally improper, untimely filed and not supported by an affidavit or declaration. Further, the Defendant may only file documents on his behalf not on MP, LLC's behalf as he has no standing. Plaintiff provided sufficient evidence of Defendant's connection with MP, LLC; there was link between Defendant and the Company's bank account as well as the Secretary of State's listing showing the Defendant was a manager at one point. COURT ORDERED, Motion GRANTED pursuant to NRS 86.401(1). COURT FURTHER ORDERED, as to the permission to garnish the bank account of MP, LLC's, Motion DENIED as it is not before the Court and Defendant did not receive notice. Court stated Defendant could file a Motion for Authorization to Garnish Bank Account on an Order Shortening Time for hearing; Mr. Johnson to prepare and submit the Order. 03-15-22 10:00 AM PLAINTIFF'S MOTION FOR AUTHORIZATION TO GARNISH BANK ACCOUNT OF MARTINEZ-PINEDA, LLC ON AN ORDER SHORTENING TIME;*

03/15/2022  **Motion** (10:00 AM) (Judicial Officer: Barisich, Veronica M.)



*Plaintiff's Motion for Authorization to Garnish Bank Account of Martinez-Pineda, LLC on an Order Shortening Time*

Motion Granted;



# CASE SUMMARY

CASE NO. A-20-813886-C

	<p>Journal Entry Details:</p> <p><i>PLAINTIFF'S MOTION FOR CHARGING ORDER . . . PLAINTIFF'S MOTION FOR AUTHORIZATION TO GARNISH BANK ACCOUNT OF MARTINEZ-PINEDA, LLC ON AN ORDER SHORTENING TIME Arguments by counsel in support of and in opposition to the Plaintiff's Motion regarding the authority to garnish Defendant's bank account. Further arguments regarding the applicable statutes and case law in support of the Motion. COURT stated its FINDINGS and ORDERED, Plaintiff Motion for Charging Order MOOT as it was ruled on in a previous hearing. COURT FURTHER ORDERED, Plaintiff's Motion for Authorization to Garnish Bank Account GRANTED.;</i></p>
04/21/2022	<p><b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Crockett, Jim)</p> <p><i>Vacated - per OST</i></p> <p><i>Plaintiff's Motion for Authorization to Garnish Bank Account of Martinez Pineda LLC on an Order Shortening Time</i></p>
05/10/2022	<p> <b>Minute Order</b> (3:00 AM) (Judicial Officer: Barisich, Veronica M.)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>The Court notes that Defendant Martinez-Pineda filed a claim of exemption from execution. Subsequently, Plaintiff filed an objection, requesting a hearing. However, no hearing was set by the Clerk's Office. The Court ORDERS that a hearing on Plaintiff's objection to claim of exemption from execution be set for May 17, 2022 at 9:30 a.m. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File &amp; Serve. /cj 05/10/21 ;</i></p>
05/17/2022	<p><b>Motion</b> (9:30 AM) (Judicial Officer: Barisich, Veronica M.)</p> <p><i>[141] Claim of Exemption from Execution</i></p> <p>Motion Denied;</p>
05/17/2022	<p><b>Motion</b> (9:30 AM) (Judicial Officer: Barisich, Veronica M.)</p> <p><i>[144] Objection to Claim of Exemption from Execution</i></p> <p>Motion Granted;</p>
05/17/2022	<p><b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Barisich, Veronica M.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Arguments by counsel regarding whether the timely filing of and recording a claim of exemption prior to execution protects the Defendant under Nevada law. Further arguments by counsel regarding whether the Defendant engaged in fraud against YCC LLC. Additional arguments by counsel in support or and in opposition of the Motion. COURT stated it FINDINGS and ORDERED, Motion for Claim of Exemption DENIED. COURT FURTHER ORDERED, Objection to Claim of Exemption GRANTED; Mr. Johnson to prepare, circulate and submit the Order.;</i></p>
06/17/2022	<p> <b>Minute Order</b> (3:00 AM) (Judicial Officer: Barisich, Veronica M.)</p> <p><i>Defendants Motion for Reconsideration and Other Related Relief ; Motion to Stay</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>The Court notes that Defendant Martinez-Pineda filed a Motion for Reconsideration, which is set for a hearing on July 13, 2022 in chambers, and Motion to stay, which is set for a hearing on July 19, 2022 at 9:00 a.m. For judicial economy, the Court ORDERS that motion hearings be consolidated and both matters be set for July 20, 2022 in chambers. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File &amp; Serve. /cj 06/22/22 ;</i></p>
06/30/2022	<p><b>Motion</b> (9:00 AM) (Judicial Officer: Barisich, Veronica M.)</p> <p><b>06/30/2022, 07/06/2022</b></p> <p><i>Defendants Motion for Reconsideration and Other Related Relief</i></p> <p>Filed 6-23-22</p> <p>Matter Continued;</p>
06/30/2022	<p><b>Motion</b> (9:00 AM) (Judicial Officer: Barisich, Veronica M.)</p>

## CASE SUMMARY

CASE NO. A-20-813886-C

06/30/2022, 07/06/2022

*Defendant's Motion to Stay*

Filed 6-23-22

Matter Continued;

06/30/2022

**All Pending Motions** (9:00 AM) (Judicial Officer: Bonaventure, Joseph T.)

Matter Continued;

Journal Entry Details:

*DEFENDANTS MOTION FOR RECONSIDERATION AND OTHER RELATED RELIEF . . .*

*DEFENDANT'S MOTION TO STAY* Court advised that it had reviewed the papers and pleading on file, the rulings on the Motions and stated this matter should be continued for the sitting Judge to hear. Mr. Martinez-Pineda advised that the sale of the property is set for July 6, 2022 and requested a hearing prior to the sale. COURT ORDERED, matter CONTINUED for a DECISION in Chambers. CONTINUED TO: 07-06-22 03:00 AM CHAMBERS;

07/01/2022

**Minute Order** (3:00 AM) (Judicial Officer: Barisich, Veronica M.)

Minute Order - No Hearing Held;

Journal Entry Details:

*The Court notes that Defendant Emigdio Martinez-Pineda's Motion for Reconsideration and Motion to Stay came for a hearing before the Court on June 30, 2020. At the hearing, the senior judge stated that he cannot reconsider Judge Barisich's prior orders. Per stipulation of the parties, in lieu of continuing the hearing to another date, the matter was set in chambers for consideration by Judge Barisich to issue a decision without oral arguments under EDCR 2.23 on or before July 6, 2022. After a review of the pleadings, and good cause appearing, pursuant to EDCR 2.23 and the Administrative Order 22-07, the Court FINDS and ORDERS as follows. Relevant law Reconsideration EDCR 2.24(a) states, "No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties." A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997). "Only in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). "Rehearings are not granted as a matter of right and are not allowed for the purpose of reargument, unless there is reasonable probability that the court may have arrived at an erroneous conclusion. *Geller v. McCown*, 64 Nev. 102, 108, 178 P.2d 380, 381 (1947). "Points or contentions not raised in the original hearing cannot be maintained or considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d 447, 450 (1996). Motion to stay "In deciding whether to issue a stay, Supreme Court generally considers: (1) whether the object of the appeal or writ petition will be defeated if the stay is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the stay is denied; (3) whether respondent/real party in interest will suffer irreparable or serious injury if the stay is granted; and (4) whether appellant/petitioner is likely to prevail on the merits in the appeal or writ petition." *Hansen v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 116 Nev. 650, 6 P.3d 982 (2000). "Although, when moving for a stay pending an appeal or writ proceedings, a movant does not always have to show a probability of success on the merits, the movant must present a substantial case on the merits when a serious legal question is involved and show that the balance of equities weighs heavily in favor of granting the stay." *Id.*; see also NRAP 8 (c). Findings The Court FINDS that there is no new fact or law that justifies reconsideration of the May 22, 2022 order. The purported new facts, which consists of billing statements and envelopes that Defendant submitted, still do not establish that he in fact resides at 81 N. 27th Street. The only thing that it establishes is that Defendant receives mail sent to that address. Defendant failed to submit sufficient admissible evidence regarding the residency issue. The Court FINDS that Defendant's argument that the Court was overly broad in applying the *Maki v. Chong*, 119 Nev. 390, 75 P.3d 376 (2003), although colorable, cannot be accepted. The central holding of this case is that the homestead exemption cannot be used by the debtor as a shield to further a fraud or similar tortious conduct. Defendant was previously found to have committed fraud and recently, he was either not truthful at his judgment debtor's examination as to his address or admitted that he resides at another address. To allow the application of the homestead exemption is to condone the fraudulent conduct by Defendant. Thus, the homestead exemption cannot apply. Therefore, there is no showing that the Court's prior order was clearly erroneous. The Court FINDS that as to Defendant's arguments regarding a stay pending appeal, it does not appear on the record that an appeal has been filed to date. Even if*

**CASE SUMMARY****CASE NO. A-20-813886-C**

*the Court overlooks this issue, Defendant's motion analyzed the NRAP 8(d) factors, but this rule applies to child custody issues, which is not at issue here. The correct analysis is found under NRAP 8(c) and Hansen. In reviewing the relevant factors, the Court is unable to discern irreparable or serious injury to Defendant if the stay is denied or that Defendant is likely to prevail on the merits. There is no showing by Defendant that he is unable to procure alternative housing if the stay is denied. On the other hand, Plaintiff will suffer a serious injury due to yet another delay in simply trying to enforce the judgment that it obtained. The overall review of the relevant factors militates against granting of stay. Order The Court ORDERS that Defendant's motion for reconsideration shall be DENIED. Defendant's motion to stay shall be DENIED. Counsel for Plaintiff is directed to submit a proposed Order consistent with this Minute Order and the submitted briefing. Counsel may add language to further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Counsel is directed to have the proposed Order submitted to chambers within 14 days consistent with AO 22-07 and EDCR 7.21. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 07/01/22;*

DATE

FINANCIAL INFORMATION

**Attorney** Johnson, Matthew L

Total Charges 34.50

Total Payments and Credits 34.50

**Balance Due as of 7/7/2022 0.00****Defendant** Martinez-Pineda, Emigdio

Total Charges 277.00

Total Payments and Credits 277.00

**Balance Due as of 7/7/2022 0.00****Garnishee Defendant** Nettles, Angelica

Total Charges 223.00

Total Payments and Credits 223.00

**Balance Due as of 7/7/2022 0.00****Other** Public Copy Request

Total Charges 8.00

Total Payments and Credits 8.00

**Balance Due as of 7/7/2022 0.00****Plaintiff** YCC LLC

Total Charges 423.00

Total Payments and Credits 423.00

**Balance Due as of 7/7/2022 0.00****Plaintiff** YCC LLC

Temporary Restraining Order Balance as of 7/7/2022 0.00

## DISTRICT COURT CIVIL COVER SHEET

CASE NO: A-20-813886-C

Clark

County, Nevada

Department 8

Case No. \_\_\_\_\_

(Assigned by Clerk's Office)

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

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

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

YCC LLC

Emigdio Martinez-Pineda; Emigdio &amp; Emigdio L.L.C

Attorney (name/address/phone):

Attorney (name/address/phone):

Johnson &amp; Gubler, P.C.

8831 W. Sahara Ave.

Las Vegas, NV 89117

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

Real Property	Negligence	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
<b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Surviving Spouse <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Greater than \$300,000 <input type="checkbox"/> \$200,000-\$300,000 <input type="checkbox"/> \$100,001-\$199,999 <input type="checkbox"/> \$25,001-\$100,000 <input type="checkbox"/> \$20,001-\$25,000 <input type="checkbox"/> \$2,501-20,000 <input type="checkbox"/> \$2,500 or less	<b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ	Other Civil Filing	
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters	

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

04/20/2020

Date

/s/Matthew L. Johnson

Signature of initiating party or representative

See other side for family-related case filings.

6:04 PM APR 20 2020

Nevada AOC - Research Statistics Unit  
Pursuant to NRS 3.275Form PA 201  
Rev 3.1

Case Number: A-20-813886-C

**ORDD**

Matthew L. Johnson (6004)  
Russell G. Gubler (10889)  
JOHNSON & GUBLER, P.C.  
8831 West Sahara Avenue  
Las Vegas, NV 89117  
Telephone (702) 471-0065  
Facsimile (702) 471-0075  
mjohnson@mjohnsonlaw.com  
*Attorneys for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

YCC LLC, a Nevada limited liability company,

Plaintiff,

vs.

EMIGDIO MARTINEZ-PINEDA, an individual;  
EMIGDIO & EMIGDIO L.L.C., a Nevada limited  
liability company; and DOES I-X, inclusive; and  
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-813886-C

Dept. No. 5

**ORDER DENYING CLAIM OF  
EXEMPTION FROM EXECUTION**


This matter came before the Court in the above-referenced matter on May, 17, 2022, on Defendant's Claim of Exemption from Execution (the "Claim") and the Plaintiff's Objection to the Claim of Objection. Matthew L. Johnson appeared on behalf of Plaintiff, and Guinness Ohazuruike appeared on behalf of Defendant Emigdio Martinez-Pineda. For the reasons stated in the opposition and reply to the Claim and on the record, and because the Defendant failed to provide any admissible evidence that he, in fact, resided at the property located at 81 N. 27<sup>th</sup> St, Las Vegas, NV 89101 ("Property") when the exemption was filed, because Defendant has made contrary statements and his credibility is an issue, because Defendant testified that he did not reside at that Property on February 22, 2022, eight (8) days after Defendant recorded the Homestead Exemption with the Clark County Recorder, and because Mr. Martinez-Pineda has been found to have committed fraud in this matter and pursuant to *Maki v. Chong*, cited by Plaintiff, and for good cause appearing, therefore,

IT IS HEREBY ORDERED that the Defendant's Homestead Objection for the Property located at 81 N. 27<sup>th</sup> Street, Las Vegas, Nevada is hereby disallowed;

1 IT IS FURTHER ORDERED that the Plaintiff may conduct an execution sale of the Property  
2 located at 81 N. 27<sup>th</sup> Street, Las Vegas, Nevada.

3 IT IS SO ORDERED.

4 Dated this 30th day of May, 2022

5 

6 DISTRICT COURT JUDGE

7 238 443 5EEA 9792  
8 Veronica M. Barisich  
9 District Court Judge

10 Respectfully Submitted by:

11 JOHNSON & GUBLER, P.C.

12 /s/ Matthew L. Johnson

13 Matthew L. Johnson, Esq.  
14 8831 West Sahara Avenue  
15 Las Vegas, Nevada 89117  
16 Telephone (702) 471-0065  
17 Facsimile (702) 471-0075  
18 mjohnson@mjohnsonlaw.com  
19 Attorneys for Plaintiff

20 Approved/Disapproved

21 GUINNESS LAW FIRM

22 No Response

23 Guinness Ohazuruike  
24 6845 W. Charleston Blvd. #A  
25 Las Vegas, Nevada 89103  
26 (702) 473-9300  
27 Attorneys for Defendants on an Unbundled Basis  
28

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 YCC LLC, Plaintiff(s)

CASE NO: A-20-813886-C

7 vs.

DEPT. NO. Department 5

8 Emigdio Martinez-Pineda,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 5/30/2022

16 Thomas Michaelides

info@tcmlawgroup.com

17 Guinness Ohazuruike

guinnesslaw@gmail.com

18 Matthew Johnson

mjohnson@mjohnsonlaw.com

19 Annabelle Nudo

annabelle@mjohnsonlaw.com

20 Eric Tucker

eric@tcmlawgroup.com

21 Russell Gubler

rgubler@mjohnsonlaw.com

22 Danielle Jaime

danielle@mjohnsonlaw.com

23 angelita nettles

angelbaby31163@gmail.com

24 Emigdio Martinez

emigdio1981@live.com

25 Jennifer Kruger

jennifer@tcmlawgroup.com

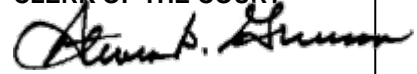
26 Carmen Chavez Jorge

carmen@mjohnsonlaw.com

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1 **NEOJ**

2 Matthew L. Johnson (6004)  
3 Russell G. Gubler (10889)  
4 JOHNSON & GUBLER, P.C.  
5 8831 West Sahara Avenue  
6 Las Vegas, NV 89117  
7 Telephone (702) 388-1996  
8 Facsimile (702) 471-0075  
9 mjohnson@mjohnsonlaw.com  
10 *Attorneys for Plaintiff*

11  
12 **DISTRICT COURT**  
13 **CLARK COUNTY, NEVADA**  
14

15 YCC LLC, a Nevada limited liability company,

16 Plaintiff,

17 vs.

18 EMIGDIO MARTINEZ-PINEDA, an individual;  
19 EMIGDIO & EMIGDIO L.L.C., a Nevada limited  
20 liability company; and DOES I-X, inclusive; and  
21 ROE CORPORATIONS I-X, inclusive,

22 Defendants.  
23

Case No. A-20-813886-C

Dept. No. 5

24 **NOTICE OF ENTRY OF ORDER**  
25 **DENYING CLAIM OF EXEMPTION**  
26 **FROM EXECUTION**

PLEASE TAKE NOTICE that an *Order Denying Claim of Exemption from Execution* was duly entered on the 30<sup>th</sup> day of May, 2022, in the above-captioned matter, a copy of which is attached hereto.

DATED this 6<sup>th</sup> day of June, 2022.

JOHNSON & GUBLER, P.C.

/s/ Matthew L. Johnson

Matthew L. Johnson, Esq.

Russell G. Gubler, Esq.

8831 West Sahara Avenue

Las Vegas, Nevada 89117

[mjohnson@mjohnsonlaw.com](mailto:mjohnson@mjohnsonlaw.com)

*Attorneys for Plaintiff*

1 **CERTIFICATE OF SERVICE**

2  
3 I HEREBY CERTIFY that on this 6<sup>th</sup> day of June, 2022, I caused to be served a true and  
4 correct copy of the foregoing *Notice of Entry Order Denying Claim of Exemption from Execution* by  
5 the Eighth Judicial District Court's Electronic filing system to all the parties registered to receive  
6 electronic filing in this matter.

7  
8 /s/ Annabelle Nudo  
9 An employee of JOHNSON & GUBLER, P.C.  
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**ORDD**

Matthew L. Johnson (6004)  
Russell G. Gubler (10889)  
JOHNSON & GUBLER, P.C.  
8831 West Sahara Avenue  
Las Vegas, NV 89117  
Telephone (702) 471-0065  
Facsimile (702) 471-0075  
mjohnson@mjohnsonlaw.com  
*Attorneys for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

YCC LLC, a Nevada limited liability company,

Plaintiff,

vs.

EMIGDIO MARTINEZ-PINEDA, an individual;  
EMIGDIO & EMIGDIO L.L.C., a Nevada limited  
liability company; and DOES I-X, inclusive; and  
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. A-20-813886-C

Dept. No. 5

**ORDER DENYING CLAIM OF  
EXEMPTION FROM EXECUTION**

This matter came before the Court in the above-referenced matter on May, 17, 2022, on Defendant's Claim of Exemption from Execution (the "Claim") and the Plaintiff's Objection to the Claim of Objection. Matthew L. Johnson appeared on behalf of Plaintiff, and Guinness Ohazuruike appeared on behalf of Defendant Emigdio Martinez-Pineda. For the reasons stated in the opposition and reply to the Claim and on the record, and because the Defendant failed to provide any admissible evidence that he, in fact, resided at the property located at 81 N. 27<sup>th</sup> St, Las Vegas, NV 89101 ("Property") when the exemption was filed, because Defendant has made contrary statements and his credibility is an issue, because Defendant testified that he did not reside at that Property on February 22, 2022, eight (8) days after Defendant recorded the Homestead Exemption with the Clark County Recorder, and because Mr. Martinez-Pineda has been found to have committed fraud in this matter and pursuant to *Maki v. Chong*, cited by Plaintiff, and for good cause appearing, therefore,

IT IS HEREBY ORDERED that the Defendant's Homestead Objection for the Property located at 81 N. 27<sup>th</sup> Street, Las Vegas, Nevada is hereby disallowed;

1 IT IS FURTHER ORDERED that the Plaintiff may conduct an execution sale of the Property  
2 located at 81 N. 27<sup>th</sup> Street, Las Vegas, Nevada.

3 IT IS SO ORDERED.

4 Dated this 30th day of May, 2022

5 

6 DISTRICT COURT JUDGE

7 238 443 5EEA 9792  
8 Veronica M. Barisich  
9 District Court Judge

10 Respectfully Submitted by:

11 JOHNSON & GUBLER, P.C.

12 /s/ Matthew L. Johnson

13 Matthew L. Johnson, Esq.  
14 8831 West Sahara Avenue  
15 Las Vegas, Nevada 89117  
16 Telephone (702) 471-0065  
17 Facsimile (702) 471-0075  
18 mjohnson@mjohnsonlaw.com  
19 Attorneys for Plaintiff

20 Approved/Disapproved

21 GUINNESS LAW FIRM

22 No Response

23 Guinness Ohazuruike  
24 6845 W. Charleston Blvd. #A  
25 Las Vegas, Nevada 89103  
26 (702) 473-9300  
27 Attorneys for Defendants on an Unbundled Basis  
28

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 YCC LLC, Plaintiff(s)

CASE NO: A-20-813886-C

7 vs.

DEPT. NO. Department 5

8 Emigdio Martinez-Pineda,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 5/30/2022

16 Thomas Michaelides

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17 Guinness Ohazuruike

guinnesslaw@gmail.com

18 Matthew Johnson

mjohnson@mjohnsonlaw.com

19 Annabelle Nudo

annabelle@mjohnsonlaw.com

20 Eric Tucker

eric@tcmlawgroup.com

21 Russell Gubler

rgubler@mjohnsonlaw.com

22 Danielle Jaime

danielle@mjohnsonlaw.com

23 angelita nettles

angelbaby31163@gmail.com

24 Emigdio Martinez

emigdio1981@live.com

25 Jennifer Kruger

jennifer@tcmlawgroup.com

26 Carmen Chavez Jorge

carmen@mjohnsonlaw.com

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 04, 2020**

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A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

---

**May 04, 2020**

**3:00 PM**

**Minute Order**

**BlueJeans Notice  
May 7, 2020 Hearing**

**HEARD BY:**   Atkin, Trevor

**COURTROOM:**   Chambers

**COURT CLERK:**   Alan Castle

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 8 Request to Appear Telephonically: Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 430 125 928 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.  
Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each time as a record is being made.  
Please be mindful of sounds of rustling of papers or coughing.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 07, 2020**

---

A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**May 07, 2020**

**9:05 AM**

**Preliminary Injunction  
Hearing**

**HEARD BY:** Atkin, Trevor

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Alan Castle

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Johnson, Matthew L	Attorney
	Michaelides, Thomas C	Attorney

**JOURNAL ENTRIES**

- Arguments by counsel. Court stated findings and ORDERED, Temporary Restraining Order to issue; \$500.00 CASH BOND set. FURTHER ORDERED, matter set for Evidentiary Hearing for Preliminary Injunction.

05/20/20 9:30 a.m. Hearing for Preliminary Injunction

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****May 15, 2020**

A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

**May 15, 2020****3:00 PM****Minute Order**

**BlueJeans Hearing  
Notice for May 20,  
2020, at 9:00 AM  
MOTION  
CALENDAR**

**HEARD BY:** Atkin, Trevor**COURTROOM:** Chambers**COURT CLERK:** Alan Castle**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 8 Request to Appear Telephonically

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 162 827 990 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.  
Do not place the conference on hold as it may play wait/hold music to others.  
Identify yourself before speaking each time as a record is being made.  
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****May 18, 2020**

A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

**May 18, 2020****10:00 AM****Minute Order**

**Amended Minute  
Order MAY 20, 2020  
AT 9:30 AM  
Preliminary  
Injunction Hearing**

**HEARD BY:** Atkin, Trevor**COURTROOM:** Chambers**COURT CLERK:** Alan Castle**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 8 Request to Appear By Video Conference

Pursuant to Administrative Order 20-10, Department 8 will temporarily request evidentiary hearings be heard via video conference. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. Please provide information below to any witnesses that will be appearing through BlueJeans.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 162 827 990 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.  
Do not place the conference on hold as it may play wait/hold music to others.  
Identify yourself before speaking each time as a record is being made.  
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 20, 2020**

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A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**May 20, 2020**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Atkin, Trevor

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Alan Castle

**RECORDER:** Deloris Scott

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Emigdio & Emidgio LLC	Defendant
	Johnson, Matthew L	Attorney
	Martinez-Pineda, Emigdio	Defendant
	Michaelides, Thomas C	Attorney
	YCC LLC	Plaintiff

**JOURNAL ENTRIES**

- Emergency Motion to Show Cause Why Defendants Should Not be Held in Contempt and a Bench Warrant Issued for Intentionally Violating Temporary Restraining Order ... Preliminary Injunction Hearing

Certified Court Interpreter, Irma Sanchez. Arguments by counsel regarding contempt and to show cause. Court stated Findings Defendant violated the Temporary Restraining Order and ORDERED, Defendant to Pay \$500 Fine. FURTHER, Attorney Fees and Costs GRANTED associated with Plaintiff having to bring this motion. COURT ORDERED, PAYABLE NO LATER THAN 06/01/2020.

Parties Stipulated to Waive exclusionary rule. Opening Statements by counsel regarding likelihood of success and irreparable harm. Exhibits presented. (See worksheet) Colloquy regarding timing in regards to irreparable harm. Further arguments by counsel. Matter submitted. COURT ORDERED,

PRELIMINARY INJUNCTION IS GRANTED; Defendant is enjoined from: Transferring and/or selling property in any manner to any person or entity; Encumbering the property in any manner; Harming the property in any manner. FURTHER ORDERED, Defendant GRANTED entry to property for business purposes. COURT ORDERED, EXPEDITED TRIAL. Parties Stipulated to a Bench Trial. COURT ORDERED, Discovery DUE 5/29/20; and, Initial Case Conference WAIVED as long as counsel Stipulate. FURTHER ORDERED, cutoff for production of proposed exhibits and list of witnesses DUE to chambers 6/01/20 by Noon. COURT ORDERED, Spanish Interpreter to be present for trial. Mr. Johnson to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.

06/03/20 10:00 a.m. Bench Trial

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****May 22, 2020**

A-20-813886-C

YCC LLC, Plaintiff(s)

vs.

Emigdio Martinez-Pineda, Defendant(s)

**May 22, 2020****3:00 AM****Minute Order**

**Administrative Order  
20-16 Re: Trial  
Protocols**

**HEARD BY:** Atkin, Trevor**COURTROOM:** Chambers**COURT CLERK:** Alan Castle**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Court admonished counsel and parties regarding compliance with Administrative Order: 20-16 In the Administrative Matter Regarding Face Coverings and Social Distancing in Response to COVID-19, FILED May 21, 2020.

CLERK'S NOTE: This matter being set for trial on June 3, 2020, at 10:00 AM in Department 8; and, In light of the ongoing pandemic, a copy of Administrative Order: 20-16 In The Matter Regarding Face Coverings and Social Distancing in Response to COVID-19 from Chief Judge Linda Bell was provided to parties by the Judicial Executive Assistant (JEA). Counsel directed to instruct their respective clients and witnesses to adhere to these directives during the trial. Further, as to any substantive/procedural questions regarding the trial or relative to Administrative Order 20-16, counsel have been directed to contact the JEA or Department 8 chambers.

CLERK'S NOTE: The above minute order has been electronically distributed. ac/05/22/2020.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****June 01, 2020**

A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

**June 01, 2020****3:00 PM****Minute Order**

**Minute Order  
BlueJeans Notice for  
June 3, 2020 AT 10:00  
AM BENCH TRIAL**

**HEARD BY:**   Atkin, Trevor**COURTROOM:**   Chambers**COURT CLERK:**   Alan Castle**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Department 8 Appearance by Video Conference

Counsel and witnesses are allowed to appear in person in Department 8 for the above mentioned bench trial set for June 3, 2020. If counsel and/or witnesses prefer to appear by video conferencing, Department 8 will temporarily allow witnesses and counsel to appear via video conference. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants. Please provide the following information to witnesses that need to appear via BlueJeans.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 170 822 408 (NOTE: The meeting number will be different for each day s court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.  
Do not place the conference on hold as it may play wait/hold music to others.  
Identify yourself before speaking each time as a record is being made.  
Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 03, 2020**

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A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**June 03, 2020**

**10:00 AM**

**Bench Trial**

**HEARD BY:** Atkin, Trevor

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Alan Castle

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Dhillon, Ashveen S.	Attorney
	Emigdio & Emigdio LLC	Defendant
	Gubler, Russell	Attorney
	Johnson, Matthew L	Attorney
	Martinez-Pineda, Emigdio	Defendant
	Michaelides, Thomas C	Attorney
	YCC LLC	Plaintiff

**JOURNAL ENTRIES**

- following Conference at side bar and discussions outside the courtroom to make attempt to settle, parties advised they were close but unable to reach a resolution. Court so noted.

Opening statements WAIVED by counsel. Testimony and exhibits presented. (See worksheets)  
Evening recess taken.

TRIAL CONTINUES.

**June 04, 2020**

Minutes Date: May 04, 2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 05, 2020**

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A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**June 05, 2020**

**9:00 AM**

**Bench Trial**

**HEARD BY:** Atkin, Trevor

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Alan Castle

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Emigdio & Emidgio LLC	Defendant
	Johnson, Matthew L	Attorney
	Martinez-Pineda, Emigdio	Defendant
	Michaelides, Thomas C	Attorney
	YCC LLC	Plaintiff

**JOURNAL ENTRIES**

- Further testimony and exhibits presented. (See worksheets) Defendant rests. Closing arguments by counsel. Matter submitted. Court notes MATTER TAKEN UNDER ADVISEMENT AND PARTIES TO BE NOTIFIED BY WAY OF WRITTEN DECISION.

COURT ADJOURNED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**August 10, 2020**

---

A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**August 10, 2020**

**3:00 AM**

**Minute Order**

**HEARD BY:** Atkin, Trevor

**COURTROOM:** Chambers

**COURT CLERK:** Alan Castle

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- DEPT. 8 BLUEJEANS NOTICE

RULE 16 CONFERENCES/ STATUS CONFERENCE AUG. 13, 2020, AT 9:00 AM

LAW AND MOTION CALENDAR AUG. 13, 2020, AT 9:30 AM

Department 8 Request to Appear Telephonically

All participants MUST check in with the moderator at 9:00 AM

Pursuant to Administrative Order 20-10, Department 8 will temporarily request all matters be heard via telephone conference ONLY. We will NOT be utilizing video conferencing. The court has set up an appearance through BlueJeans, which can accommodate multiple callers at no cost to participants.

To use BlueJeans, please call in prior to the hearing at 1-888-748-9073.

To connect to your hearing, simply input the assigned meeting ID number provided immediately below, followed by #.

Your Meeting ID: 883 609 171 (NOTE: The meeting number will be different for each day's court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**August 13, 2020**

---

A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

---

**August 13, 2020      9:30 AM      Motion for Attorney Fees  
and Costs**

**HEARD BY:**    Atkin, Trevor

**COURTROOM:**    Phoenix Building 11th Floor  
110

**COURT CLERK:**    Alan Castle

**RECORDER:**    Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**      Johnson, Matthew    L      Attorney  
Michaelides, Thomas    C      Attorney

**JOURNAL ENTRIES**

- COURT finds final judgment filed on July 9, 2020. Court notes late opposition filed and reply filed without time for Court to review. COURT ORDERED, CONTINUED for review of supplemental briefing on fees.

CONTINUED TO:  
08/20/20 9:30 a.m.



**August 17, 2020**

Minutes Date: May 04, 2020

Your Meeting ID: 156 741 984 (NOTE: The meeting number will be different for each day's court session.)

For your hearing, PLEASE observe the following protocol:

Place your telephone on mute while waiting for your matter/case to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**August 20, 2020**

---

A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

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<b>August 20, 2020</b>	<b>9:30 AM</b>	<b>Motion for Attorney Fees and Costs</b>
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<b>HEARD BY:</b> Atkin, Trevor	<b>COURTROOM:</b> Phoenix Building 11th Floor 110
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**COURT CLERK:** Alan Castle

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Johnson, Matthew L	Attorney
	Michaelides, Thomas C	Attorney

**JOURNAL ENTRIES**

- COURT FINDS based on the Brunzell factors being met and the actions of Defendant in this matter; and, in no way Defense counsel; and for good cause and ORDERED, Plaintiff's Motion for Attorney Fees and Costs is GRANTED. Mr. Johnson to prepare the order within 10 days have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**October 07, 2021**

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A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

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**October 07, 2021**

**3:00 AM**

**Minute Order**

**HEARD BY:** Barisich, Veronica M.

**COURTROOM:** Chambers

**COURT CLERK:** Carolyn Jackson

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court notes that Plaintiff's Motion to Impute Judgment Against Mark Bowman was erroneously set for a hearing on October 19, 2021 by the Clerk's Office. Furthermore, Plaintiff's Motion to Impute Judgment Against Angelica Nettles was not set for a hearing to date. The Court ORDERS that hearing on these two motions shall be set for November 9, 2021 at 9:00 a.m. Plaintiff's counsel shall ensure that Angelica Nettles and Mark Bowman be updated on the new hearing date.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 10/07/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**November 09, 2021**

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A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

---

**November 09, 2021      9:00 AM      All Pending Motions**

**HEARD BY:** Barisich, Veronica M.      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Johnson, Matthew L      Attorney  
Martinez-Pineda, Emigdio      Defendant  
Nettles, Angelica      Garnishee Defendant

**JOURNAL ENTRIES**

- Angelica Nettles, Pro Se Defendant , also present.

Court noted that Defendant Mark Bowman was not present. Mr. Martinez-Pineda advised that his counsel was not present as he had another hearing. Ms. Nettles advise she did not have counsel and intended to represent herself in this matter.

Court stated no opposition had been filed and upon Court's inquiry, Defendants Martinez-Pineda and Nettles advised they opposed the Motion. Court stated since the Defendant Nettles desired to file an opposition, ORDERED, matter CONTINUED. Court further stated that although counsel for Defendant Martinez-Pineda filed an opposition, he is not a party to this Motion, FURTHER ORDERED, Defendant had NO STANDING in the Motion.

CONTINUED TO 12-14-21 09:00 AM

Argument by counsel in support of Motion as to Mark Bowman.

COURT stated it FINDS and CONCLUDES that Defendant Bowman did not file an opposition to the Motion and pursuant to EDCR 2.20(e) it is construed as an admission that the Motion is meritorious and consenting to granting the same. Plaintiff obtained a Judgment against Defendants and Plaintiff served the Writ of Garnishment to Mr. Bowman. Mr. Bowman failed to respond, seek exemption or comply and has violated the Writ. Pursuant to NRS 31.320(1) and Frank Settemeyer & Sons, Inc v. Smith Harmer, Ltd., that applies. Absent relief under subsection (2), requiring the Court to enter a judgment against Mr. Bowman for the value of the amount specified. Further, attorney's fees and costs shall be granted against Mr. Bowman pursuant to NRS 22.010(3) for his failure to obey the Writ. COURT ORDERED, Motion GRANTED as to MARK BOWMAN only. Mr. Johnson to supplement the Motion with fees and costs within seven (7) days.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**December 14, 2021**

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A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

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**December 14, 2021      9:00 AM      Motion**

**HEARD BY:** Barisich, Veronica M.      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Johnson, Matthew L	Attorney
	Nettles, Angelica	Garnishee Defendant

**JOURNAL ENTRIES**

- Court noted that the Judgment from November against Mark Bowman was not received from received by the Court and requested Mr. Johnson submit the same.

Upon Court's inquiry regarding whether or not the Plaintiff wanted to proceed, Mr. Johnson advised Plaintiff wished to proceed. Further, Mr. Johnson advised that during the last hearing, the Defendant was ordered to pay November and December rent; however, she has not complied with the Order. Additionally, Mr. Johnson advised he did not receive Defendant's opposition and Interrogatories. Colloquy regarding whether or not service of the Opposition and Interrogatories were was made by Defendant to Plaintiff.

Court stated today's hearing was regarding the writ of execution and why the Defendant did not timely answer the interrogatories. Defendant argued that she did answer the interrogatories because she did not understand the paperwork and could not receive help from an attorney. Further the Defendant argued that the unpaid rent was paid sometime in November through a state program. Mr. Johnson argued that during the November 9 hearing, upon inquiry of the Court to the Defendant regarding rental payments she responded that the November rent was not paid. Further, Mr. Johnson

argued the Court stated the Defendant was to pay the rent to Mr. Johnson on behalf of Plaintiff or to the Constable's Office.

COURT stated it FINDS and CONCLUDES that the Defendant was properly served with the Writ of Garnishment and Execution but failed to timely answer the Interrogatories or provide the November and December 2021 rent to Plaintiff. Rent must be paid to Plaintiff to satisfy the Judgment. The Court continued the hearing to allow you to file and opposition and to receive the assistance of an attorney; if you are representing yourself, although it is often difficult, you are responsible for knowing the court rules and law to represent yourself. There are no genuine factual disputes over NRS 31.320 being applicable. Unfortunately, based on your statement that Defendant Emigdio advised you not to follow the writ that was provided it was wrong and bad information. COURT ORDERED, Motion GRANTED and JUDGMENT imputed as well as attorney's fees and costs NRS 22.010(3) for violation of the Writ. Defendant may continue to seek attorney assistance for any future matters and future rent must be paid to Plaintiff. Mr. Johnson to supplement the Memorandum of Costs and prepare and submit the Order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**March 10, 2022**

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A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

---

**March 10, 2022      9:00 AM      All Pending Motions**

**HEARD BY:** Barisich, Veronica M.      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:** Johnson, Matthew L      Attorney

**JOURNAL ENTRIES**

- Plaintiff's Motion To Enforce

COURT stated it FINDS and CONCLUDES that there was good cause by the Defendant for the delay in remitting the settlement funds, ORDERED, Motion GRANTED as to the terms of the settlement agreement and DENIED as to Attorney's Fees. COURT FURTHER ORDERED, payment shall be DUE WITHIN 14 DAYS.

Court noted no Defendants or counsel for Defendants and upon Court's inquiry Mr. Johnson advised that he had not spoken with the Defendant; however, he spoke with Defendant's counsel who is aware of the hearing but will not be in attendance today due to some State Bar of Nevada issues.

Plaintiff's Motion to Impute Judgment

Court state the Writ of Garnishment was to URG and the Constable's Declaration advised it was served on Anna Lopez at the address provided; however, the Court cannot be sure of the identity of Anna Lopez, her relationship to URG and there are questions about the service of the Writ. COURT stated it FINDS and CONCLUDES that proof or a declaration is required as to the identity and relationship of Anna Lopez to URG and proof that service was proper, ORDERED, Motion CONTINUED for supplemental.

CONTINUED TO: 04-19-22 09:00 AM

Plaintiff's Motion for Charging Order

Court stated its inclinations. Argument by Mr. Johnson in support of the Motion. COURT stated it FINDS and CONCLUDES that the opposition was procedurally improper, untimely filed and not supported by an affidavit or declaration. Further, the Defendant may only file documents on his behalf not on MP, LLC's behalf as he has no standing. Plaintiff provided sufficient evidence of Defendant's connection with MP, LLC; there was link between Defendant and the Company's bank account as well as the Secretary of State's listing showing the Defendant was a manager at one point. COURT ORDERED, Motion GRANTED pursuant to NRS 86.401(1). COURT FURTHER ORDERED, as to the permission to garnish the bank account of MP, LLC's, Motion DENIED as it is not before the Court and Defendant did not receive notice. Court stated Defendant could file a Motion for Authorization to Garnish Bank Account on an Order Shortening Time for hearing; Mr. Johnson to prepare and submit the Order.

03-15-22 10:00 AM PLAINTIFF'S MOTIONFOR AUTHORIZATION TO GARNISH BANK ACCOUNT OF MARTINEZ-PINEDA, LLC ON AN ORDER SHORTENING TIME

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**March 15, 2022**

---

A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

---

**March 15, 2022      10:00 AM      Motion**

**HEARD BY:** Barisich, Veronica M.      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**      Johnson, Matthew L      Attorney  
Martinez-Pineda, Emigdio      Defendant

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR CHARGING ORDER . . . PLAINTIFF'S MOTION FOR  
AUTHORIZATION TO GARNISH BANK ACCOUNT OF MARTINEZ-PINEDA, LLC ON AN  
ORDER SHORTENING TIME

Arguments by counsel in support of and in opposition to the Plaintiff's Motion regarding the  
authority to garnish Defendant's bank account. Further arguments regarding the applicable statutes  
and case law in support of the Motion.

COURT stated its FINDINGS and ORDERED, Plaintiff Motion for Charging Order MOOT as it was  
ruled on in a previous hearing. COURT FURTHER ORDERED, Plaintiff's Motion for Authorization  
to Garnish Bank Account GRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 10, 2022**

---

A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**May 10, 2022**

**3:00 AM**

**Minute Order**

**HEARD BY:** Barisich, Veronica M.

**COURTROOM:** Chambers

**COURT CLERK:** Carolyn Jackson

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court notes that Defendant Martinez-Pineda filed a claim of exemption from execution. Subsequently, Plaintiff filed an objection, requesting a hearing. However, no hearing was set by the Clerk's Office. The Court ORDERS that a hearing on Plaintiff's objection to claim of exemption from execution be set for May 17, 2022 at 9:30 a.m.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 05/10/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 17, 2022**

---

A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**May 17, 2022**

**9:30 AM**

**All Pending Motions**

**HEARD BY:** Barisich, Veronica M.

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Johnson, Matthew L	Attorney
	Martinez-Pineda, Emigdio	Defendant
	Ohazuruike, Guinness	Attorney

**JOURNAL ENTRIES**

- Arguments by counsel regarding whether the timely filing of and recording a claim of exemption prior to execution protects the Defendant under Nevada law. Further arguments by counsel regarding whether the Defendant engaged in fraud against YCC LLC. Additional arguments by counsel in support or and in opposition of the Motion.

COURT stated it FINDINGS and ORDERED, Motion for Claim of Exemption DENIED. COURT FURTHER ORDERED, Objection to Claim of Exemption GRANTED; Mr. Johnson to prepare, circulate and submit the Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 17, 2022**

---

A-20-813886-C	YCC LLC, Plaintiff(s)
	vs.
	Emigdio Martinez-Pineda, Defendant(s)

---

**June 17, 2022**

**3:00 AM**

**Minute Order**

**HEARD BY:** Barisich, Veronica M.

**COURTROOM:** Chambers

**COURT CLERK:** Carolyn Jackson

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court notes that Defendant Maritnez-Pineda filed a Motion for Reconsideration, which is set for a hearing on July 13, 2022 in chambers, and Motion to stay, which is set for a hearing on July 19, 2022 at 9:00 a.m. For judicial economy, the Court ORDERS that motion hearings be consolidated and both matters be set for July 20, 2022 in chambers.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 06/22/22

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 30, 2022**

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A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

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**June 30, 2022**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Bonaventure, Joseph T.

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Carolyn Jackson

**RECORDER:** Charisse Ward

**REPORTER:**

**PARTIES**

**PRESENT:**      Johnson, Matthew L      Attorney  
Martinez-Pineda, Emigdio      Defendant

**JOURNAL ENTRIES**

- DEFENDANTS MOTION FOR RECONSIDERATION AND OTHER RELATED RELIEF ...  
DEFENDANT'S MOTION TO STAY

Court advised that it had reviewed the papers and pleading on file, the rulings on the Motions and stated this matter should be continued for the sitting Judge to hear. Mr. Martinez-Pineda advised that the sale of the property is set for July 6, 2022 and requested a hearing prior to the sale. COURT ORDERED, matter CONTINUED for a DECISION in Chambers.

CONTINUED TO: 07-06-22 03:00 AM CHAMBERS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****July 01, 2022**

A-20-813886-C      YCC LLC, Plaintiff(s)  
vs.  
Emigdio Martinez-Pineda, Defendant(s)

**July 01, 2022****3:00 AM****Minute Order****HEARD BY:** Barisich, Veronica M.**COURTROOM:** Phoenix Building 11th Floor  
110**COURT CLERK:** Carolyn Jackson**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- The Court notes that Defendant Emigdio Martinez-Pineda's Motion for Reconsideration and Motion to Stay came for a hearing before the Court on June 30, 2020. At the hearing, the senior judge stated that he cannot reconsider Judge Barisich's prior orders. Per stipulation of the parties, in lieu of continuing the hearing to another date, the matter was set in chambers for consideration by Judge Barisich to issue a decision without oral arguments under EDCR 2.23 on or before July 6, 2022. After a review of the pleadings, and good cause appearing, pursuant to EDCR 2.23 and the Administrative Order 22-07, the Court FINDS and ORDERS as follows.

Relevant law

Reconsideration

EDCR 2.24(a) states, "No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties." A district court may reconsider a previously decided issue if substantially different evidence is subsequently introduced or the decision is clearly erroneous. *Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 941 P.2d 486 (1997). "Only in very rare instances in which new issues of fact or



law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted." *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976).

"Rehearings are not granted as a matter of right and are not allowed for the purpose of reargument, unless there is reasonable probability that the court may have arrived at an erroneous conclusion. *Geller v. McCown*, 64 Nev. 102, 108, 178 P.2d 380, 381 (1947). "Points or contentions not raised in the original hearing cannot be maintained or considered on rehearing." *Achrem v. Expressway Plaza Ltd.*, 112 Nev. 737, 742, 917 P.2d 447, 450 (1996).

#### Motion to stay

"In deciding whether to issue a stay, Supreme Court generally considers: (1) whether the object of the appeal or writ petition will be defeated if the stay is denied; (2) whether appellant/petitioner will suffer irreparable or serious injury if the stay is denied; (3) whether respondent/real party in interest will suffer irreparable or serious injury if the stay is granted; and (4) whether appellant/petitioner is likely to prevail on the merits in the appeal or writ petition." *Hansen v. Eighth Judicial Dist. Court ex rel. Cty. of Clark*, 116 Nev. 650, 6 P.3d 982 (2000). "Although, when moving for a stay pending an appeal or writ proceedings, a movant does not always have to show a probability of success on the merits, the movant must present a substantial case on the merits when a serious legal question is involved and show that the balance of equities weighs heavily in favor of granting the stay." *Id.*; see also NRAP 8(c).

#### Findings

The Court FINDS that there is no new fact or law that justifies reconsideration of the May 22, 2022 order. The purported new facts, which consists of billing statements and envelopes that Defendant submitted, still do not establish that he in fact resides at 81 N. 27th Street. The only thing that it establishes is that Defendant receives mail sent to that address. Defendant failed to submit sufficient admissible evidence regarding the residency issue.

The Court FINDS that Defendant's argument that the Court was overly broad in applying the *Maki v. Chong*, 119 Nev. 390, 75 P.3d 376 (2003), although colorable, cannot be accepted. The central holding of this case is that the homestead exemption cannot be used by the debtor as a shield to further a fraud or similar tortious conduct. Defendant was previously found to have committed fraud and recently, he was either not truthful at his judgment debtor's examination as to his address or admitted that he resides at another address. To allow the application of the homestead exemption is to condone the fraudulent conduct by Defendant. Thus, the homestead exemption cannot apply. Therefore, there is no showing that the Court's prior order was clearly erroneous.

The Court FINDS that as to Defendant's arguments regarding a stay pending appeal, it does not appear on the record that an appeal has been filed to date. Even if the Court overlooks this issue, Defendant's motion analyzed the NRAP 8(d) factors, but this rule applies to child custody issues, which is not at issue here. The correct analysis is found under NRAP 8(c) and *Hansen*. In reviewing the relevant factors, the Court is unable to discern irreparable or serious injury to Defendant if the

stay is denied or that Defendant is likely to prevail on the merits. There is no showing by Defendant that he is unable to procure alternative housing if the stay is denied. On the other hand, Plaintiff will suffer a serious injury due to yet another delay in simply trying to enforce the judgment that it obtained. The overall review of the relevant factors militates against granting of stay.

**Order**

The Court ORDERS that Defendant's motion for reconsideration shall be DENIED. Defendant's motion to stay shall be DENIED.

Counsel for Plaintiff is directed to submit a proposed Order consistent with this Minute Order and the submitted briefing. Counsel may add language to further supplement the proposed Order in accordance with the Court's findings and any submitted arguments. Counsel is directed to have the proposed Order submitted to chambers within 14 days consistent with AO 22-07 and EDCR 7.21.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 07/01/22

YCC LLC vs. Emigdio Martinez-Pineda et al, Clark Cty. Dist. Ct.,  
Case No. A-20-813886-C

**Plaintiff's Evidentiary  
Hearing Exhibit List**

Exh.	Description	Date	Bates No.	Offered	Objected	Admitted	
1	Commercial Purchase Agreement	12/27/17	YCC000563 through YCC000577	5/29/20	NO OBJ	5/20/20	BS
2	Order to Pay Commission	12/28/17	YCC000582				BS
3	Final Settlement Statement	12/29/17	YCC000371 through YCC000373				BS
4	Check for Broker Fees	12/29/17	YCC000376				BS
5	Check for Emigdio's commissions	12/29/17	YCC000377				BS
6	Deed from Seller to Ysmael "Cena"	12/29/17	YCC000388				BS
7	Corrective Deed	11/07/18	YCC000923 through YCC000925				BS
8	Deed to YCC	11/05/18	YCC000807 through YCC000810				BS
9	Corporate Information for Emigdio & Emigdio L.L.C.	03/13/2020	YCC000732 through YCC000734				BS
10	Eviction	03/13/2020	YCC000766 through YCC000778				BS
11	Answer to Eviction	03/11/2020	YCC000878 through YCC000922				BS
12	Deed to Trust and Note on Emigdio's home	03/11/2020	YCC000794 through YCC000798				BS
13	Velocity Mortgage letter	N/A	YCC000799				BS
14	Forged and Fraudulent Commercial Lease Agreement	07/30/18	YCC000911 through YCC000922				BS
15	Expert Report showing Forged and Fraudulent Signature	07/30/18	YCC000911 through YCC000922				BS
16	Photographs of property	05/09/2020 through 05/11/2020	YCC000001 through YCC000012				BS
17	Receipts from businesses at the property	05/09/2020 through 05/11/2020	YCC000013 through YCC000014	5/20/20	NO OBJ	5/20/20	BS

18	Emails to Attorney Thomas C. Michaelides	05/08/2020 through 05/11/2020	YCC000015 through YCC000020	5-20-20	NO OBJ	5/20/20	AB
19	Photographs of property on Wednesday, May 13, 2020	05/13/2020	YCC000926 through YCC000933	5-20-20	NO OBJ	5/20/20	AB

## EXHIBIT(S) LIST COVER

Case No.: **A-20-813886-C**

Hearing / Trial Date: **June 3, 2020**

Dept. No.: **VIII**

Judge: **Trevor L. Atkin**

Plaintiff(s): **YCC LLC**

Court Clerk: **Alan Paul Castle Sr.**

Recorder: **Patty Slattery**

**vs.**

Defendant(s): **Emigdio Martinez-Pineda;  
Emigdio & Emigdio LLC**

Counsel for Plaintiff: **Matthew Johnson, Esq.**

Counsel for Defendant: **Thomas Michaelides, Esq.**

**TRIAL BEFORE THE COURT**

**YCC LLC vs. Emigdio Martinez-Pineda et al, Clark Cty. Dist. Ct.,  
Case No. A-20-813886-C**

**Plaintiff's Trial Exhibit List**

Exh.	Description	Date	Bates No.	Offered	Objected	Admitted	
1	Commercial Purchase Agreement	12/27/17	YCC000563 through YCC000577	JUN - 3 2020	STIP	6-3-20	WA
2	Order to Pay Commission	12/28/17	YCC000582				WA
3	Final Settlement Statement	12/29/17	YCC000371 through YCC000373				WA
4	Check for Broker Fees	12/29/17	YCC000376				WA
5	Check for Emigdio's commissions	12/29/17	YCC000377				WA
6	Deed from Seller to Ysmael "Cena"	12/29/17	YCC000388				WA
7	Corrective Deed	11/07/18	YCC000923 through YCC000925				WA
8	Deed to YCC	11/05/18	YCC000253 through YCC000255				WA
9	Corporate Information for Emigdio & Emigdio L.L.C.	03/13/2020	YCC000732 through YCC000734		STIP		WA
10	Eviction	03/13/2020	YCC000766 through YCC000778				WA
11	Answer to Eviction	03/11/2020	YCC000878 through YCC000922				WA
12	Deed to Trust and Note on Emigdio's home	03/11/2020	YCC000794 through YCC000798				WA
13	Velocity Mortgage letter	N/A	YCC000799				WA
14	Forged and Fraudulent Commercial Lease Agreement	07/30/18	YCC000911 through YCC000922				WA
15	Expert Report showing Forged and Fraudulent Signature	07/30/18	YCC000911 through YCC000922				WA
16	Expert Witness's handwriting analysis	05/08/2020	YCC000961 - YCC000979				WA
17	Photographs of property	05/09/2020 through 05/11/2020	YCC000001 through YCC000012	JUN - 3 2020	STIP	6-3-20	WA

18	Receipts from businesses at the property	05/09/2020 through 05/11/2020	YCC000013 through YCC000014	JUN - 3 2020	STIP	6-3-20	WA
19	Emails to Attorney Thomas C. Michaelides	05/08/2020 through 05/11/2020	YCC000015 through YCC000020				WA
20	Photographs of property on Wednesday, May 13, 2020	05/13/2020	YCC000926 through YCC000933				WA
21	Insurance Regarding Suite G	02/15/18	21, 31, 33, 101, 107, 155 - 158, 165				WA
22	Property Insurance	11/07/19	YCC000784 - YCC000793				WA
23	Refinance Documents	10/31/18	YCC000800 - YCC000877				WA
24	Text messages between Ysmael Cerna and Emigdio Martinez-Pineda	05/14/19	YCC000936 - YCC000960				WA
25	Deed regarding 2204 Sunrise Ave	09/30/19	YCC000983 - YCC000986				WA
26	Documents regarding Emigdio Martinez-Pineda vs. AMCO Insurance	06/28/17	YCC000987 - YCC 001018				WA
27	Deed regarding 81 N. 27 <sup>th</sup> St	04/14/2020	YCC001019 - YCC001022				WA
28	Cease and Desist letters	03/02/2020	YCC001023 - YCC001028				WA
29	Documents from Ticor Title	10/01/19	YCC001029 - YCC001037	JUN - 3 2020	STIP	6-3-20	WA

30	Defendant's Trial Exhibit Packet – Exhibit A	05/28/2020		JUN - 3 2020	STIP	6-3-20	WA
31	Defendant's Trial Exhibit Packet – Exhibit B	05/28/2020			STIP		WA
32	Defendant's Trial Exhibit Packet – Exhibit C	05/28/2020			STIP		WA
33	Defendant's Trial Exhibit Packet – Exhibit D	05/28/2020			STIP		WA
34	Notice of Entry of Order Granting Temporary Restraining Order and Setting Evidentiary Hearing for Preliminary Injunction	05/08/2020					WA
35	Plaintiff's First Set of Requests for Admissions to Defendant Emigdio & Emigdio L.L.C.	05/22/2020					WA
36	Defendant's (LLC) Responses to Plaintiff's First Set of Requests for Admissions to Defendant Emigdio & Emigdio L.L.C.	06/01/2020					WA
37	Plaintiff's First Set of Interrogatories to Defendant Emigdio & Emigdio L.L.C.	05/22/2020					WA
38	Defendant's (LLC) Responses to Plaintiff's First Set of Interrogatories to Defendant Emigdio & Emigdio L.L.C.	06/01/2020					WA
39	Plaintiff's First Set of Requests for Production of Documents to Defendant Emigdio & Emigdio L.L.C.	05/22/2020					WA
40	Defendant's (LLC) Responses to Plaintiff's First Set of Requests for Production of Documents to Defendant Emigdio & Emigdio L.L.C.	05/28/2020		JUN - 3 2020	STIP	6-3-20	WA



41	Plaintiff's First Set of Requests for Admissions to Defendant Emigdio Martinez-Pineda	05/22/2020					WA
42	Defendant's Responses to Plaintiff's First Set of Requests for Admissions to Defendant Emigdio Martinez-Pineda	05/28/2020					WA
43	Plaintiff's First Set of Requests for Interrogatories to Defendant Emigdio Martinez-Pineda	05/22/2020					WA
44	Defendant's Responses to Plaintiff's First Set of Requests for Interrogatories to Defendant Emigdio Martinez-Pineda	06/01/2020					WA
45	Plaintiff's First Set of Requests for Production of Documents to Defendant Emigdio Martinez-Pineda	05/22/2020					WA
46	Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents to Defendant Emigdio Martinez-Pineda	06/01/2020					WA
47	Las Vegas Valley Water District billing statements	01/24/19 – 11/25/19	YCC001038 – YCC001059				WA
48	Republic Services Accounts Receivable Reconciliation Statement	01/01/19 – 12/31/19	YCC001060 – YCC001061				WA
49	Property Taxes	2019 – 2020	YCC001062 – YCC001064				WA
50	Property Insurance	09/27/19	YCC001065 – YCC001074				WA
51	Extension to Promissory Note	11/25/19	YCC001075 – YCC001077				WA

52 / PHOTO 2 page 6-5-20 STIP 6-5-20 STIP 6-5-20 WA

# DEFT'S EXHIBIT(S) LIST COVER

Case No.: A-20-813886-C

Hearing / Trial Date: June 3, 2020

Dept. No.: VIII

Judge: Trevor L. Atkin

Plaintiff(s): YCC LLC

Court Clerk: Alan Paul Castle Sr.

Recorder: Patty Slattery

Counsel for Plaintiff: Matthew Johnson, Esq.

vs.

Defendant(s): Emigdio Martinez-Pineda;  
Emigdio & Emigdio LLC

Counsel for Defendant: Thomas Michaelides, Esq.

## TRIAL BEFORE THE COURT

### DEFENDANT'S EXHIBITS

Exhibit	Offered	Objected	Admitted	
A. Defendant's Business Transactions. Bates No.: P1-P26	05/13/20	STIP	6-3-20	WY
B. Before and After property Photos. Bates No.: P27-P34	05/20/20	STIP	6-3-20	WY
C. Defendant's Total Wireless Accounts. Bates No.: P35-P36	05/20/20	STIP	6-3-20	WY
D. Defendant's lease with Eunice Espinosa. Bates No. P37-P48	05/20/20	STIP	6-3-20	WY



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

**EMIGDIO MARTINEZ-PINEDA**  
**81 N. 27TH ST.**  
**LAS VEGAS, NV 89101**

**DATE: July 7, 2022**  
**CASE: A-20-813886-C**

**RE CASE:** YCC LLC vs. EMIGDIO MARTINEZ-PINEDA; EMIGDIO & EMIGDIO L.L.C.

NOTICE OF APPEAL FILED: July 5, 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

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**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.***

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL TO APPELLANT COURT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING CLAIM OF EXEMPTION FROM EXECUTION; NOTICE OF ENTRY OF ORDER DENYING CLAIM OF EXEMPTION FROM EXECUTION; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

YCC LLC,

Plaintiff(s),

vs.

EMIGDIO MARTINEZ-PINEDA; EMIGDIO &  
EMIGDIO L.L.C.,

Defendant(s),

Case No: A-20-813886-C

Dept No: V

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 7 day of July 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

