

Form 1. Notice of Appeal to the Supreme Court from a Judgment or Order of a District Court

Case # A-21-838187-C

Dept.#22

Electronically Filed
Jul 13 2022 03:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

A., Plaintiff }

RENE SHERIDAN, an individual acting pro per.


v. }

B., Defendants }

JOSEPH A.GUTIERREZ, an individual;
STEVEN G. KNAUSS, an individual;
JASON R. MILLER, an individual;
MAIER GUTIERREZ & ASSOCIATES;
a Domestic Professional LLC, and
DOES I-XX, inclusive

NOTICE OF APPEAL

Notice is hereby given that plaintiff above named, hereby appeals to the Supreme Court of Nevada from the order regarding the Motion for Recusal of Judge Susan Johnson in this action on the 28th day of June, 2022.


RENE SHERIDAN -Appellant
23823 Malibu Road, #50-364
Malibu, CA: 90265
Tel: 310-422-9944
In Pro Per

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

RENE SHERIDAN, an individual)	
Plaintiff)	
Vs.)	<u>PLAINTIFF'S APPELLANT'S</u>
JOSEPH A. GUTIERREZ, Esq.)	<u>CASE APPEAL STATEMENT</u>
)	<u>JUDGE LINDA MARIE BELL</u>
STEVEN G. KNAUSS, Esq.)	
JASON R. MAIER, Esq.)	
MAIER GUTIERREZ & ASSOCIATES)	
Defendants.)	

Pursuant to Nevada Rules of Appellate Procedure 3(f)(3), Plaintiff/Appellant

RENE SHERIDAN ("Plaintiff/Appellant") hereby submits the following Case Appeal
Statement:

1. This Case Appeal Statement is filed by Plaintiff/Appellant RENE SHERIDAN
(Plaintiff/Appellant in the above captioned case against Defendants-
Respondents Joseph Gutierrez, Esq., Steven Knauss, Esq., Jason R. Maier, Esq.,
and Maier Gutierrez & Associates, District Court Case A-21-838187-C.
2. This appeal is from an Order entered by Judge Linda Marie Bell.

See Exhibit 1, (June 28th, 2022 Decision and Order).

3. Plaintiff-Appellant is acting pro per and representing themselves:

Rene Sheridan
23823 Malibu Road, #50-364
Malibu, CA. 90265

4. Defendant-Respondents Joseph A. Gutierrez, Esq., Steven G. Knauss, Esq.,
Jason R. Maier, Esq., individuals and Maier Gutierrez & Associates, a Limited
Liability Partnership ("Defendant-Respondents") are represented by counsel:

Respondents Counsel:
Lipson Neilson P.C.
Joseph P. Garin, Esq.
Jonathan K. Wong, Esq.
9900 Covington Cross Drive, Suite 120
Las Vegas, NV 89144

5. Plaintiff-Appellant is acting pro per and is not licensed to practice law in
the State of Nevada. Defendants-Respondents are licensed to practice
law in the State of Nevada.
6. Plaintiff-Appellant was not represented by counsel in the District Court
Case and acted self-represented.
7. Plaintiff-Appellant is not represented by appointed or retained
counsel on appeal.

8. Plaintiff-Appellant has not requested to proceed in forma pauperis.

9. Plaintiff-Appellant filed this action on April 14, 2020.

10. Plaintiff-Appellant filed this action as Legal Malpractice,

Defendant's Motion to Dismiss had been filed, heard and denied in the Second Judicial District Court of Nevada. Defendants failed to file an Answer and are in Default. Defendants then demanded a Change of Venue to the Eighth District Court, which was granted.

Defendants, in violation of EDCR 2.24/DCR 13(7), retitled the action fictitiously as "Other Civil Matters ", and added other misinformation into the Court Record. Defendants then had the entire Court Record from the Second Judicial District Court removed from the Eighth District Court Record. See Exhibit 2, (Reply).


In the Eighth District Court Department No. 22, Judge Susan Johnson presiding, Plaintiff was denied her Rights under Nevada law and the United States Constitution, when Judge Johnson denied

Plaintiff the Right to give testimony and evidence regarding the
Motions before her Court.

Plaintiff is appealing from an entry of a DECISION and ORDER
dated June 28th, 2022 denying Plaintiff's MOTION for RECUSAL of
Judge Susan Johnson:

11. This case has not been the subject of Appeal in the Supreme
Court.
12. This case does not involve child custody or visitation.
13. This case involves the possibility of settlement.

Dated this 8th Day of July, 2022


Rene Sheridan
23823 Malibu Road, #50-364
Malibu, CA 90265
Tel: 310-422-9944
In Pro Per

CERTIFICATE OF SERVICE

I certify that on the date below, I served a copy of this completed
PLAINTIFF'S – APPELANT'S CASE APPEAL STATEMENT upon all parties as
follows:

XX- By Electronic Service through Clark County e Filing system.

XX- By mailing first-class mail with sufficient postage prepaid to the
following address:

Lipson Neilson P.C.
Joseph P. Garin, Esq.
Jonathon K. Wong, Esq.
9900 Covington Cross Drive, Suite 120
Las Vegas, NV. 89144


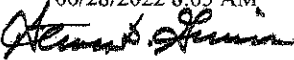

RENE SHERIDAN -Appellant
23823 Malibu Road, #50-364
Malibu, CA: 90265
Tel: 310-422-9944
In Pro Per

EXHIBIT # 1


 CLERK OF THE COURT
1 **DAO**2 **EIGHTH JUDICIAL DISTRICT COURT**3 **CLARK COUNTY, NEVADA**4
5 RENE SHERIDAN,

6 Plaintiff,

7 vs.

Case No. A-21-838187-C

8 JOSEPH GUTIERREZ, ET AL.,

Dept. No. 22

9 Defendant.

10 **DECISION AND ORDER**

11 Plaintiff Rene Sheridan filed a Motion to Disqualify Judge Johnson on June 1, 2022. Plaintiff
 12 alleges Judge Johnson's rulings and actions in the course of proceedings demonstrate bias. Based on
 13 a review of the papers, the relevant record, Judge Johnson's response, and pursuant to EDCR
 14 2.23(c), Plaintiff's Motion is denied.

15 **I. Factual and Procedural Background**

16 This case arises out of a legal malpractice claim. The case's procedural history involves
 17 numerous disputes, a venue transfer, and two case numbers that have since been de-consolidated. On
 18 May 2, 2022, following recusal from Judge Peterson and peremptory challenges against Judges
 19 Lilly-Spells and Escobar, the matter was assigned to Judge Susan Johnson.

20 On May 12, 2022, the parties appeared before Judge Johnson for Defendants' motion for
 21 sanctions and to deem Plaintiff a vexatious litigant. In the May 12 hearing, which serves as the basis
 22 for Plaintiff's instant Motion for Recusal, Judge Johnson denied Defendant's motion to deem
 23 Plaintiff a vexatious litigant, and granted the request that Plaintiff pay cost bonds for two
 24 Defendants. Judge Johnson denied Plaintiff's countermotion for sanctions against Defendants.
 25 Following the hearing, Judge Johnson issued an order in case A-20-813635-C to de-consolidate that
 26 case from A-21-838187-C, and closed case A-20-813635-C on the basis that a motion to dismiss
 27 was granted in July 2020. Plaintiff thereafter appealed Judge Johnson's order de-consolidating the
 28

LINDA MARIE BELL
 DISTRICT JUDGE
 DEPARTMENT VII

1 cases, and closing case A-20-813635-C. On June 10, 2022, the Nevada Supreme Court entered an
2 order dismissing the appeal.

3 On June 1, 2022, Plaintiff filed the instant Motion seeking recusal. Plaintiff asserts that she
4 was denied the right to give testimony when Judge Johnson ordered her microphone muted in the
5 May 12 hearing. Plaintiff further asserts that Judge Johnson improperly de-consolidated the two
6 aforementioned case numbers. Plaintiff states Judge Johnson denied Plaintiff's right to have her
7 opposition to Defendants' motion to dismiss be heard, and that Judge Johnson illegally demanded
8 the parties appear for a hearing on June 2, 2022 while the matter was under appeal. Plaintiff states
9 these actions represent the deep-seated favoritism or antagonism that would make fair judgment
10 impossible. Plaintiff states that Judge Johnson closed her mind to the presentation of evidence, and
11 that Judge Johnson's bias in the case is so profound, that she must be disqualified.

12 On June 2, 2022, Judge Johnson responded to Plaintiff's Motion for Recusal by stating that
13 she is not biased in this matter and has no conflict which would prevent her from sitting for this case.
14 Further, Judge Johnson states she informed Plaintiff of the requirements to appear remotely, as
15 Plaintiff did not have video enabled, however, Plaintiff was allowed to appear by telephone on May
16 12 as an exception. Because Plaintiff interrupted Judge Johnson on more than one occasion, Judge
17 Johnson states she instructed her court recorder to mute Plaintiff to prevent interruption, and then to
18 unmute Plaintiff when Judge Johnson was finished speaking on each occasion. Additionally, Judge
19 Johnson states that the motion to dismiss, which Plaintiff asserts Judge Johnson did not permit her to
20 oppose at the May 12 hearing, was on calendar for June 2, and she anticipated and would have
21 accorded Plaintiff the opportunity to oppose the motion on that date, had the hearing gone forward.

22 This Court now finds as follows.

23 II. Discussion

24 A. Legal Standard

25 Nevada Revised Statute 1.230 provides the statutory grounds for disqualifying district Court
26 judges. The statute in pertinent part provides:

- 27 1. A judge shall not act in an action or proceeding when the judge entertains actual
28 bias or prejudice for or against one of the parties to the action.

2. A judge shall not act as such in an action or proceeding when implied bias exists in any of the following respects:
 - (a) When the judge is a party to or interested in the action or proceeding.
 - (b) When the judge is related to either party by consanguinity or affinity within the third degree.
 - (c) When the judge has been attorney or counsel for either of the parties in the particular action or proceeding before the court.
 - (d) When the judge is related to an attorney or counselor for either of the parties by consanguinity or affinity within the third degree. This paragraph does not apply to the presentation of ex parte or contested matters, except in fixing fees for an attorney so related to the judge.

Rule 2.7 of the Revised Nevada Code of Judicial Conduct (NCJC) provides that a "judge shall hear and decide matters assigned to the judge, except when disqualification is required by Rule 2.11," the rule which details substantive grounds for judicial disqualification. Pursuant to NCJC 2.11(A):

(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

- (1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might be reasonably questioned. Ybarra v. State, 247 P.3d 269, 271 (Nev. 2011). The test for whether a judge's impartiality might be reasonably questioned is objective and courts must decide whether a reasonable person, knowing all the facts, would harbor reasonable doubts about a judge's impartiality. Id. at 272.

The burden is on the party asserting the challenge to establish sufficient factual and legal grounds warranting disqualification. Las Vegas Downtown Redevelopment Agency v. District Court, 116 Nev. 640, 643 (2000). A judge has a duty to preside to the conclusion of all proceedings, in the absence of some statute, rule of court, ethical standard, or compelling reason otherwise. Id. A judge is presumed to be unbiased. Millen v. District Court, 148 P.3d 694, 701 (Nev. 2006). A judge is presumed to be impartial, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. Ybarra, 247 P.3d at 272. Additionally, the Court must give substantial weight to a judge's determination that the judge may not voluntarily disqualify themselves, and the judge's decision cannot be overturned in the absence of clear abuse of discretion. In re Pet. To recall Dunleavy, 104 Nev. 784 (1988).

1 The Nevada Supreme Court has stated "rulings and actions of a judge during the course of
2 official judicial proceedings do not establish legally cognizable grounds for disqualifications." Id. at
3 1275. The personal bias necessary to disqualify must "stem from an extrajudicial source and result
4 in an opinion on the merits on some basis other than what the judge learned from participation in the
5 case." Id. "To permit an allegation of bias, partially founded upon a justice's performance of his [or
6 her] constitutionally mandated responsibilities, to disqualify that justice from discharging those
7 duties would nullify the court's authority and permit manipulation of justice, as well as the court."
8 Id.

9 The Nevada Supreme Court has noted that while the general rule is that what a judge learns
10 in his or her official capacity does not result in disqualification, "an opinion formed by a judge on
11 the basis of facts introduced or events occurring in the course of the current proceedings, or of prior
12 proceedings, constitutes a basis for a bias or partiality motion where the opinion displays 'a deep-
13 seated favoritism or antagonism that would make fair judgment impossible.'" Kirksey v. State, 923
14 P.2d 1102, 1107 (Nev. 1996); Liteky v. U.S., 510 U.S. 540 (1994) ("...judicial remarks during the
15 course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their
16 cases, ordinarily do not support a bias or partiality challenge."). However, "remarks of a judge made
17 in the context of a court proceeding are not considered indicative of improper bias or prejudice
18 unless they show that the judge has closed his or her mind to the presentation of all the evidence."
19 Cameron v. State, 968 P.2d 1169, 1171 (Nev. 1998).

20 **B. Disqualification is not warranted because Plaintiff has not established sufficient factual**
21 **and legal grounds for disqualification.**

22 As the party seeking disqualification, Plaintiff bears the burden of establishing sufficient
23 factual grounds to warrant disqualification. Las Vegas Downtown Redevelopment Agency v.
24 District Court, 5 P.3d 1059, 1061 (Nev. 2000). However, the rulings, and actions of a judge during
25 the course of official judicial proceedings do not establish legally cognizable grounds for
26 disqualification. Canarelli v. Eighth Judicial Dist. Court, 138 Nev. Adv. Op. 12 (2022) (concluding
27 that a party seeking disqualification as a result of a judge's exercise of her duties must show that the
28 judge has formed an opinion displaying a deep-seated favoritism that would prevent fair judgment);

In re Pet. To recall Dunleavy, 104 Nev. 784, 789 (1988). Here, Plaintiff has not met the burden of establishing sufficient facts for disqualification.

While Plaintiff claims Judge Johnson has closed her mind to evidence, she has not established sufficient factual or legal grounds to prove this. In the May 12 hearing at issue, Judge Johnson ruled on the motion and countermotion before her, and while Plaintiff asserts Judge Johnson would not allow opposition to a pending motion to dismiss, the motion to dismiss was not on calendar for that date. Instead, the motion to dismiss was on calendar for June 2, 2022, and was vacated as a result of the instant Motion for Recusal. A review of the May 12 hearing does not reveal the deep-seated favoritism or antagonism as characterized by Plaintiff. There is no evidence that Judge Johnson's actions or rulings have been influenced by bias toward or prejudice against any party to this case.

Further, disagreement with a judge's rulings or decisions is not a basis to disqualify. Judge Johnson's instruction to mute Plaintiff after interruption is not indicative of bias, as Plaintiff was otherwise given adequate time to argue her position regarding the motions before the court on May 12. Additionally, Judge Johnson has the broad authority to maintain order and decorum in proceedings in her courtroom.

As to Plaintiff's procedural arguments that it was improper to hold a hearing while matters were on appeal, that the record is allegedly missing documents from the Second Judicial District venue transfer, and that the matter being classified as "other civil matters" are all indicative of bias, this Court makes no findings as to the procedural arguments themselves, but does not find these allegations to warrant disqualification. Plaintiff's allegations fall short of demonstrating any bias or prejudice against her that would support the disqualification of Judge Johnson. This Court does not find that Judge Johnson has demonstrated the kind of deep-seated favoritism that would prevent fair judgment in this matter. Further, this Court must give substantial weight to the sitting judge's determination to not recuse from the matter.

As to Defendants' request for attorney's fees, the request is denied, as opposing parties do not have a statutory authority or obligation to respond to disqualification requests. The judge assigned to the case has the statutory authority to respond to disqualification efforts pursuant to NRS

1 1.235(6). Requesting disqualification via motion or affidavit does not, in and of itself, create an
2 obligation by a nonmoving party to oppose the motion, as the sitting judge maintains the statutory
3 authority to answer to the allegations, rather than the nonmoving party. In general, it is the response
4 from the assigned judge which aids the court in determining questions of disqualification, not a
5 response from a nonmoving party. Defendants' request for attorney's fees is denied.

6 **Conclusion**

7 Plaintiff does not bring cognizable claims supported by factual or legal allegations against
8 Judge Johnson. The record does not support Plaintiff's allegations of bias by Judge Johnson, and
9 Judge Johnson's rulings and actions in the course of official judicial proceedings are not evidence of
10 bias or prejudice. Thus, Plaintiff's request to disqualify Judge Johnson is DENIED. Defendants'
11 request for attorney's fees is DENIED. The hearing on calendar for June 30, 2022 is VACATED as
12 a result of this Decision.

Dated this 28th day of June, 2022

13 
14

15 _____
16 9A9 A1A 7BA8 3E17
17 Linda Marie Bell
18 District Court Judge
19
20
21
22
23
24
25
26
27
28

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Rene Sheridan, Plaintiff(s)

CASE NO: A-21-838187-C

7 vs.

DEPT. NO. Department 22

8 Joseph Gutierrez, ESQ,
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 Decision and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 6/28/2022

15 Charity Johnson

cmj@mgalaw.com

16 Jason Maier

jrm@mgalaw.com

17 Joseph Gutierrez

jag@mgalaw.com

18 Joseph Garin

jgarin@lipsonneilson.com

19 Kimberly Glad

kglad@lipsonneilson.com

20 Jonathan Wong

jwong@lipsonneilson.com

21 RENE SHERIDAN

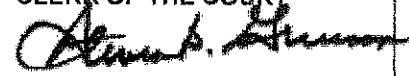
RSHERIDAN34@AOL.COM

22 PATRICK CANNON

HOTOPIX@GMAIL.COM

23
24
25
26
27
28

EXHIBIT # 2



33CODE
Rene Sheridan
23823 Malibu Road, #50-364
Malibu, CA 90265
Tel: 310-422-9944
In Pro Per

O

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

RENE SHERIDAN, an individual,
Plaintiff,

Case No.: A-21-838187-C

Dept. No. XXII

PLAINTIFF'S REPLY TO AFFIDAVIT
IN THE RECUSAL OF JUDGE SUSAN JOHNSON

JOSEPH A. GUTIERREZ, an individual;

STEVEN G. KNAUSS, an individual;

MAIER GUTIERREZ & ASSOCIATES;

a Domestic Professional LLC, and

DOES I-XX, inclusive, and XYZ

CORPORATIONS' I-XX, inclusive,

Defendants.

Date: 6/30/22

Time: 10:30 a.m.

COMES NOW, Plaintiff, RENE SHERIDAN, (hereafter "Plaintiff" or "Sheridan") in
pro per, hereby files this **PLAINTIFF'S REPLY TO AFFIDAVIT IN THE**
RECUSAL OF JUDGE SUSAN JOHNSON.

This Plaintiff's Reply to Affidavit in the Recusal of Judge Susan Johnson is made

1 and based on the following Memorandum of Points and Authorities, the pleadings
2 and file herein, the Affidavits attached hereto, and any other evidence or arguments
3 as may be presented at the hearing on this matter.
4

5 6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 8 **I. INTRODUCTION**

9
10 Plaintiff will admit evidence regarding judicial misconduct that will include
11 Judge Johnson's violation of Court Rules and Procedures and the Constitutional
12 Rights of the Plaintiff in a hearing held on May 12th, 2022 in the Eighth District
13 Court, Department 22.
14

15 Judge Johnson must be disqualified under Rule NCJC 2.11 (A). Plaintiff will
16 provide evidence in this Motion that Judge Johnson's impartiality can be reasonably
17 questioned. *Ybarra v. State*, 247 P3d 269, 271 (Nev. 2011).
18

19 *"(a) A judge shall disqualify, (herself), in any proceeding in which the judge's*
20 *impartiality might be reasonably questioned, including but not limited to the*
21 *following circumstances:*
22

23 *(1) The judge has a personal bias or prejudice concerning a Party or Parties*
24 *lawyer."*
25

26 Judge Johnson's conduct in the courtroom and her improper and illegal decisions
27 represent "the deep-seated favoritism and antagonism that would make fair judgment
28

1 impossible." *Kirksey v. State*, 923 P2d 1102, 1107 (Nev. 1998). Adding that "remarks
2 of a judge made in the context of a court proceeding are not considered indicative of
3 improper bias or prejudice *unless* they show that the judge has closed his or her mind
4 to the presentation of evidence." *Cameron v. State*, 968 P2d 1169, 1171, (Nev. 1998).
5

6 Judge Johnson has demonstrated her bias in the following evidenced facts that
7 demonstrate conclusively that Judge Johnson has "closed her mind to the presentation
8 of evidence":
9

10 The transcript of the hearing held in Judge Johnson's court on May 12th. 2022
11 illustrates that Judge Johnson violated the Plaintiff's Right to give testimony and
12 evidence by constantly either interrupting the Plaintiff's efforts to testify and/or
13 unconstitutionally muting the Plaintiff's microphone in a virtual hearing of the case.
14
15

16 (Exhibit #1- Court Transcript)

17 **II. RECORDERS TRANSCRIPT OF HEARING MAY 12TH 2022**

18 Page #3, Lines 10-15: Judge Johnson demonstrates her willful ignorance of the
19 issues before the court, and tries to create a false narrative in her mistaken belief that
20 Plaintiff's Motion to Dismiss (MTD) had been heard by Judge Crockett of the Eighth
21 District Court, Dismissed, and that Dismissal was affirmed by the Supreme Court of
22 Nevada. Defendant attorney Jonathon Wong attempts to correct the Judge by
23 explaining that the Motion the Plaintiff appealed was for attorney fees, not the MTD.
24
25

26 Page #3, Lines 22-25: Judge Johnson continues in her confusion by misstating
27
28

1 that Case # 21-838187-C had been "filed in Washoe County, (by the Plaintiff), and
2 transferred by motion here." This is not correct.

3
4 In Judge Johnson's Answer to Plaintiff's Motion and Affidavit for Recusal of Judge
5 Susan Johnson, (Page # 3 lines 19-25):

6 Judge Johnson, in her bias, continually and deliberately omits important material
7 facts of this case. In both Judge Johnson's De-Consolidation Order of May 12th, 2022
8 and her Answer to Plaintiff's Motion and Affidavit of Recusal of Judge Susan
9 Johnson, Judge Johnson states:
10

11 "On August 31st, 2020 (Plaintiff) filed a Complaint for Legal Malpractice against
12 the (Defendants) in the Second Judicial Court in Washoe County, Nevada, (Case No.
13 CV 20-01353) (also referred to as the "second case"). About 11 months later, on July
14 20, 2021, the Second Judicial Court issued its Order Granting Defendant's Motion to
15 Transfer Venue."
16

17 Absolutely nowhere in either her De-Consolidation Order or Judge Johnson's
18 sworn Affidavit did she reveal what transpired in the Second District Court under the
19 Honorable Judge Kathleen Sigurdson.
20

21 Judge Sigurdson found for the Plaintiff and DENIED Defendant's MTD. Judge
22 Sigurdson also DENIED Defendant's Motion to Strike Plaintiff's Notice of Default.
23 Defendants then failed to file an Answer to Plaintiff's Legal Malpractice Complaint
24 and are currently in DEFAULT. (Exhibit #2 – Sigurdson ORDER).
25
26
27
28

1 (Exhibit #3- Notice of Default),

2 (Exhibit #4 = Judge Johnson Affidavit).

3 (Exhibit #5 – De-consolidation ORDER).

4
5 Plaintiff submits to this Court that this willful omission by Judge Susan Johnson in
6 both her Motion and her sworn Affidavit, demonstrates that she had both “closed her
7
8 mind to the presentation of evidence” and committed PERJURY in her Affidavit.

9 II.

CASE HISTORY

- 10
11 1. April 14, 2020: A Complaint for LEGAL MALPRACTICE was filed by the Plaintiff,
12 (acting pro se) in Department 24 of the Eighth District Court, Judge Jim Crockett.
13
14 2. July 28th, 2020: Judge Crockett granted a Motion to Dismiss without Prejudice. No
15 hearing was held and despite the admission of Defendants that they committed
16 the malpractice alleged, Judge Crockett found that Plaintiff was a “vexatious
17 litigant and the case had no merit.” (Exhibit #13- Defendant’s Admission).
18
19 3. August 31, 2020: Plaintiff refiled their LEGAL MALPRACTICE case in the Second
20 District Court of Judge Kathleen Sigurdson. (Exhibit #14 – Complaint).
21
22 4. December 4, 2020: Defendants refiled their MTD.
23
24 5. December 14, 2020: Plaintiff filed an Opposition to Defendant’s MTD.
25
26 6. March 10, 2020: In Dept. #10 of the Second District Court, (Case # CV20-01353),
27 Defendant’s MTD was heard, DENIED and disposed of by Judge Sigurdson.
28

1 See (Exhibit #2- ORDER).

2 July 20, 2021: Defendant's opened a case in Dept.11 of the Eighth District Court
3 of Judge Elizabeth Gonzalez where a Defendant's attorney served as a law clerk
4 for over two years. The Defendant's opened their case illegally in the Plaintiff's
5 name and fraudulently added the names of two attorneys to the Plaintiff's case
6 that were not employed by her. In an effort to remove the stigma of the
7 Defendant's evidenced and admitted guilt of LEGAL MALPRACTICE and to create
8 a whole new "cause", Defendants renamed the case "OTHER CIVIL MATTERS"
9 then re-inserted their MTD in violation of DCR 13(7) and EDCR 2.24 (a).
10 Defendants are prohibited by Nevada law from refiling their MTD in any court,
11 once their motion was filed and denied.
12

13
14
15
16
17 ***"No Motion once heard and disposed of shall be renewed in the same cause,***
18 ***nor shall the same matters therein embraced be reheard."***

19
20 -EDCR 2.24 (a) and DCR 13(7)

21 To her credit Judge Gonzalez would not be a party to the Defendant's illegal
22 tactics and fraudulent filings in her court, and retired from the bench without
23 adjudicating this case.
24

25 Senior Judge Kathy Hardcastle replaced Judge Gonzalez and after reviewing the
26 illegalities of the Defendants and their attorneys, issued an ORDER that was
27
28

1 entered on September 9th, 2021 that attempted to bring this case into
2 compliance with Nevada law.
3

4 It should be noted that the Defendants have projected their guilt of "judge and
5 forum shopping" onto the Plaintiff instead of where it belongs, with the
6 Defendants, as Judge Hardcastle had stated in her entered ORDER of September
7 9th, 2021:
8

9 ***"Under the rules of the District Court when a subsequent case is brought about***
10 ***involving the same parties and transactions in order to prevent judge or forum***
11 ***shopping the case is required to be reassigned to the department with the***
12 ***lowest case number.***
13

14 **COURT ORDERED, case A-21-838187-C to be consolidated with case A-20-**
15 **813635-C and transferred to department 24." (Exhibits #6 & #7 Hardcastle**
16 **ORDERS).**
17

18 Plaintiff submits that the Rule of the District Court referred by Judge
19 Hardcastle in her Orders of Sept. 9th and Sept. 17th, 2021 concerning the
20 consolidation of cases is (Nev. R. Prac. Eighth Jud. Dist. Ct. 2.50).
21

22 Judge Johnson has clearly violated this District Court Rule in a determination
23 to remove Plaintiffs evidence from the court's record.
24

25 Judge Johnson has not only "close(d) her mind to evidence" Judge Johnson has
26
27
28

1 actively sought to remove Plaintiff's evidence herself when she issued an Order De-
2 Consolidating Cases and closing Case No. A-20-813635-C on May 12th, 2022 at
3 4:34pm, on the same day as the hearing.
4

5 Judge Johnson was completely aware that the Defendants illegally had the Court
6 Clerks remove from the Court's Record over 736 pages of documentation sent down
7 from the Second District Court and now after omitting that evidence from any
8 decisions from the bench, effectively removed ALL the Plaintiff's evidence and
9 testimony from Case No. A-20-813635-C.
10
11

12 In violation of the Court's Rules Judge Hardcastle's ORDER was improperly
13 defied by the Defendants and the court.
14

15 Judge James Bixler rotated into Judge Hardcastle's Department #11 upon her
16 departure, and on October 21st, 2021 entered an ORDER that reiterated Judge
17 Hardcastle's ORDER and consolidated the cases. (Exhibit #8 – Bixler ORDER).
18

19 From October 21st, 2021 until Judge Susan Johnson improperly violated the
20 Court's Rule on May 12th, 2022, Plaintiff, in accordance with the Court's ruling
21 placed an abundance of evidence into case # A-20-813635-C. Judge Johnson, after
22 refusing to rule on the Defendants illegal removal of 736 pages of documents sent
23 down from the Second District Court, in her bias, has more than "closed her mind to
24 the evidence", this judge, for the benefit of the Defendants, has effectively removed
25 from this case's record over six months of the Plaintiff's testimony and evidence.
26
27
28

1
2
3 **IV. DEFENDANTS' VEXATIOUS LITIGATION**

4 Defendant's attorney has continually damaged the Plaintiff's professional
5 reputation by the illogical allegation that she is a "vexatious litigant arguing a case
6 without merit".
7

8 In the hearing held on May 12th, 2022, Judge Johnson identified two issues,
9 Defendant's Motion for Sanctions and "deeming Ms. Sheridan a vexatious litigant".
10

11 The Defendants, by the presentation of evidence and their own admission,
12 violated the Confidentiality Clause of the Plaintiff's Settlement Agreement, which by
13 definition, is Legal Malpractice. This case's merit is therefore evidenced by the
14 Defendant's guilt beyond any reasonable doubt. Additionally, the Defendants
15 malpractice, for which Judge Johnson refused to address, included the failure to file
16 the legally required Satisfaction of Judgment with the court in the 20+ months since
17 the Plaintiff had paid the entire amount of this outstanding Judgment in the amount of
18 \$118,750.25 in violation of NRS 17.200. (Exhibit #9 – Wire Transfer).
19
20

21 This malicious and illegal act of Legal Malpractice continues to harm the Plaintiff
22 and is further evidence that Judge Johnson has closed her mind to the presentation of
23 evidence. (Exhibit #1- Transcript, page #11 line 7-25 & page #12 lines 1-9).
24

25 Judge Johnson refuses to address nor discipline the Defendants in the face of the
26 evidence this Judge fails to acknowledge in violation of Rule 2.15 (b).
27
28

1
2 *" A judge having knowledge that a lawyer has committed a violation of the Nevada*
3 *Rules of Professional Conduct that raises a substantial question regarding the*
4 *lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall*
5 *inform the appropriate authority."*
6

7
8 - Rule 2.15 (b).

9 There has been no need to put the Plaintiff to the great expense of time and
10 money to argue the Defendant's guilt, they are admittedly guilty and the proper
11 recourse should have been to admit their guilt, pay a reasonable restitution for their
12 disclosure of the financial terms of the Plaintiff's Settlement Agreement, file the
13 legally required Satisfaction of Judgment, and end this waste of the Courts time and
14 resources.
15

16
17 The Defendants did none of the aforementioned and instead, the Defendants
18 attorneys embarked on a campaign of illegal tactics that incorporated these attorney's
19 relationships with the Courts Clerks, and three Judges this attorney had befriended
20 and financed.
21

22 For these reasons it is clear that the needlessly prolonged litigation in this case is
23 the product of the vexatious litigation by the Defendants, not the Plaintiff.
24

25 It is patently absurd to make the claim that by pursuing justice in the courts for the
26 evidenced Legal Malpractice committed by the Defendants, the Plaintiff is the
27
28

1 "vexatious litigant".

2 **V. JUDGE JOHNSON'S UNINFORMED DECISIONS**

3
4 Judge Johnson failed to properly prepare before rendering decisions in her court
5 on May 12th, 2022.

6
7 Judge Johnson entered an ORDER on May 16th, 2022 scheduling a hearing for
8 June 2nd, 2022 to hear Plaintiff's Motion to Strike and Plaintiff's Opposition to
9 Defendant's MTD. Judge Johnson then refused to hear Plaintiff's Opposition together
10 with the evidence and testimony it contained, by the simple act of running a line
11 through it and effectively deleting Plaintiff's Opposition in her ORDER.
12
13 (Exhibit #10 – Hearing ORDER).

14
15 Had Judge Johnson even read the ORDER issued by the previous Judge, (Judge
16 Peterson), on February 28th, 2022, she would have known that Plaintiff's Motion to
17 Strike had been heard, denied and is currently under appeal with Nevada's Supreme
18 Court. (Exhibit #11 – Peterson ORDER).

19
20 Judge Johnson did not have a legal right to hear the Motion to Strike, yet alone
21 adjudicate it.

22
23 Because, as the transcript of the hearing evidences, Judge Johnson would
24 continually mute the Plaintiff's microphone in a flagrant violation of Plaintiff's
25 Constitutional Right to testify and present evidence, and continually interrupted the
26 Plaintiff's testimony in her courtroom, Plaintiff was prevented from educating Judge
27
28

1 Johnson on the facts and history of this case.

2 It must be noted that the Defendant's attorney had an ethical responsibility to
3 correct the multiple errors by Judge Johnson in her court as well, but because every
4 error the Judge made benefitted the Defendants, they did not.
5

6 7 8 **LEGAL STANDARD**

9 **A. Pro Se Pleadings.**

10
11 "Where, as here, the pleading at issue is filed by Plaintiff proceeding Pro
12 Se, and therefore must be construed liberally".

13
14 Resnick v. Hayes, 213 F. 3d 443, (9th Cir. 2000). In doing so, the court "need not
15 give the plaintiff the benefit of every conceivable doubt" but "is required only to
16 draw every reasonable or warranted factual inference in the plaintiff's favor".

17
18 McKinney v. De Bord, 607 F. 2d 501, 504 (9th Cir. 1974). The court "should use
19 common sense in interpreting the frequently diffuse pleadings of pro se
20 complaints," Id. A pro se complaint should not be dismissed unless the court
21 finds it "beyond any reasonable doubt that the plaintiff can prove no set of facts
22 in support of his claim which would entitle him to relief." Haines v. Kerner, 404
23 U.S. 519, 521. (9th Cir. 1972).
24

25
26 Courts have "a duty to ensure that pro se litigants do not lose their right to a
27 hearing on the merits of their claim due to ignorance of the technical procedural
28

1 requirements". Balisteri v. Pacifica Police Dept. 901 F 2d 696, 699
2 (9th Cir.1988).
3

4 Plaintiff's filed Affidavit for Judge Susan Johnson's Recusal is therefore valid
5 in view of the Plaintiff's pro se status with this court.
6

7 **B.** Precisely due to the above law that governs the court, the Defendants in this
8 case unlawfully placed misinformation on the Court record that named two attorneys
9 that the Defendants claimed were "retained" by the Plaintiff, without benefit of any
10 Notice of Appointment to the Court.
11

12 This was not a nameless "Clerk" of the court that filed this misinformation, it was
13 the Defendants and their attorney that paid the fees on filing, hid the true cause of
14 action behind the fictitious name "Other Civil Matters", and had the entire 736 pages
15 of Second District Court Documents and evidence removed from the 8th District
16 Court Record.
17

18
19 **V.**

CONCLUSION

20
21
22 Rather than address the issue that effectively led to the Judge Johnsons dismissal of
23 the core case # A-20-813635-C in her decision to deconsolidate the cases in violation
24 of the Court Rules, Judge Johnson embraced what this Judge and the Defendant's
25 referred to as "a clerical error" by unnamed Clerks of the Court, and retained the
26 fictitiously titled "OTHER CIVIL MATTERS" as the only case to be heard in her
27
28

1 court.

2 Why?

3
4 There remain two reasons behind the motivation of Judge Johnson's improper and
5 illegal De-Consolidation of the cases Consolidated under the Rules of the Court and
6 the authority of both Judge Hardcastle and Judge Bixler, and these reasons are as
7
8 clear as the bias they represent:

- 9 1. The Defendant's MTD was DENIED and defeated in the Second District Court
10 and in accordance with Nevada law could not be re-filed in any court in
11 Nevada. As Judge Hardcastle, and Judge Bixler had ruled in consolidating the
12 cases, they "Involved the same parties and transactions" and were therefore
13 in the same Cause. Defendants refiled the case under OTHER CIVIL MATTERS,
14 in an attempt to create a fictitious new "Cause" so that they could illegally
15 and improperly re-introduce their failed MTD.
16
17
18

19 Judge Johnson, in her bias, is justifying this fraud by eliminating the original
20 case and all evidence submitted in it, and admitting a case that the Court and
21 the Defendants had labeled a "Clerk's error".
22

23 When the Plaintiff asked Judge Johnson to correct this error Judge Johnson
24 refused, for the simple reason the error benefitted the Defendants and to
25 correct it would shed light on the fraud it continues to represent.
26

27 (Exhibit #1 -Transcript. Page #13, lines 4-21).
28

1
2
3 2. Judge Johnson evidences her bias further in her effort to permanently label
4 this LEGAL MALPRACTICE case, (as the yet undefined), OTHER CIVIL MATTERS.
5 This is clearly for the purpose of removing the stigma of the abundantly
6 evidenced legal malpractice committed and admitted to by the Defendants,
7 from the guilty party's record and reputation.
8

9
10 The Plaintiff filed a LEGAL MALPRACTICE case, the Defendants illegally filed
11 the OTHER CIVIL MATTERS case in the Plaintiff's name in order to further
12 tarnish the Plaintiff's unearned reputation as a "vexatious litigant".
13

14 Judge Johnson, in her bias, has turned a blind eye to the egregious damage
15 done to the Plaintiff for exercising her Right to address her legitimate claims
16 in the courts of Nevada. Judge Johnson has "closed her mind to the
17 presentation of evidence" and in doing so unethically contributed to the
18 Defendant's Crimes Against Public Justice, (NRS 199), and must be recused
19 from this case.
20
21

22 3. As the transcript of the May12th, hearing in Judge Johnson's court clearly
23 reveals, the Plaintiff's Constitutional Rights were violated by Judge Johnson
24 when the Judge would not allow the Plaintiff her Right to testify.
25
26
27
28

Judge Johnson virtually interrupted every argument proffered by the Plaintiff, and when the Plaintiff tried to correct Judge Johnson's misinformed opinions, Judge Johnson had the Plaintiff's microphones muted. For these violations alone Judge Johnson must be recused.

4. On May 12th, 2022, in the hearing that took place that day, Judge Johnson improperly demanded that the Plaintiff reveal the name or names of the Plaintiff's Expert Witnesses in violation of NRCP 16.1, stating that she was "just curious."

Plaintiff submits that Judge Johnson exceeded her authority in her court when she demanded that Plaintiff reveal this sensitive information outside of the Court's pre-trial's Discovery requirements and the Rules of Discovery.

Judge Johnson was not "curious" this Judge proffered this question and, once again, exhibited her bias for the Defendant's benefit, by actively performing the Defendant's Opposition Research for them, from her bench.

For this reason, Judge Johnson must be recused from this case.

(Exhibit #1, - Transcript Page #17, lines 1-13).

Unfortunately, the Plaintiff must also point out why, based on information and belief, Judge Johnson has exhibited the hostility and bias against the Plaintiff and the

1 open favoritism for the Defendants in her court. This bias and failure to open her
2 mind to the Plaintiff's evidence is clear in the transcript of the May 12th, 2022
3 hearing in Judge Johnson's court. The Defendant's attorney is allowed to testify
4 without interruption by Judge Johnson, and the Plaintiff is not allowed the same
5 privilege.
6
7

8 The record reveals that Judge Johnson and her husband, also a Judge, have been
9 paid handsomely in campaign contributions by both the Defendants and their
10 attorneys as well as their firms, for the last decade since at least, 2012.
11

12 **(Exhibit #12 – Justice for Sale).**
13

14 Judge Johnson's background also reveals a history as an Insurance Defense
15 attorney, and as such, Plaintiff submits, has continued to represent the industry in
16 her court.
17

18 The Insurance Defense firms have, in turn, supported Judge Johnson by
19 sponsoring Judge Johnson's campaign funding events, as apparently this Judge has
20 proved useful to their industry.
21

22 Plaintiff submits that any cursory investigation of this corruption would reveal that
23 Judge Johnson's was not "randomly" selected to adjudicate this case.
24
25
26
27
28

1 The Plaintiff has openly offered to be of assistance in the investigation of "Master
2 Calendar" and the role this office plays in funneling cases to selected Judges, this
3 case being an obvious example.
4

5 Judge Kathy Hardcastle did not engage in the corruption surrounding Master
6 Calendar and the fallacy of their "random" selections, but instead directed this case
7 in accordance with Nevada law, to the lowest case number and Department #24
8 where the case had originated.
9
10

11 Judge Hardcastle was aware that Department #24 had been recently occupied by
12 Judge Erika Ballou, a newly seated judge that had refused to take what Judge Ballou
13 described as "Dirty Money" from any attorneys, including the attorneys in this case.
14

15 Judge Hardcastle had entered two ORDERS, one on September, 9th, 2021 and
16 another reiterating the first on September 17th, 2021, (Exhibits #6 and #7).
17

18 Plaintiff maintains that there exists no precedent, whether for "Judicial
19 Reassignment" or any other excuse, to corruptively reroute this assignment away
20 from the authority of Judge Hardcastle's ORDERS.
21

22 Everyone involved in this miscarriage of justice had violated the Rules of the
23 Court and the authority of the Honorable Judge Kathy Hardcastle.
24
25
26
27
28

1 This case should have been directed as Judge Hardcastle had ordered on
2 September 9th, 2021 and Nevada law dictates, to Department #24 of the Eighth
3 District Court, and the Plaintiff respectfully asks this Court to follow the law now.
4

5 Anyone reading these words that has had experience in the Eighth District
6 Court Judicial system, knows that what this Plaintiff is alleging is true, and anyone
7 that denies it, is part of the problem and not the solution to ridding Nevada's courts
8 of this corruption.
9
10

11 Given this environment of collusion and corruption, the Plaintiff sees no
12 opportunity to receive justice in the court of Judge Johnson and therefore the
13 Plaintiff is respectfully asking that Judge Johnson either recuse herself or be
14 removed from this case.
15

16 An investigation of these unlawful violations is warranted, as the corruption of
17 the court destroys any confidence that justice is possible in an environment that
18 condones these violations of Nevada laws and Rules, the United States Constitution,
19 and the Rule of Law itself.
20
21

22 Judge Johnson has, at the minimum, violated the following laws and Court Rules:

- 23 1. NCJC 2.11 (A) – Questioned Impartiality.
- 24 2. EDCR 2.24 – Illegal Refiling of MTD.
- 25 3. DCR 13(7) – Illegal Refiling of MTD.
- 26
- 27
- 28

- 1 4. NCR 2.50 – Consolidation of Cases.
- 2
- 3 5. NCR – 17.200 – Requirements in Filing Satisfaction of Judgment.
- 4
- 5 6. Rule 2.15 – Failure to Inform Authority of Attorney’s Violation of Professional
- 6 Conduct.
- 7
- 8 7. NRS 199 – Crimes Against Public Justice.
- 9
- 10 8. NRCP 16.1 - Unlawful and Premature Disclosures by the Court.
- 11
- 12 9. Rule 4.4 - Code of Judicial Conduct – Accepting campaign contributions can
- 13 serve as the basis for disqualification.

14 Plaintiff requests the recusal of Judge Susan Johnson and that this case be
15 remanded to Department #24 of the Eighth District Court as the Orders entered by
16 Judge Kathy Hardcastle had mandated on September 9th and September 17th, 2021.

17 Plaintiff is also requesting a complete, thorough, independent investigation of the
18 Defendants and their attorney’s unethical and illegal conduct as described in this
19 Motion. The Defendant’s attorney did not act alone in the violations of the Plaintiff’s
20 right to a fair and unbiased hearing of her valid complaint.

21
22 The Court Clerks that have altered the Court’s Docket, (and continue to do so), and
23 removed the Plaintiff’s evidence, must also be prosecuted for their participation on
24 behalf of the Defendants and their attorneys.

25
26 **“A judicial system is corrupt if truth is denied the right to be a witness”.**
27
28

1
2 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does
3 not contain the social security number of any person.
4

5
6 DATED this 21st day of June, 2022.

7
8 /s/ Rene Sheridan

9 Rene Sheridan

10 23823 Malibu Road, #50-364

11 Malibu, CA 90265

12 Tel: 310-422-9944

13 *In Pro Per*
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3 **CERTIFICATE OF SERVICE**
4

5 I certify that on June 21st, 2022 I served a copy of **PLAINTIFF'S REPLY TO**
6 **AFFIDAVIT IN THE RECUSAL OF JUDGE SUSAN JOHNSON** upon all parties as
7 follows:
8

9 **XX-** By Electronic Service through Clark County e Filing system.

10 By mailing first-class mail with sufficient postage prepaid to the following address:

11 Lipson Neilson P.C.
12 Joseph P. Garin, Esq.
13 Jonathan K. Wong, Esq.
14 9900 Covington Cross Drive, Suite 120
15 Las Vegas, NV 89144
16
17
18
19
20
21
22
23
24
25
26
27
28


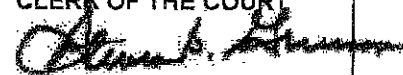

RENE SHERIDAN -Appellant
23823 Malibu Road, #50-364
Malibu, CA. 90265
Tel: 310-422-9944
In Pro Per

EXHIBIT # 1



1 TRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6
7 RENE SHERIDAN

8 Plaintiff,

9 vs.

10 MAIER GUTIERREZ & ASSOCIATES

11 Defendant.

CASE NO. A-20-813635-C;
A-21-838187-C

DEPT. XXII

12 BEFORE THE HONORABLE SUSAN JOHNSON, DISTRICT COURT JUDGE
13 MAY 12, 2022

14
15 RECORDER'S TRANSCRIPT OF HEARING RE

16 **DEFENDANTS' MOTION FOR SANCTIONS AND TO DEEM PLAINTIFF A**
17 **VEXATIOUS LITIGANT**

18
19 APPEARANCES:
Via BlueJeans

20 For the Plaintiff:

IN PRO PER

21
22
23 For the Defendant:

JONATHAN K. WONG, ESQ.

24 RECORDED BY: NORMA RAMIREZ, COURT RECORDER
25

1 THURSDAY, MAY 12, 2022 AT 9:52 A.M.

2
3 THE COURT: All right. I'm gonna take -- let's go to page 20. Sheridan
4 versus Maier, Gutierrez & Associates, case number A20-813635-C. Would counsel
5 who is present -- and Ms. Sheridan, would you guys identify yourself for the record?
6 And let's start with Ms. Sheridan.

7 THE PLAINTIFF: Good morning, Your Honor. My name is Rene Sheridan.

8 THE COURT: Okay. And I do not see you, Ms. Sheridan. Where are you?

9 THE PLAINTIFF: My -- can you hear me?

10 THE COURT: I can hear you but I don't see you.

11 THE PLAINTIFF: You know, I'm sorry, my camera doesn't -- it's not engaged.
12 My camera is not working on the screen.

13 THE COURT: Okay. Next hearing it has to work or you have to personally
14 appear, okay?

15 THE PLAINTIFF: Okay. I'll try to have it -- I'll try to have the camera
16 engaged. It's -- I'm technically challenged. I don't know how -- but it's -- the camera
17 is not working but I'll try have it --

18 THE COURT: Okay. Well, I don't want to hear try, you either -- this is the
19 deal, I have no problem with parties appearing by BlueJeans video conference but I
20 do expect either video conference or you personally attend, okay?

21 THE PLAINTIFF: Okay. Very good. Thank you. Can you also call in on
22 these conferences? I know they --

23 THE COURT: Call in?

24 THE PLAINTIFF: -- have telephone call-ins. On BlueJeans I think they have
25 call in numbers also.

1 THE COURT: Well, you have to appear. I have to be able to see you.

2 THE PLAINTIFF: By telephone. By -- by telephone. Okay.

3 THE COURT: Okay.

4 THE PLAINTIFF: [indecipherable]. Thank you very much.

5 THE COURT: Okay. Mr. Garin, are you there?

6 THE COURT RECORDER: Mr. Wong.

7 THE COURT: Mr. Wong.

8 MR. WONG: Good morning, Your Honor. I'm actually covering the hearing
9 today and I represent all of the Defendants. Bar number 13621.

10 THE COURT: Okay. All right. We've got a couple of motions here and I -- as
11 you know I've just recently been assigned this matter and I -- Mr. Wong, I'm going to
12 pose this question to you. Is I understand that the main case there's already been a
13 motion to dismiss that was granted by Judge Crockett, it's gone up to the Supreme
14 Court and of course the Court of Appeals has made a decision on it affirming the
15 decision. So, in essence that part of the consolidated matter is dead, right?

16 MR. WONG: Partially. So, what happened, Your Honor, was we filed our
17 motion to dismiss, the Judge granted it without prejudice. We thereafter filed a
18 motion for attorneys' fees and costs which Judge Crockett also granted and it was
19 that motion that Ms. Sheridan had appealed to the Supreme Court and they
20 ultimately affirmed.

21 THE COURT: Okay. And then we have the -- a second part of the -- where --
22 and I'm talking about the consolidated case, A21-838187-C. This is one that Ms.
23 Sheridan had filed originally in Washoe County and then it was transferred by
24 motion here and attached to the Judge's decision up there is about 736 pages worth
25 of documentation and I know we had some difficulty acquiring the complaint in that

1 one. Is that complaint the same as the one that was already dismissed or is it
2 different?

3 MR. WONG: So, verbatim it's not the same. It does assert the same causes
4 of action and it's based on the same theories and the same issues.

5 THE COURT: Okay. All right. Fair enough. And I see that I -- you got a
6 motion to dismiss which was filed originally in that -- the second case but then it's
7 been --

8 MR. WONG: Correct.

9 THE COURT: -- consolidated now which is a little weird to me that we've got
10 an action that's -- was this consolidation -- did it occur after the motion to dismiss in
11 the first case was granted?

12 MR. WONG: It did. So, it wasn't until after the motion to dismiss in the first
13 case was granted that the Washoe case was opened --

14 THE COURT: Okay. Well, that's --

15 MR. WONG: -- and then that's --

16 THE COURT: -- a little --

17 MR. WONG: -- ultimately --

18 THE COURT: -- weird to me because I don't think you can consolidate a case
19 with essentially a closed case but it is what it is.

20 All right. You've got a Motion for Sanctions and to Deem Plaintiff a
21 Vexatious Litigant. I'm concerned about deeming Ms. Sheridan a vexatious litigant
22 at least at this stage because essentially we're talking about two cases; that's all
23 that's been here. I mean, I know that we've got some issues about what was filed in
24 the case and you can have a vexatious litigant if they are obstreperous in one case,
25 but I'm -- are we -- aren't we a little bit premature on this one?

1 MR. WONG: So, here's where sort of coming from, Your Honor. The case
2 has technically been -- technically been around for over two years if we're counting
3 from when it was initially filed before Judge Crockett in April of 2020. Now, after
4 Judge Crockett granted our motion to dismiss without prejudice all that the Plaintiff
5 had to do was, you know, prepare a substantively compliant complaint and file that,
6 instead she decided to go all the way up to Washoe County and open a new case,
7 and the only reason to do that was to circumvent Judge Crockett. In fact, in one of
8 the filings in the Washoe case she herself admitted that. The reason -- her reason
9 for doing so was because she wanted a different judge and she thought that Judge
10 Crockett was -- he had it out for her.

11 THE COURT: Well --

12 MR WONG: So --

13 THE COURT: -- I do have a question --

14 MR. WONG: -- it was --

15 THE COURT: -- about that. If -- if he had dismissed it out -- are we getting
16 feedback?

17 THE COURT RECORDER: Yes.

18 THE COURT: Who is it?

19 THE COURT RECORDER: Maybe it's Ms. Sheridan.

20 THE COURT: Okay. Mr. Wong, I mean, he dismissed it without prejudice.
21 That's a final appealable order, so couldn't Ms. Sheridan file anywhere she wanted
22 to whether it was in the Eighth Judicial Court? She doesn't have to file. In fact, I
23 would wonder if she had filed it back in Judge Crockett's court but couldn't she have
24 filed anywhere at that point?

25 MR. WONG: So, our other issue with her filing it in Washoe County was

1 because there's no -- there was no relation up there --

2 THE COURT: Right.

3 MR. WONG: -- you know, to the facts and whatnot that transpired in the
4 underlying case. All of the evidence, the witnesses, all of that were here in Clark
5 County and it was just -- also, given her own admission in the filing that, you know --
6 I'm loathed to use the word court shopping but that's -- that's basically, you know
7 what -- what it was. So, you know, it's our position that the case was and should
8 always have been in Clark County and by going up -- all the way up to Washoe
9 County, you know, it set forth -- set in motion this whole chain of events that, you
10 know, delayed the case big time and at this point it's been through four different
11 judges, as a result Your Honor would the fifth I believe if I'm counting right. And,
12 you know, it's now been over two years since the initial complaint in Judge
13 Crockett's case and we're, you know, we're sort of frustrated having to still deal with
14 this and having it still be at the, you know, the pleading stage over two years later.

15 THE COURT: Okay. I've got a question for you. Did you -- since you won
16 your motion in the case number A20-813635-C, did you go ahead and seek your
17 cost from the cost bond? You could have done that.

18 MR. WONG: We did not.

19 THE COURT: Okay. I'm just curious there. Well, you're asking to increase
20 the cost bond. I guess from what I understand there's been two \$500.00 cost bonds
21 posed, is that right?

22 MR. WONG: That's correct, Your Honor.

23 THE COURT: And you're asking for four, meaning \$2,000.00?

24 MR. WONG: Correct. So, we had cited a case that interpreted that statute as
25 requiring one per named defendant so in this case that would come out to I believe

1 four.

2 THE COURT: Okay.

3 MR. WONG: Four separate cost bonds.

4 THE COURT: Let me just look here. Oh, I see, because she's sued three
5 lawyers and -- and the law firm. Okay.

6 MR. WONG: Correct.

7 THE COURT: All right. Okay. Ms. Sheridan, I'll listen to what you have to
8 say.

9 THE PLAINTIFF: Thank you, Your Honor.

10 In regards to -- do you want me to cover this from the points that you
11 made from the beginning? The appeal that we filed initially that you mentioned this
12 -- it was the Court of Appeals that affirmed it was -- we did not appeal the motion to
13 dismiss; we appealed the attorney fees only. It was not an appeal on the motion to
14 dismiss, it was for the appeal - the appeal was only for the attorney fees only. It
15 was the Court of Appeals that -- that affirmed that stating that they were unable to
16 also -- the -- look at the legal malpractice case complaint that had been filed in the
17 Second Judicial Court and that's again tied into our documents being removed from
18 the record.

19 And as far as the second case that was opened that's another issue.
20 The Defendants opened a case under my name, Rene Sheridan, suing for other civil
21 matters, put down two attorneys representing me that were not when they knew the
22 other case had been there when we had it transferred down. The reason I had --
23 part of the reason also I had every right to file in the Second Judicial District when
24 no one had ever initially been dismissed without prejudice when I --

25 THE COURT: Ms. --

1 THE PLAINTIFF: -- didn't have --

2 THE COURT: -- Ms. Sheridan --

3 THE PLAINTIFF: -- an expert witness --

4 THE COURT: -- Ms. Sheridan, I would like to keep it limited to the matter at
5 hand and it's the Motion for Sanctions and to Deem you as a Vexatious Litigant and
6 then you've got a countermotion for sanctions against the Defendants which I'm not
7 quite understanding, but I'd like to have you limit your focus to those matters.

8 THE PLAINTIFF: No, please. Well, this does tie into to the -- to the -- the
9 motions that were filed. As far as when you referenced how many cases were filed
10 one of the cases that you're referencing that was filed, the A21, the Defendants filed
11 that case in my name called other civil matters and put down two attorneys repre --
12 they paid the filing fee verifying the information in the record which was false
13 information. That case was then consolidated into the case that had initially been the
14 A20 case that was dismissed without prejudice that I had re-filed the legal
15 malpractice in the Second Judicial District, and part of the reason I filed in Second
16 Judicial District which was recorded in the record is that I did have expert witnesses
17 up there, I did have people helping me up there. So, there were reasons. And also
18 COVID had gone on and it was easier.

19 They filed their motion to dismiss in the Second Judicial District; their
20 motion to dismiss was denied and I could read you if you want the order from
21 Kathleen Segretsen [phonetic]. Their request for sanctions were denied.

22 THE COURT: Ms. Sheridan, I've got all that stuff, I've read about this stuff,
23 I've looked at this case so I'd really like to limit the focus to the motions at hand.

24 THE PLAINTIFF: And our -- our motion for -- so, as far as -- I am not a
25 vexatious litigant, I have not filed any frivolous motions or in any have filed anything

1 that is questionable. The conduct of the Defendants have -- have gone to
2 everything from opening up a case under my name to the docket -- the documents
3 and evidence that were transferred down from the Second Judicial District after they
4 had their transfer of venue. All those documents were taken off the record and by
5 two different judges said that they remain unavailable to them. These matters need
6 to be looked into. I mean, this is something -- so, the Defendants have maliciously
7 -- one of the other things right now that -- in regards to the motion that is in front of
8 you is the Defendants have maliciously maintained a credit destroying judgment
9 against me for attorney fees for over 118 --

10 THE COURT: Okay.

11 THE PLAINTIFF: -- and --

12 THE COURT: Ms. Sheridan --

13 THE PLAINTIFF: -- fifteen --

14 THE COURT: -- Ms. Sheridan, you're going way beyond the thing. And by
15 the way, I'm looking at the civil cover sheet and just simply upon the transfer of the
16 case from the Second Judicial District Court the clerk's office just prepared a civil
17 cover sheet that's all it was, Defendants did not do anything. So --

18 THE PLAINTIFF: They paid a filing --

19 THE COURT: -- let's --

20 THE PLAINTIFF: -- fee --

21 THE COURT: -- let -- ma'am, I want you to keep it focused to the Motions for
22 Sanctions and the motion --

23 THE PLAINTIFF: Okay.

24 THE COURT: -- I mean, the Motion for Sanctions and to deem you as a
25 vexatious litigant and our countermotion, please.

1 THE PLAINTIFF: Our counter motion for sanctions -- the Defendants have
2 maliciously maintained a credit destroying judgment against me for attorney fees of
3 over \$118,715.25 --

4 THE COURT: Well, that's --

5 THE PLAINTIFF: -- the debtors --

6 THE COURT: -- part -- ma'am, ma'am, that's part of your complaint, right?

7 THE PLAINTIFF: That's part of the motion in front of you for our
8 counter motion for sanctions.

9 THE COURT: Okay. Well, if that's your basis I'm denying your
10 counter motion. So, let's go --

11 THE PLAINTIFF: No, that's --

12 THE COURT: -- ahead and --

13 THE PLAINTIFF: -- a -- that --

14 THE COURT: -- focus on --

15 THE PLAINTIFF: -- well, the --

16 THE COURT: -- Defendants' Motion for Sanctions and to deem you as a
17 vexatious litigant.

18 THE PLAINTIFF: That -- that judgment has been fully satisfied. They haven't
19 -- it's still on the docket which is -- it gives Nevada law --

20 THE COURT: Ms. --

21 THE PLAINTIFF: -- [indecipherable]

22 THE COURT: -- Ms. Sheridan, Ms. Sheridan, Ms. Sheridan --

23 THE PLAINTIFF: Once the judgment is --

24 THE COURT: -- Ms. Sheridan -- you know, mute her, please. Ms. Sheridan,
25 you are going to show a little respect for the Court. You are not to inter -- you are

1 not to interrupt me at all. You don't do that. I will just simply mute you. And from
2 what you were telling me that -- whatever you were just talking about deals with the
3 basis of your complaint not a countermotion for sanctions. So, I want you to
4 address Defendants' Motion for Sanctions and to Deem you a Vexatious Litigant. If
5 you do not keep it up -- limited to that focus I will mute you again and I'll make my
6 decision, all right? Okay. Go ahead and un-mute her.

7 THE PLAINTIFF: Yes, thank you, Your Honor. No, the matter of the
8 judgment being fully satisfied and that the Defendants, even though it's been fully
9 satisfied, have maliciously kept the judgment against my name. Again, in
10 accordance with NRS 17.21 -- and this is part of our opposition to the request for
11 sanctions. This is absolutely -- it has everything to do -- this was what was required
12 when they're asking for me to post more bonds. They have -- they have on the
13 record destroyed by credit and my business by keeping a -- a fully satisfied
14 judgment. In accordance with NRS 17.21, Nevada Law requires that the judgment
15 creditor notify the Court that the judgment has been paid. Second, an unsatisfied
16 judgment has a negative impact on the judgment debtor's credit report and credit
17 score. They have maliciously and intentionally kept a fully satisfied judgment
18 against my name on the court records which has caused me enormous damage --

19 THE COURT: Okay. I'll listen --

20 THE PLAINTIFF: --for over --

21 THE COURT: -- to Mr. Wong.

22 THE PLAINTIFF: -- twenty months.

23 THE COURT: I'll listen to Mr. Wong. Mr. Wong.

24 MR. WONG: Yes, Your Honor. As far as -- oh, can you hear me, Your
25 Honor?

1 THE COURT: I can.

2 MR. WONG: Okay. Wonderful. As far as this maliciously maintaining a
3 credit destroying judgment, I -- you know, that's beyond the scope of the motion
4 practice today. I believe Ms. Sheridan raised it in her -- in the conclusion in her
5 reply to our opposition to her countermotion. If -- if that makes sense. But at any
6 rate, that -- you know, that's not part of the malpractice case that's before us. That
7 wasn't -- it had nothing to do with my office, I believe that it was something that my
8 clients had pursued in the course of the underlying case and it has no bearing on
9 any of the issues before the Court today.

10 THE COURT: Okay. All right. Counsel, under NRS 18.130 I am going to --
11 each Defendant is entitled to request posting of a bond so I will grant your motion as
12 it seeks for the additional postings of \$1,000.00 and that would be \$500.00 per -- for
13 the other two Plaintiffs. Now, with respect to the bond that was posted on the main -
14 - well, the -- what I could call the closed case I think -- if you were going to seek
15 monies from that as the prevailing party you need to do that. And I'm thinking what I
16 need to do is unconsolidated it because it's -- the A20 case, A20-813635-C case, it's
17 closed, right? Or it should be closed. There's no issues in that case anymore. The
18 case that we should be dealing with is case number A21-838187-C, would you
19 agree?

20 MR. WONG: Yeah, I agree, Your Honor.

21 THE PLAINTIFF: No, I --

22 THE COURT: Okay. Ms. Sheridan --

23 THE PLAINTIFF: -- Your Honor, may I speak?

24 THE COURT: Yes.

25 THE PLAINTIFF: The other civil matters case -- what is other civil matters? I

1 filed a legal malpractice case --

2 THE COURT: Okay. Ms. --

3 THE PLAINTIFF: -- that once again --

4 THE COURT: -- Ms. Sheridan, Ms. Sheridan, I don't care. It was just a
5 designation by the clerk's office when the case was transferred by the Second
6 District Court. I do not want to hear about a civil cover sheet which is an
7 administrative form because somebody marked the -- checked the box other civil
8 matters. Do you understand?

9 THE PLAINTIFF: I do. Can we have it corrected then since it's a legal mal --

10 THE COURT: No.

11 THE PLAINTIFF: -- practice case and not --

12 THE COURT: No.

13 THE PLAINTIFF: -- other civil matters?

14 THE COURT: I am not --

15 THE PLAINTIFF: I'm asking --

16 THE COURT: -- gonna have --

17 THE PLAINTIFF: -- that the Court --

18 THE COURT: -- the clerk's --

19 THE PLAINTIFF: -- correct it.

20 THE COURT: -- office go back and correct it just because you have a
21 problem with it. No.

22 THE PLAINTIFF: I'm not filing a lawsuit for other civil matters; I'm filing one
23 for legal malpractice.

24 THE COURT: Ms. Sheridan, I've made my decision. You can call it whatever
25 you want, it's staying, do you understand? Do you understand?

1 THE PLAINTIFF: The other civil matters?

2 THE COURT: Yes. Do you understand?

3 THE PLAINTIFF: Well, what happens to my -- what happens to my legal
4 malpractice --

5 THE COURT: Nothing.

6 THE PLAINTIFF: -- case?

7 THE COURT: It's still there, okay? All right.

8 THE PLAINTIFF: So I understand, please, Your Honor --

9 THE COURT: Do you --

10 THE PLAINTIFF: -- when you --

11 THE COURT: -- do you --

12 THE PLAINTIFF: -- say you were un --

13 THE COURT: -- do you agree that the first case I should -- that there's no
14 reason to keep it on and that -- just make this case clean and just have the one case
15 on file? Ms. Sheridan.

16 THE PLAINTIFF: I -- I don't understand that. Please, if you could explain.

17 THE COURT: As I indicated, and please listen carefully, the first case was
18 dismissed without prejudice by Judge Crockett. It was appealed to the Nevada
19 Supreme Court and ultimately decided and affirmed by the Court of Appeals. That
20 case is done. The one case that we are dealing with not is the one that you had
21 originally filed in the Second Judicial District Court, it has been transferred down
22 here and it bears the number A21-838187-C. Do you agree that we should only
23 have the one case that we need to deal with? It makes things a whole lot simpler.

24 THE PLAINTIFF: No, I do not, Your Honor. And first of all --

25 THE COURT: Why?

1 THE PLAINTIFF: -- just for the --

2 THE COURT: Why?

3 THE PLAINTIFF: Again, Your Honor, my understanding -- the -- when the
4 motion to dismiss in Judge Crockett's case, the A20 case, was denied without
5 prejudice, when we filed an appeal we did not file an appeal on the motion to
6 dismiss without prejudice, we only filed an appeal on the attorney fees.

7 THE COURT: Right.

8 THE PLAINTIFF: We re-filed in --

9 THE COURT: Okay. Ms. Sheridan --

10 THE PLAINTIFF: -- the malpractice complaint --

11 THE COURT: -- Ms. Sheridan, let me talk. Let me talk.

12 THE PLAINTIFF: So, that was not --

13 THE COURT: Okay. Since there was no appeal on the motion to dismiss
14 that was granted or the order that Judge Crockett put forth that is a final appealable
15 order meaning that it doesn't matter whether or not it was appealed or not, it is a
16 final appealable order and it -- and you didn't appeal that within the time frame so it
17 stands.

18 THE PLAINTIFF: We -- we -- our legal malpractice case in the Second
19 Judicial District --

20 THE COURT: Yeah.

21 THE PLAINTIFF: -- where they filed there motion to dismiss that was heard
22 and denied that was on the same legal malpractice.

23 THE COURT: Okay. Well, I'm gonna be deciding --

24 THE PLAINTIFF: I don't have --

25 THE COURT: -- that one --

1 THE PLAINTIFF: -- a case for other civil matters and I do not want a case
2 under my name for other civil matters --

3 THE COURT: Well, that's --

4 THE PLAINTIFF: -- it's a legal mal --

5 THE COURT: -- that's --

6 THE PLAINTIFF: -- practice case.

7 THE COURT: -- too bad. That's too bad.

8 THE PLAINTIFF: Should I re-file my legal malpractice case?

9 THE COURT: No. Okay. So, we do have Defendants Motion to Dismiss and
10 Plaintiffs' Motion to Strike. Why do we have a Motion to Strike Defendants' Motion
11 to Dismiss on file?

12 THE PLAINTIFF: Because their -- may I speak, Your Honor?

13 THE COURT: Yes. I'm listening to you.

14 THE PLAINTIFF: Their motion to dismiss had already been heard and
15 denied.

16 THE COURT: So, it --

17 THE PLAINTIFF: And when the --

18 THE COURT: -- doesn't mean --

19 THE PLAINTIFF: -- case was transferred --

20 THE COURT: -- that I can't decide it.

21 THE PLAINTIFF: I'm sorry?

22 THE COURT: It doesn't mean I can't decide it. I might disagree with that
23 Judge.

24 THE PLAINTIFF: Let me -- may I -- may I read on our case, please, Your
25 Honor? Have you read -- have you read any of our documents, Your Honor?

1 THE COURT: Not all of them. I've gone through a lot though. By the way, I
2 was just curious. Ms. Sheridan, who is your expert in this case?

3 THE PLAINTIFF: One of them -- Gordon Cohen in Reno.

4 THE COURT: Gordon Cohen?

5 THE PLAINTIFF: Yes. He's someone I spoke to.

6 THE COURT: Okay. He's a lawyer?

7 THE PLAINTIFF: He is.

8 THE COURT: Oh okay. I just have never heard of him.

9 THE PLAINTIFF: Is that what you're asking for? In Washoe -- when you
10 asked me if I had an expert up in Washoe?

11 THE COURT: Yeah. You've got a legal expert, right?

12 THE PLAINTIFF: When I -- that was part of the reason I was up in Reno but I
13 have a couple of them now standing by in this matter here.

14 THE COURT: Okay.

15 THE PLAINTIFF: And I can read -- may I read something, Your Honor?

16 THE COURT: I think I've already made my decisions. I'm --

17 THE PLAINTIFF: Can I --

18 THE COURT: -- going to --

19 THE PLAINTIFF: -- [indecipherable] please then?

20 THE COURT: -- I said that I was going to --

21 THE PLAINTIFF: May I please read --

22 THE COURT: -- Mr. Wong, I am going to deny your Motion to Deem Plaintiff
23 as a Vexatious Litigant, that's gonna be though without prejudice. Okay. Whoever
24 has got your microphone on please mute if you are not part of this case. If it's with
25 Ms. Sheridan's you're gonna have to get better equipment if you want to appear

1 remotely.

2 I am going to go ahead and allow -- order that the Plaintiff has to post
3 the cost bonds for the other two Defendants under NRS 18.130; I am denying the
4 countermotion for sanctions against Defendants. So -- but I was just curious who --
5 you say -- the name of the attorney is George Cohen?

6 THE PLAINTIFF: No, there was an attorney that I have discussed -- are you
7 asking who I've discussed with for an expert witness? There are several.

8 THE COURT: No, I'm wanting --

9 THE PLAINTIFF: There were --

10 THE COURT: -- to know --

11 THE PLAINTIFF: -- a couple of them --

12 THE COURT: -- who you hired as a -- your expert because you had to have -

13 -

14 THE PLAINTIFF: I --

15 THE COURT: -- an expert --

16 THE PLAINTIFF: -- have --

17 THE COURT: -- for this --

18 THE PLAINTIFF: -- I have not --

19 THE COURT: -- legal malpractice case.

20 THE PLAINTIFF: I have not formally engaged an expert witness yet, I have a
21 couple that I have been consulting. But may I read something into the record,
22 please?

23 THE COURT: No.

24 THE PLAINTIFF: And I'd -- I'd like to ask --

25 THE COURT: No. I'm done.

1 THE PLAINTIFF: -- you --

2 THE COURT: No, I'm done. But --

3 THE PLAINTIFF: May I ask --

4 THE COURT: -- you better get your --

5 THE PLAINTIFF: -- you -- on our common motion to --

6 THE COURT: -- Ms. Sheridan, you better get your expert witness on board
7 right away because I could see a motion for summary judgment coming and if you
8 don't have a legal expert to be able to attest to the breach of the standard of care
9 you've got a problem.

10 THE PLAINTIFF: Can I read something into the record, Your Honor?

11 THE COURT: No. I think we're done.

12 THE PLAINTIFF: May I ask you about our --

13 THE COURT: I'm gonna go to the next case. Would you please mute her?

14 [Proceedings concluded at 10:16 a.m.]

15 * * * * *

16

17

18

19

20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
audio/video recording in the above-entitled case to the best of my ability.

21

22

23

24

25



NORMA RAMIREZ
Court Recorder
District Court Dept. XXII
702 671-0572

EXHIBIT # 2

3370

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

RENE SHERIDAN,

Plaintiff,

vs.

JOSEPH A. GUTIERREZ, ET AL.,

Defendants.

Case No.: CV20-01353

Dept. No.: 10

ORDER

Presently before the Court is Defendants MAIER GUTIERREZ & ASSOCIATES, JOSEPH GUTIERREZ, ESQ., STEVEN KNAUSS, ESQ., AND JASON MAIER, ESQ.'s ("Defendants") Motion to Dismiss Pursuant to NRCP 12(b)(5). Defendants filed the Motion to Dismiss on December 4, 2020. On December 17, Plaintiff RENE SHERIDAN ("Plaintiff") filed an Opposition to the Motion to Dismiss. On December 18, Defendants filed an Errata to the Motion to Dismiss. On December 23, 2020, Defendants filed a Reply in support of the Motion to Dismiss, followed by a Request for Submission.

Also pending before the Court is Defendants' Motion for Sanctions, filed on December 14, 2020. On December 27, 2020, Plaintiff filed an Opposition to the Motion for Sanctions. On January 4, 2021, Defendants filed a Reply in support of the Motion for Sanctions, along with a Request for Submission.

1 **I. Discussion**

2 NRCP 12(b)(5) provides that a claim may be dismissed for "failure to state a claim
3 upon which relief can be granted." A complaint should be dismissed for failure to state a
4 claim only if it appears beyond a doubt that plaintiff could prove no set of facts which, if true,
5 would entitle plaintiff to relief. *Buzz Stew, LLC v. N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d
6 670, 672 (Nev. 2008). In reviewing a motion to dismiss, the court "must construe the
7 pleadings liberally and accept all factual allegations in the complaint as true." *Blackjack*
8 *Bonding v. Las Vegas Municipal Court*, 116 Nev. 1213, 1217 14 P.3d 1275, 1278 (Nev.
9 2000) (citing *Simpson v. Mars, Inc.*, 113 Nev. 188, 190, 929 P.2d 966, 967 (Nev. 1997)).

10 In the Complaint for Legal Malpractice, filed on August 31, 2020, Plaintiff alleges six
11 causes of action: (1) professional negligence, (2) breach of contract, (3) quasi-
12 contract/equitable contract/detrimental reliance, (4) breach of the implied covenant of good
13 faith and fair dealing, (5) vicarious liability, and (6) fraud. The Court will review each cause
14 of action in turn.

15
16 **a. First Cause of Action - Professional Negligence**

17 To establish a claim of legal malpractice, a plaintiff must demonstrate (1) the
18 existence of an attorney-client relationship, (2) a duty owed to the client by the attorney, (3)
19 a breach of that duty, and (4) the breach proximately caused the plaintiff's damages. See,
20 e.g., *Kahn v. Morse & Mowbray*, 121 Nev. 464, 477, 117 P.3d 227, 236 (Nev. 2005).

21 Plaintiff alleges she hired Defendants to represent her and her company, GoRock,
22 LLC, in a business dispute. Complaint 3:24-28. Plaintiff makes many factual allegations,
23 alleging Defendants took various actions during her representation that caused Plaintiff
24 financial harm and harm to Plaintiff's professional reputation. See Complaint 3-11.

25 In accepting the Complaint's factual allegations as true, for the purposes of ruling on
26 the Motion to Dismiss, the Court finds Plaintiff has sufficiently pled the first cause of action
27 for professional negligence; the Court will not dismiss this cause of action.
28

1 **b. Second Cause of Action - Breach of Contract**

2 To establish a claim for breach of contract, a plaintiff must show that a valid contract
3 exists, defendant breached the contract, and defendant's breach proximately caused
4 plaintiff's damages. See, e.g., *Hilton Hotels Corp. v. Butch Lewis Prods., Inc.*, 107 Nev. 226,
5 808 P.2d 919 (Nev. 1991). Causation is an essential element of a claim for breach of
6 contract. "If the damage of which the promisee complains would not have been avoided by
7 the promisor's not breaking his promise, the breach cannot give rise to damages." *Clark*
8 *County School Dist. v. Richardson Const., Inc.*, 123 Nev. 382, 396, 168 P.3d 87, 96 (Nev.
9 2007) (quoting *Wisconsin Knife Works v. Nat'l Metal Crafters*, 781 F.2d 1280, 1289 (7th Cir.
10 1986)).

11 For the same underlying factual allegations made for the first cause of action, the
12 Court finds Plaintiff has sufficiently pled the second cause of action for breach of contract;
13 the Court will not dismiss the cause of action.

14 **c. Third Cause of Action - Quasi-Contract/Equitable Contract/Detrimental**
15 **Reliance**

16 "The essential elements of quasi contract are a benefit conferred on the defendant
17 by the plaintiff, appreciation by the defendant of such benefit, and acceptance and retention
18 by the defendant of such benefit under circumstances such that it would be inequitable for
19 him to retain the benefit without payment of the value thereof." *Unionamerica Mtg. v.*
20 *McDonald*, 97 Nev. 210, 212, 626 P.2d 1272, 1273 (Nev. 1981).

21 For the same underlying factual allegations made for the first cause of action, the
22 Court finds Plaintiff has sufficiently pled the third cause of action for breach of quasi-contract;
23 the Court will not dismiss this cause of action.

24 **d. Fourth Cause of Action - Breach of Implied Covenant of Good Faith and**
25 **Fair Dealing**

26 "It is well established that all contracts impose upon the parties an implied covenant
27 of good faith and fair dealing." *Nelson v. Heer*, 123 Nev. 217, 226, 163 P.3d 420, 427 (Nev.
28

2007). A party breaches the covenant when it performs in a manner that is unfaithful to the contract's purpose, and thus, denies the other party's justified expectations. *Perry v. Jordan*, 111 Nev. 943, 948, 900 P.2d 335, 338 (Nev. 1995). Reasonable expectations are "determined by the various factors and special circumstances that shape these expectations," *Id.* (quoting *Hilton Hotels Corp. v. Butch Lewis Prods., Inc.*, 107 Nev. 226, 234, 808 P.2d 919, 924 (Nev. 1991)).

For the same underlying factual allegations made for the first cause of action, the Court finds Plaintiff has sufficiently pled the fourth cause of action for breach of implied covenant of good faith and fair dealing; the Court will not dismiss this cause of action.

e. Fifth Cause of Action - Vicarious Liability

Vicarious liability is not an independent cause of action, but rather a theory of assigning liability. See *Okeke v. Biomat USA, Inc.*, 927 F.Supp.2d 1021, 1028-29 (D. Nev. 2013) (granting motion to dismiss claim for vicarious liability on these grounds).

The Court will dismiss Plaintiff's fifth cause of action for vicarious liability.

f. Sixth Cause of Action - Fraud

To establish a claim for fraudulent misrepresentation, a plaintiff must show "(1) [a] false representation made by the defendant; (2) defendant's knowledge or belief that its representation was false or that defendant has an insufficient basis of information for making the representation; (3) defendant intended to induce plaintiff to act or refrain from acting upon the misrepresentation; and (4) damage to the plaintiff as a result of the underlying misrepresentation." *Bartmettler v. Reno Air, Inc.*, 114 Nev. 441, 447, 956 P.2d 1382, 1386 (Nev. 1998).

Plaintiff has failed to provide factual allegations to support a fraud cause of action. Plaintiff fails to factually and specifically allege any false representation made by Defendant Gutierrez, and subsequently has failed to provide any factual allegations that would support elements (2) through (4) listed above. The Court will dismiss Plaintiff's sixth cause of action for fraud.

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2

3
4
5
6

7
8
9

1

5
6
7

7

CERTIFICATE OF SERVICE

CASE NO.: CV20-01353

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 10th day of March, 2021, I electronically filed the foregoing **ORDER** with the Clerk of the Court by using the ECF system.

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

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

JOSEPH GARIN, ESQ. for MAIER GUTIERREZ & ASSOCIATES et al

RENE SHERIDAN

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

/s/ Michael Decker
JUDICIAL ASSISTANT

EXHIBIT #3

1 2842

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8
9 RENE SHERIDAN,

Case No.: CV20-01353

10 Plaintiff,

Dept. No.: 10

11 vs.

12 JOSEPH A. GUTIERREZ, et al.,

13 Defendants.

14
15 **ORDER DENYING DEFENDANTS' MOTION TO STRIKE**
PLAINTIFF'S NOTICE OF DEFAULT

16 Pending before the Court is *Defendants' Motion to Strike Plaintiff's Notice of Default*
17 ("Motion"), filed on July 29, 2021. On August 9, 2021, Plaintiff filed an *Opposition to*
18 *Defendant's Motion to Strike Plaintiff's Notice of Defendant's Default* ("Opposition). On
19 August 17, 2021, Defendants filed a *Reply in Support of Motion to Strike Plaintiff's Notice*
20 *of Default* ("Reply") and a *Request for Submission*, submitting the Motion for the Court's
21 consideration.

22 In the Motion, Defendants seek an order striking Plaintiff's *Notice of Default* filed on
23 July 23, 2021. However, this Court no longer retains jurisdiction over this matter. On July
24 12, 2021, the Court entered an *Order Granting Defendants' Motion to Transfer Venue*,
25 thereby transferring venue to Clark County, Nevada. Additionally, on August 2, 2021, the
26 Court entered an *Order Denying Plaintiff's Motion for Reconsideration*, upholding its grant
27 the mandatory transfer of venue.
28

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

Accordingly,
IT IS HEREBY ORDERED the Motion is DENIED for lack of jurisdiction.
IT IS SO ORDERED.
DATED this 13th day of October, 2021.


HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO.: CV20-01353

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 13th day of October, 2021, I electronically filed the foregoing **ORDER DENYING DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S NOTICE OF DEFAULT** with the Clerk of the Court by using the ECF system.

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


Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- JOSEPH GARIN, ESQ. for MAIER GUTIERREZ & ASSOCIATES et al
- RENE SHERIDAN

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

/s/ Michael Decker
JUDICIAL ASSISTANT

EXHIBIT #4



CLERK OF THE COURT

1 AFFT

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA5
6 RENE SHERIDAN, an individual,

Case No. A-21-838187-C

Dept. No. XXII

7 Plaintiff,

8 Vs.

9 JOSEPH A. GUTIERREZ, ESQ.;
10 STEVEN G. KNAUSS, ESQ.; JASON R.
11 MAIER, ESQ.; MAIER GUTIERREZ &
ASSOCIATES,12 ANSWER TO PLAINTIFF'S MOTION AND AFFIDAVIT
13 FOR RECUSAL OF JUDGE SUSAN JOHNSON

14 STATE OF NEVADA)

) ss:

15 COUNTY OF CLARK)

16 SUSAN JOHNSON, being first duly sworn, deposes and says:

17 1. I was elected to the office of District Court Judge, Department XXII, Eighth Judicial
18 District Court in and for Clark County, Nevada, in November 2006, and was sworn to serve in that
19 position on January 2, 2007. I have consistently served in that capacity since that date.20
21 2. As District Court Judge, one of my duties is to hear and decide civil actions filed by
22 litigants within Clark County, Nevada. I also have two specialized assignments, i.e. Constructional
23 Defects matters under NRS 40.600 to 40.695 (since January 2, 2007) and Business Court cases
24 (since September 7, 2021). General speaking, civil actions are assigned by the Court Clerk, *at*
25 *random*, to the various district court judges for handling within the Civil-Criminal Division of the
26 Eighth Judicial District Court.
27
28 ...

1 3. In preparing my Answer and Affidavit, I reviewed NRS 1.230 which statutorily sets
2 forth the grounds for disqualifying district court judges from acting in a legal action or proceeding.
3 In this case, I have not entertained actual bias or prejudice for or against any of the parties to this
4 action. *See* NRS 1.230(1). As pertinent to this matter, I have not entertained or shown a prejudice
5 against or bias in favor of Plaintiff RENE SHERIDAN or Defendants JOSEPH A. GUTIERREZ,
6 ESQ., STEVEN G. KNAUSS, ESQ. JASON R. MAIER, ESQ. and MAIER GUTIERREZ &
7 ASSOCIATES. I am not a party or in any way interested in the aforementioned action or
8 proceeding. *See* NRS 1.230(2)(a). I am not related to any party to the aforementioned litigation by
9 consanguinity or affinity within the third degree. *See* NRS 1.230(2)(b). I have never acted as
10 counsel or attorney for either of the parties in this particular action or proceeding now being heard
11 by me. *See* NRS 1.230(2)(c). I am not related to any attorney representing Defendants in this case.
12 *See* NRS 1.230(2)(d). Succinctly put, I do not have any conflict of interest in hearing this matter and
13 deciding the issues presented.
14

15
16 4. I also reviewed NRS 1.235 which describes the procedures that must be followed by
17 a party seeking to disqualify a judge for actual or implied bias or prejudice. The party's affidavit
18 must be accompanied by a certificate the affidavit is filed in good faith and not interposed for delay.
19 *See* NRS 1.235(1). Further, the affidavit must be filed "[n]ot less than 20 days before the date set for
20 trial or hearing of the case." *See* NRS 1.235(1)(a).
21

22 5. On June 1, 2022, MS. SHERIDAN filed her Motion and Affidavit for Recusal of
23 Judge Susan Johnson¹ just one (1) day before JUDGE JOHNSON was to hear Defendants' Motion
24 to Dismiss filed July 20, 2021 and Plaintiff's Motion to Strike Defendants' Motion to Dismiss filed
25 ...
26

27
28 ¹While MS. SHERIDAN filed the motion and affidavit, she has not served JUDGE JOHNSON with the
documents as required by NRS 1.235(4) as of this writing.

1 August 3, 2021. MS. SHERIDAN has not certified the affidavit is filed in good faith and not
2 interposed for delay.

3 6. The history of MS. SHERIDAN'S matters is extensive. MS. SHERIDAN filed her
4 initial Complaint for Legal Malpractice against MR. GUTIERREZ, MR. KNAUSS, MR. MAIER,
5 and MAIER GUTIERREZ & ASSOCIATES on April 14, 2020, asserting claims of (1) Breach of
6 Fiduciary Duties, (2) Professional Negligence, (3) Fraud, (4) Breach of Contract, (5) Accounting
7 Fraud and (6) Concert of Action and/or Conspiracy. *See Sheridan v. Gutierrez*, Case No. A-20-
8 813635-C (also referred to as the "first case."). The first case was assigned at random to Department
9 XXIV (Judge James Crockett). On July 28, 2020, after being presented with Defendants' Motion to
10 Dismiss filed June 9, 2020 and Plaintiff's Counter-Motions for Summary Judgment filed June 21
11 and 22, 2020, respectively, JUDGE CROCKETT found MS. SHERIDAN'S Complaint did "not
12 plead any factual assertions that would support any cognizable claim for relief against Defendants."
13 As a consequence, JUDGE CROCKETT granted Defendants' Motion to Dismiss *without prejudice*.
14 Thereafter, Defendants filed a motion for attorney's fees and costs which was granted on October
15 20, 2020.² MS. SHERIDAN appealed JUDGE CROCKETT'S order awarding fees and costs, but
16 she never appealed the Order Granting Defendants' Motion to Dismiss Without Prejudice.³

17 7. On August 31, 2020, MS. SHERIDAN filed a Complaint for Legal Malpractice
18 against MR. GUTIERREZ, MR. KNAUSS, MR. MAIER and MAIER GUTIERREZ &
19 ASSOCIATES in the Second Judicial District Court, in and for Washoe County, Nevada (Case No.
20 CV 20-01353) (also referred to as the "second case."). About eleven months later, on July 20, 2021,
21 the Second Judicial District Court issued its Order Granting Defendants' Motion to Transfer Venue
22

23
24
25
26 ²JUDGE CROCKETT'S decision was later affirmed on appeal by the Nevada Court of Appeals on December
27 29, 2021.

28 ³Dismissal without leave to amend under NRCP 12(b) results in a judgment on the merits. *See Zalk-Josephs*
Co. v. Wells Cargo, Inc., 81 Nev. 163, 400 P.2 621 (1965). Notably, MS. SHERIDAN sought to reopen the case over a
year later and that motion was denied by JUDGE JESSICA PETERSON as set forth in Order filed September 25, 2021.

1 resulting in the second case (then consisting of 736 pages) being transferred to the Eighth Judicial
2 District Court and assigned to Department XI (Judge Elizabeth Gonzalez) under Case No. A-21-
3 838187-C. This Court notes, upon the case's transfer, the Clerk's Office in the Eighth Judicial
4 District Court "opened" the case and identified it as "other civil matters" on the Civil Cover Sheet.
5 While this categorization ordinarily may be insignificant to litigants, MS. SHERIDAN has argued it
6 as an important issue throughout the case and was one basis for her seeking disqualification of
7 JUDGE GONZALEZ on August 3, 2021.⁴ Of significance here, while another Motion to Dismiss
8 filed by Defendants on July 20, 2021 was pending, the second case was consolidated with the first
9 (Case No. A-20-813635-C) and reassigned to Department VIII (Judge Jessica Peterson) on
10 November 3, 2021.⁵

12 8. On April 26, 2022, JUDGE PETERSON recused herself from hearing the matter.
13 The consolidated matter was reassigned at random to be heard by Department XXIII (Judge Jasmin
14 Lilly-Spells) on April 28, 2022. Defendants filed their Peremptory Challenge and the matter was
15 reassigned to Department XIV (Judge Adriana Escobar). Plaintiff filed her Peremptory Challenge
16 on May 2, 2022 and the case was again reassigned to Department XXII (Judge Susan Johnson).

18 9. The crux of MS. SHERIDAN'S Motion for Recusal appears to stem from my actions
19 and rulings made May 12, 2022 and thereafter. On May 12, 2022, I granted in part, denied in part,
20 Defendants' Motion for Sanctions and to Deem Plaintiff as a Vexatious Litigant, and denied
21 Plaintiff's Counter-Motion for Sanctions. Specifically, I granted Defendants' motion as it sought an
22 increase in security for costs from MS. SHERIDAN (an out-of-state resident) from a singular \$500
23 to \$500 per defendant (\$2,000) pursuant to NRS 18.130; I denied Defendants' motion to deem MS.
24

26
27 ⁴JUDGE GONZALEZ retired from office September 7, 2021 before MS. SHERIDAN'S motion was decided by
the Chief Judge or her designee.

28 ⁵In January 2021, after judicial elections and JUDGE CROCKETT'S retirement, it is JUDGE JOHNSON'S
understanding Department XXIV's civil cases were reassigned to Department VIII.

1 SHERIDAN as a vexatious litigant. During the hearing, MS. SHERIDAN appeared by telephone as
2 opposed to video or personally. I informed MS. SHERIDAN I permit attorneys and parties to
3 appear in person or remotely. However, if the choice is to appear remotely, the appearance must be
4 by video with the attendee dressed appropriately for courtroom setting with suitable background;
5 that is, the Court does not allow attorneys or litigants to appear via telephone where they cannot be
6 seen. I informed MS. SHERIDAN I would hear from her via telephone that day, but in the future,
7 she needed to personally attend or appear via video. During the May 12th hearing, MS. SHERIDAN
8 interrupted and was speaking over me causing difficulty for the court recorder who was taking down
9 the talks of two people speaking at the same time.⁶ To avoid me increasing the volume of my voice
10 or yelling, I instructed my court recorder to mute MS. SHERIDAN'S microphone so I could finish
11 speaking without interruption. Once I finished talking, the court recorder was instructed to unmute
12 MS. SHERIDAN'S microphone so she could speak and be heard. While I would need to review the
13 transcript of the proceedings for accuracy, my memory is MS. SHERIDAN interrupted and spoke
14 over me and her adversary a few times resulting in her being muted and then unmuted.

15
16
17 10. During the May 12, 2022 hearing, I indicated I had reviewed the record and it
18 appeared to me the first case (No. A-20-813635-C) had been dismissed and essentially closed by
19 JUDGE CROCKETT'S July 28, 2020 Order. In my view, the open or "second" case (A-21-838187-
20 C) should not have been consolidated with the closed "first" case, and I likely would deconsolidate
21 the two matters and have the parties' differences decided in the second case only. I thereafter filed
22 an Order that bifurcated the consolidation and ordered future papers and pleadings would be filed in
23 the open "second" case. *See* NRCP 42(a) ("If actions before the court involve a common question of
24 law or fact, the court may: ... (3) issue any other orders to avoid unnecessary cost or delay.")
25

26
27
28 ⁶Department XXII's court recorder, NORMA RAMIREZ, typically takes down the testimony and/or arguments
by typing as she is video-recording.

11. In my review of the two actions, I noted accusations were made by MS. SHERIDAN that staffs of prior-assigned judicial departments were hostile and uncooperative, and there were misunderstandings as to calendaring or procedures when communications between MS. SHERIDAN and staff were oral or verbal. To avoid any accusations of hostility, miscommunications or misunderstandings between my staff and the parties and/or attorneys, I ordered all communications between the parties, attorneys and Court staff be made in writing or upon the record.

12. As the Court's record reflects, the hearings concerning Defendants' July 20, 2021 Motion to Dismiss and Plaintiff's August 3, 2021 Motion to Strike Defendants' Motion to Dismiss were scheduled Thursday, June 2, 2022 at 9:00 a.m. MS. SHERIDAN filed two Notices of Appeal: (1) on May 20, 2022 (in Case No. A-20-813635-C) and (2) on May 31, 2022 (in Case No. A-21-838187-C). She is appealing my decision to bifurcate the open (second) case from the closed (first) one.

13. I have reviewed MS. SHERIDAN'S Motion and Affidavit for Recusal filed June 1, 2022 and address her points. MS. SHERIDAN first posits she was denied her rights under Nevada law and the United States Constitution when I instructed my court recorder to mute the microphone at the May 12th hearing. MS. SHERIDAN claims I denied her the right to give testimony. As noted above, MS. SHERIDAN was talking over me and her adversary, and to avoid my having to increase the volume of my voice or to yell, I did instruct the court recorder, NORMA RAMIREZ, to mute the microphone. However, once I and the defense counsel finished speaking, I instructed the recorder to unmute MS. SHERIDAN and she was able to speak and "give testimony." I would invite the Chief Judge or her designee to review the transcript (once it is drafted) or the video-recording attached to a copy of this Affidavit and Answer which is hand-delivered to the Chief Judge.

14. MS. SHERIDAN also claims by "De-consolidating the cases, [I] improperly removed Plaintiff's case for Legal Malpractice, together with the Plaintiff's documents and evidence, and

1 opened a singular case fictitiously titled by Defendants as "OTHER CIVIL MATTERS." Contrary
2 to MS. SHERIDAN'S assessment, I did not improperly remove her case from a legal malpractice
3 status or open a singular case "titled by Defendants" as "other civil matters." As noted above, the
4 classification of "Other Civil Matters" was made by the Court Clerk's Office when it received the
5 Order transferring the case from the Second to Eighth Judicial District Court along with the 736
6 pages on July 20, 2021, over nine (9) months before I was assigned to hear the case. MS.
7 SHERIDAN'S documents and evidence are contained within the 736 pages. The categorization
8 "Other Civil Matters" does not change the character of MS. SHERIDAN'S legal malpractice claims.
9

10 15. MS. SHERIDAN also states I denied her constitutional right to have her Opposition
11 to Defendants' Motion to Dismiss listed as a matter to be heard. I do not recall that issue, but
12 typically only affirmative motions (not defensive oppositions) are listed as items to be heard on the
13 Court's calendar. Most certainly, I anticipated and would have accorded MS. SHERIDAN the
14 opportunity to oppose Defendants' Motion to Dismiss when it was to be heard June 2, 2022.
15

16 16. MS. SHERIDAN also claims I "had illegally demanded that [she] attend a hearing in
17 her court on June 2nd, 2022 regarding the issues on Appeal in violation of Nevada law. I first note it
18 is not "illegal" to require a party to attend a hearing within a courtroom—I have the inherent
19 authority to require attorneys and/or parties to appear in the courtroom. Notwithstanding that
20 premise, I did not require MS. SHERIDAN to appear in the courtroom for the June 2, 2022 hearing.
21 I specifically informed her she could either come to the courtroom or appear remotely; if she elected
22 to appear remotely, she needed to attend by video with suitable clothing and background.
23

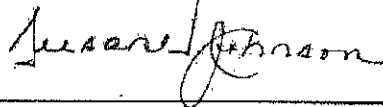
24 17. MS. SHERIDAN also proposes I, "by [my] own admission, not only 'closed her mind
25 to the presentation of evidence,' but was actively involved in omitting and removing evidence." I
26 am perplexed by such statement as I had not had the opportunity to hear the parties' arguments and
27 or "presentation of evidence" concerning Defendants' Motion to Dismiss or Plaintiff's Motion to
28

1 Strike Defendants' Motion to Dismiss. I do not know what she means by the statement I "was
2 actively involved in omitting and removing evidence."

3 18. In my view, I have not committed an appearance of impropriety subject to
4 disqualification. As I have an obligation to rule and render decisions, I see no reason why the matter
5 should be reassigned to another judge. MS. SHERIDAN apparently disagrees with my prior ruling,
6 but that position is not enough to warrant my disqualification from hearing the case.
7

8 **FURTHER AFFIANT SAYETH NAUGHT.**

9 Dated this 2nd day of June, 2022

10 

11 **SUSAN JOHNSON, DISTRICT COURT JUDGE**

12 **2AA F0B FD9F 9183**

13 **Susan Johnson**

14 **District Court Judge**

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Rene Sheridan, Plaintiff(s)

CASE NO: A-21-838187-C

7 vs.

DEPT. NO. Department 22

8 Joseph Gutierrez, ESQ,
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 Affidavit was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/2/2022

15 Charity Johnson

cmj@mgalaw.com

16 Jason Maier

jrm@mgalaw.com

17 Joseph Gutierrez

jag@mgalaw.com

18 Joseph Garin

jgarin@lipsonneilson.com

19 Kimberly Glad

kglad@lipsonneilson.com

20 Susana Nutt

snutt@lipsonneilson.com

21 Jonathan Wong

jwong@lipsonneilson.com

22 RENE SHERIDAN

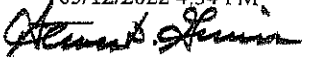
RSHERIDAN34@AOL.COM

23 PATRICK CANNON

HOTOPIX@GMAIL.COM

24
25
26
27
28

EXHIBIT #5


 CLERK OF THE COURT
1 **ORDR**
 2
 3 **DISTRICT COURT**
 4 **CLARK COUNTY, NEVADA**

 5
 6 **RENE SHERIDAN, an individual,**
 7 **Plaintiff,**
Case No. A-20-813635--C
Dept. No. XXII
8 **Vs.**
 9 **JOSEPH A. GUTIERREZ, ESQ.;**
 10 **STEVEN G. KNAUSS, ESQ.; JASON R.**
 11 **MAIER, ESQ.; MAIER GUTIERREZ &**
 12 **ASSOCIATES,**
*Consolidated with:*12 **Defendants.**
 13 **RENE SHERIDAN, an individual,**
 14 **Plaintiff,**
Case No. A-21-838187-C
Dept. No. XXII
15 **Vs.**
 16 **JOSEPH A. GUTIERREZ, ESQ.;**
 17 **STEVEN G. KNAUSS, ESQ.; JASON R.**
 18 **MAIER, ESQ.; MAIER GUTIERREZ &**
 19 **ASSOCIATES,**

 20 **ORDER DE-CONSOLIDATING CASES AND CLOSING CASE NO. A-20-813635-C**

 21 Plaintiff RENE SHERIDAN originally filed her 3-page Complaint for Legal Malpractice on
 22 April 14, 2020 in the Eighth Judicial District Court, in and for Clark County, Nevada, and the case
 23 was assigned to Department XXIV (Judge James Crockett). On July 28, 2020, after being presented
 24 with Defendants' Motion to Dismiss filed June 9, 2020 and Plaintiff's Counter-Motions for
 25 Summary Judgment filed June 21 and 22, 2020, respectively, the Court found MS. SHERIDAN'S
 26 Complaint did "not plead any factual assertions that would support any cognizable claim for relief
 27
 28

1 against Defendants.” Accordingly, Defendants’ Motion to Dismiss was granted *without prejudice*.¹
2 While MS. SHERIDAN thereafter appealed the Court’s post-judgment order awarding Defendants
3 attorney’s fees and costs,² she did not appeal Judge Crockett’s Order Granting Defendants’ Motion
4 to Dismiss Without Prejudice.³

5 On August 31, 2020, MS. SHERIDAN filed an 18-page Complaint for Legal Malpractice in
6 the Second Judicial District Court, in and for Washoe County, Nevada (Case No. CV20-01353).
7 Almost one year later, on July 20, 2021, the Court in the Second Judicial District Court issued its
8 Order Granting Defendants’ Motion to Transfer Venue, resulting in the case (then consisting of 736
9 pages) being transferred to the Eighth Judicial District Court and assigned to Department XI (Judge
10 Elizabeth Gonzalez) under Case No. A-21-838187-C. Of significance here, while a second Motion
11 to Dismiss (filed by Defendants on July 27, 2021) was pending, the case was consolidated with Case
12 No. A-20-813635-C, and thus, reassigned to Department VIII on November 3, 2021.
13

14 On April 26, 2022, Judge Peterson recused herself from hearing the matter. The case was
15 reassigned at random to be heard by Department XXIII (Judge Jasmin Lilly-Spells) on April 28,
16 2022. Defendants filed their Peremptory Challenge, and the matter was reassigned to Department
17 XIV (Judge Adriana Escobar). Plaintiff filed her Peremptory Challenge on May 2, 2022, and the
18 case was again reassigned at random to Department XXII (Judge Susan Johnson).
19

20 As the primary action, Case No. A-20-813635-C, has been resolved by Judge Crockett’s
21 grant of the Motion to Dismiss on July 28, 2020, there is no reason for this matter to remain open or
22 active. While MS. SHERIDAN argued at hearing scheduled May 12, 2022 the case should remain
23

24
25 ¹Dismissal without leave to amend under Rule 12(b) of the Nevada Rules of Civil Procedure (NRCP) results in
26 a judgment on the merits. See Zalk-Josephs Co. v. Wells Cargo, Inc., 81 Nev. 163, 400 P.2d 621 (1965).

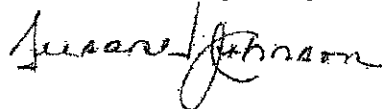
27 ²On December 29, 2021, the Nevada Court of Appeals issued its Order of Affirmance, affirming the award of
28 attorney’s fees and costs.

³Upon Judge Crockett’s retirement from the bench in early January 2021, Case No. A-20-813635-C, which had
remained open, was reassigned to Department VIII (Judge Jessica Peterson).

1 open as her appeal was only from the Court's post-judgment order granting attorney's fees and costs,
2 Plaintiff ignores the grant of the motion to dismiss resulted in a judgment on the merits. Notice of
3 Entry of Order was filed and served on July 30, 2020, meaning the time to appeal the matter has
4 long since expired. See Rule 4(a)(1) of the Nevada Rules of Appellate Procedure (NRAP) ("[A]
5 notice of appeal must be filed after entry of a written judgment or order, *and no later than 30 days*
6 *after the date that written notice of judgment or order appealed from is served.*") (Emphasis added).
7 Accordingly,
8

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** the primary case, Sheridan
10 v. Gutierrez, No. A-20-813635-C, shall be statistically closed, and all future papers and pleadings
11 shall be filed in what was the secondary case, Sheridan v. Gutierrez, No. A-21-838187-C. The
12 caption shall be changed to reflect a deletion of the primary case caption, meaning the secondary
13 case caption only.
14

Dated this 12th day of May, 2022



SUSAN JOHNSON, DISTRICT COURT JUDGE

CBA 938 FE55 51EE

Susan Johnson

District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Rene Sheridan, Plaintiff(s)

CASE NO: A-20-813635-C

7 vs.

DEPT. NO. Department 22

8 Maier Gutierrez & Associates,
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 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: 5/12/2022

16 Charity Johnson	cmj@mgalaw.com
17 Jason Maier	jrm@mgalaw.com
18 Joseph Gutierrez	jag@mgalaw.com
19 Kimberly Glad	kglad@lipsonneilson.com
20 Susana Nutt	snutt@lipsonneilson.com
21 Jonathan Wong	jwong@lipsonneilson.com
22 ASH RAHEJA	ash12392610@yahoo.com
23 Patrick Cannon	hotopix@gmail.com

24
25
26
27
28

EXHIBIT # 6

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters

COURT MINUTES

September 09, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

September 09, 2021 09:00 AM **Plaintiff's Motion to Strike Defendant's Motion to Dismiss and
Affidavit for Recusal of Judge Elizabeth Gonzalez**

HEARD BY: Hardcastle, Kathy; COURTROOM: RJC Courtroom 03B
Vacant, DC 11

COURT CLERK: Guerra, Valeria

RECORDER: Hawkins, Jill

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Court FOUND the present matter was previously filed and assigned to Judge Crockett as case No. A-20-813635-C. The latter Judge Crockett granted Defendant's Motion to Dismiss Without Prejudice. After the case was dismissed Plaintiff filed the in the Second Judicial District Court in Reno, NV. Plaintiff filed in the Second Judicial District Court to avoid further action from Judge Corckett. Defendants filed a motion to dismiss citing Judge Crockett's decision. The motion to dismissed was denied and Defendants filed a motion to change venue which was granted and the case was moved to the Eight Judicial District Court. Under the rules of the District Court when subsequent case is brought about involving the same parties and transactions in order to prevent judge or forum shopping the case is required to be reassigned to the department with the lowest case number.

COURT ORDERED, case A-21-838187-C to be consolidated with A-20-813635-C and transferred to Department 24.

COURT DENIED, Plaintiff's Affidavit of Prejudice since Judge Gonzalez had retired, matter is MOOT.

Defendants pending motion to dismiss needs to be renoticed under A-20-813635-C if it is to be heard.

Pending motion to strike needs to be renoticed under A-20-813635-C if it is to be heard.

EXHIBIT # 7

A-21-838187-C

**DISTRICT COURT
CLARK COUNTY, NEVADA****Other Civil Matters****COURT MINUTES****September 17, 2021**

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

September 17, 2021 3:00 AM Motion

HEARD BY: Hardcastle, Kathy

COURTROOM: Chambers

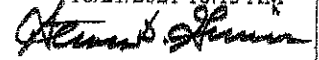
COURT CLERK: Valeria Guerra

JOURNAL ENTRIES

The Motion for Continuance came before this Court on the September 17, 2021 Chamber Calendar. The Court has reviewed the Motion and the Limited Opposition. The Court previously reviewed the Motion for Continuance in Relation to the Hearing on September 9, 2021. The Court entered a Minute Order on September 9, 2021 transferring the case to Department 24 to be consolidated with A-20-813635-C. As such, this Department cannot take any further action on this motion. Therefore, **COURT ORDERED** matter OFF CALENDAR and Plaintiff to Re-notice the Motion if further action is needed.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//9/21/21

EXHIBIT # 8


CLERK OF THE COURT

1 CODE
2 Rene Sheridan
3 23823 Malibu Road, #50-364
4 Malibu, CA 90265
5 Tel: 310-422-9944
6 *In Pro Per*

7 OT

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

10
11
12 RENE SHERIDAN, an individual,
13 Plaintiff,

Case No.: A-21-838187-C

14 Dept. No.: 11

15 v.

ENTRY OF ORDER

16
17 JOSEPH A. GUTIERREZ, an individual;
18 STEVEN G. KNAUSS, an individual;
19 JASON R. MAIER, and individual;
20 MAIER GUTIERREZ & ASSOCIATES;
21 a Domestic Professional LLC, and
22 DOES I-XX, inclusive, and XYZ
23 CORPORATIONS I-XX, inclusive,
24 Defendants.

25 PLEASE TAKE NOTICE that on September 9th, 2021 an Order
26 consolidating case A-21-838187-C with case A-20-813635-C and having these cases
27 transferred to ~~Department 24~~^A was filed by the Honorable Judge Kathy Hardcastle
28 the Department handling the lowered numbered case

1 of Department 11 in the Eighth District Court of Nevada in the above matter, a copy
2 of the Order is attached hereto (Exhibit-A) and made part hereof.
3

4 Having considered the papers and pleadings relevant to this matter, and for
5 good cause appearing, the COURT FINDS and ORDERS as follows:
6

7
8 1. Plaintiff filed in the Second District Court in Reno NV. after Defendants'
9 filed a Motion to Dismiss in the 8th District Court of Judge Jim Crockett in
10 Department 24, where the Defendant's Motion to Dismiss was granted without
11 Prejudice. A subsequent case was then brought involving the same parties and
12 transactions in the 2nd District Court of Nevada.
13

14
15 2. The Honorable Judge Kathleen Sigurdson of the 2nd District Court DENIED
16 the Defendant's Motion to Dismiss.
17

18 3. The Defendants' filed a Motion to Change Venue which was granted and
19 the case was moved to the Eighth District Court.
20

21 4. The 11th District Court correctly FOUND that "under the rules of the District
22 Court when a subsequent case is brought about involving the same parties and
23 transactions in order to prevent judge or forum shopping the case is required to be
24 reassigned to the department with the lower case number."
25
26
27
28

1 The Court ORDERS that case A-21-838187-C must be consolidated with
2 A-20-813635-C and transferred to ~~Department 24~~,
3 the department with the lower case number.

4 COURT DENIED, Plaintiff's Affidavit of Prejudice since Judge Gonzalez had
5 retired, matter is MOOT.

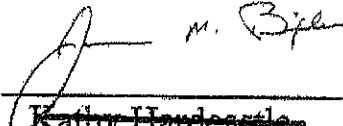
6 Defendants' pending motion to dismiss needs to be renoticed under
7 A-20-813635-C if it is to be heard.

8 Pending motion to strike needs to be renoticed under A-20-813635-C if it is to be
9 heard.

10 The Court ORDERS that case A-21-838187-C and case A-20-813635-C be
11 consolidated and transferred to ~~Department 24~~ of the Eighth District Court of
12 Nevada.
13 the department with the lower case number


14 Dated this 20th of October, 2021

15 Dated this 21st day of October, 2021

16 
17 Kathy Hardeastle


18 District Court Judge
19 17B FD3 4DEE 48CA
20 Bixler, James
21 District Court Judge

1
2 Respectfully Submitted by:
3
4

5 
6 RENE SHERIDAN
7 Acting Pro Se
8

9
10 Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document
11 does not contain the social security number of any person.
12

13 DATED THIS 20th day of October, 2021.
14
15
16
17

18 
19 /s/ Rene Sheridan
20 Rene Sheridan
21 23823 Malibu Road, #50-364
22 Malibu, CA 90265
23 Tel: 310-422-9944
24 In Pro Per
25
26
27
28

1
2
3 CERTIFICATE OF SERVICE

4 I certify that on October 20th, 2021, I served a copy of ENTRY OF ORDER upon all
5 parties as follows:

6
7 XX- By Electronic Service through Clark County e Filing system.

8 By mailing first-class mail with sufficient postage prepaid to the following address:

9 Lipson Neilson P.C.
10 Joseph P. Garin, Esq.
11 Jonathan K. Wong, Esq.
12 9900 Covington Cross Drive, Suite 120
13 Las Vegas, NV 89144

14 

15 /s/ Rene Sheridan

16 Rene Sheridan

17 23823 Malibu Road, #50-364

18 Malibu, CA 90265

19 Tel: 310-422-9944

20 *In Pro Per*

EXHIBIT - A

DISTRICT COURT
CLARK COUNTY, NEVADA

Other Civil Matters

COURT MINUTES

September 09, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

September 09, 2021 09:00 AM Plaintiff's Motion to Strike Defendant's Motion to Dismiss and
Affidavit for Recusal of Judge Elizabeth Gonzalez

HEARD BY: Hardcastle, Kathy;
Vacant, DC 11

COURTROOM: RJC Courtroom 03B

COURT CLERK: Guerra, Valeria

RECORDER: Hawkins, Jill

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Court FOUND the present matter was previously filed and assigned to Judge Crockett as case No. A-20-813635-C. The latter Judge Crockett granted Defendant's Motion to Dismiss Without Prejudice. After the case was dismissed Plaintiff filed the in the Second Judicial District Court in Reno, NV. Plaintiff filed in the Second Judicial District Court to avoid further action from Judge Corckett. Defendants filed a motion to dismiss citing Judge Crockett's decision. The motion to dismissed was denied and Defendants filed a motion to change venue which was granted and the case was moved to the Eight Judicial District Court. Under the rules of the District Court when subsequent case is brought about involving the same parties and transactions in order to prevent judge or forum shopping the case is required to be reassigned to the department with the lowest case number.

COURT ORDERED, case A-21-838187-C to be consolidated with A-20-813635-C and transferred to Department 24.

COURT DENIED, Plaintiff's Affidavit of Prejudice since Judge Gonzalez had retired, matter is MOOT.

Defendants pending motion to dismiss needs to be renoticed under A-20-813635-C if it is to be heard.

Pending motion to strike needs to be renoticed under A-20-813635-C if it is to be heard.

1 CSERV

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Rene Sheridan, Plaintiff(s)

CASE NO: A-21-838187-C

7 vs.

DEPT. NO. Department 11

8 Joseph Gutierrez, ESQ,
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 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:

Service Date: 10/21/2021

15 Charity Johnson

cmj@mgalaw.com

16 Jason Maier

jrm@mgalaw.com

17 Joseph Gutierrez

jag@mgalaw.com

18 Joseph Garin

jgarin@lipsonneilson.com

19 Kimberly Glad

kglad@lipsonneilson.com

20 Susana Nutt

snutt@lipsonneilson.com

21 Jonathan Wong

jwong@lipsonneilson.com

22 Katrina Leaver

KLeaver@lipsonneilson.com

23 RENE SHERIDAN

RSHERIDAN34@AOL.COM

24 PATRICK CANNON

HOTOPIX@GMAIL.COM

EXHIBIT # 9

Wire Transfer Outgoing Request



Wire Transfer Sender Information

Sender Name: GINA G GOFF				
Account Name: SENIOR MOMENT MOVIE, LLC		Street Address: 8481 W SUNSET BLVD STE 1000		
City: WEST HOLLYWOOD	State: CA	Zip: 90069-1911	Country: USA	Daytime Phone: [REDACTED]
Primary ID Type: Driver's License	ID Issuer: CA	ID Number: [REDACTED]	ID Issue Date: 01/15/2020	ID Exp: 02/07/2025
Secondary ID Type: [REDACTED]	ID Issuer: [REDACTED]	ID Number: [REDACTED]	ID Issue Date: [REDACTED]	ID Exp: [REDACTED]
Comments:				

Wire Transfer Information

Request Date: 09/09/2020	Request Time: 12:53:51PM Eastern time	Effective date: 09/09/2020	Wire Type: Domestic
Debit Account #: [REDACTED]	Debit Account Type: PLAT BUS CHECKING	Wire Amount (US dollars): \$118,715.25	
Qualifying Account #:	Qualifying Account Type:	Source of Funds: Checking	Wire Fee: Refer to Account Agreement for Pricing
Currency type to be sent: US Dollars	Exchange rate: N/A	Foreign currency amount: N/A	Amount to Collect (USD): \$118,715.25
FX Contract Number:			

Recipient Account Information

Account Name: Mater Gabarez			
Street Address:		Account Number: [REDACTED]	
City:	State:	Zip:	Country:
Text to Recipient: Order of Dismissal Final Payment to MG pursuant to MG's 01/24/2019 judgment on Atty Lien at 4:10-16. Total amount of \$118,715.25 paid in full			

Receiving Bank Information

Bank Name: First Independent Bank, A Division of Western Alliance Bank			
Street Address: 1818 E COLLEGE PKWY		Bank ABA/SWIFT Code: [REDACTED]	
City: CARSON CITY	State: NV	Zip: 89706-8004	Country: USA
Intermediary Bank Name:			
Street Address:		Intermediary Bank ABA:	
City:	State:	Zip:	Country:
Text to Receiving Bank:			

Wire Transfer Agreement

1. Service.

The terms and provisions in this Wire Transfer Agreement ("Agreement") describe our wire transfer service, including what you can expect from us (JP Morgan Chase Bank, N.A.) and the security procedures we will take when you send a wire transfer. If there is a conflict between any section of your Deposit Account Agreement and this Agreement, the provisions of this Agreement will apply.

The following types of wire transfers, when completed by a branch banker or by a Chase Private Client banker, are governed by this Agreement:

- **Domestic Wire Transfer:** A wire transfer sent to a bank within the U.S., including its territories.
- **International Wire Transfer:** A wire transfer sent in either U.S. or foreign currencies, including using our Chase Global Transfer service, to a bank outside the U.S.
- **Consumer International Wire Transfers** are wires that are sent from an account used primarily for personal, family, or household purposes.

By providing your signature as authorization, as part of our security procedures, you agree to these terms and conditions and authorize us to provide you Domestic Wire Transfers or International Wire Transfers. Wire transfers, when completed using our Online Services or Mobile Services, are governed by a separate agreement.

2. Security Procedures.

These security procedures are only to help prevent unauthorized access to your account. All wire transfer requests go through an internal review, and we may need to contact you to verify information about your wire transfer. We may impose stricter security procedures for any particular wire transfer you make, but we have no obligation to do so. If we choose to impose stricter security procedures, we will not be liable to you for any delays or losses, and we will not be obligated to impose such security procedures in the future.

(a) For Chase Branch Wire Transfers Only:

When you request a wire transfer in a branch you will be required to provide your signature as authorization for each wire transfer and show valid identification. You acknowledge these security procedures used for wire requests you make in a branch are a commercially reasonable method of verifying your branch wire transfer. You are responsible for any wire transfer issued in your name using these security procedures, whether or not you actually authorized the transfer.

(b) For Chase Private Client Customers Only:

Only Chase Private Client Telephone Banking can complete your wire transfer request using this service. To request wire transfers, you must provide your signature as authorization and maintain an active Chase Private Client Checking or Savings account. On the authorization form you can place a dollar limit on the wire transfers you request.

- You may request a wire transfer by telephone, and you agree that we will confirm your request by using any of the following security procedures, at our discretion:
 - Confirming certain personal information about you.
 - Contacting you, another account holder or someone else you have listed on the authorization form.
- You may request a wire transfer by email, and you agree that we will confirm your request by contacting you or another account holder.
- We may call you at any phone number we have for you in our records or to the phone numbers provided on the authorization form.

- You acknowledge that we offer wire transfer services in person at our branches, or online which provide a higher level of security for your accounts, and you can use these options instead. You acknowledge the respective security procedures above for wire transfers are a commercially reasonable method of verifying your wire transfer. You are responsible for any wire transfer issued in your name using these security procedures, whether or not you actually authorized the transfer.
- If you do not specify the account from which to subtract the funds, we can subtract the amount of the wire transfer from any account you designated on the authorization form.

3. Processing, Canceling, Delays and Notifications of Wire Transfers.

(a) Processing: We'll start processing your wire transfer the same business day if we receive it before the cutoff times we establish from time to time or provide you at the time you request your transfer. If we receive your request after that time, we'll process it the following business day. After we start processing your wire transfer, you must have available funds in the deposit account you designated in your instructions.

(b) Canceling: You have the right to cancel Consumer International Wire Transfers at no cost to you within 30 minutes after you have authorized us to send it. For all other wire transfers, once you have submitted a wire transfer for the current business day, you cannot cancel it after we've begun processing, but you may request us to attempt to return the funds to you. If the recipient's bank agrees, your funds may be returned to you, but likely not the full amount that was originally sent. We will not automatically cancel your wire transfer due to the transfer being delayed by more than five business days; if we do cancel your wire transfer we'll notify you.

(c) Modifying: Once a wire transfer has begun processing, we will not be able to change any type of wire transfer requests unless the recipient's bank agrees. If the recipient's bank declines to change the wire transfer request, you will be responsible for the transfer you initially requested.

(d) Internal Review: During our internal review, we may subtract funds from your account or place a hold on your account and it may result in processing delays. Once we have released the wire transfer, the recipient's bank may delay credit to the recipient due to their own internal review processes.

(e) Notifications: We will send you an email notification on the status of your wire transfer, it will be sent to an email address you have provided. We may also notify you verbally of the status of your wire transfer, but we are not required to do so. If you do not have an email address on file, if the email is returned undeliverable, or we are unable to send an email due to system failures or outages beyond our reasonable control, it is your responsibility to monitor your account for the status of your wire transfer. You may contact us for the status of your wire transfer. These notification methods are deemed to be commercially reasonable. Any other information we may provide upon successfully scheduling a wire transfer is only an indication that we've received your request and not an indication that we've accepted your wire transfer.

4. Identifying Number.

We or any other bank involved in the wire transfer will complete your wire transfer request using the account number or bank identification number you provide, even if the numbers do not match the recipient's or bank's name. **If you provided us an incorrect account number for the recipient or an incorrect routing or identification number for the recipient's bank, you could lose the amount of the transfer.**

Wire Transfer Agreement - continued

5. Future Dated Wire Transfers.

You may request a future dated (one-time) domestic wire transfer, up to 10 business days from the current business day's cutoff time. You cannot cancel a future dated wire transfer once it has been requested.

6. Foreign Exchange Transfer.

It is our discretion in which foreign currencies we will send wire transfers, and these can change at any time. If you send a wire transfer in a foreign currency, you authorize us to deduct the amount from your account at the exchange rate we offered at the time you requested it. The foreign exchange rates we use are determined by us in our sole discretion.

The exchange rate we use will include a spread and may include commissions or other costs that we, our affiliates, or our vendors may charge in providing foreign currency exchange to you. The exchange rate may vary among customers depending on your relationship, products with us or the type of transaction being conducted, the dollar amount, type of currency, and the date and the time of the exchange. You should expect that these rates will be less favorable than rates quoted online or in publications.

If the funds are returned or payment cannot be made for any reason, we will not be liable for more than the amount of the wire transfer at our exchange rate at the time we return the funds to you, less charges taken by any other bank involved in the wire transfer. If you cancel a funds transfer request, other than a cancellation of a Consumer International Funds Transfer within 30 minutes after you authorized us to send it, and it causes a loss or cost to us, we may subtract funds from your account to cover these losses. If your initial request is returned, cancelled or changed, your new wire transfer request will be subject to a new exchange rate.

If the wire transfer is not in the currency of the recipient's account, the recipient's bank or another processing bank may reject the wire transfer or convert it. If converted, you agree the wire transfer may be converted to a different currency at their exchange rate and may subtract additional fees.

7. Fees and Payment Route.

We may charge a fee when you use this service. Please refer to your account agreement or product information for fees that may apply. We may use any funds transfer system we believe reasonable to complete your request, regardless of any instructions you might give us. If we also are the recipient's bank, we may complete your request using an internal transfer. You are responsible for all fees and taxes, including our fees and any fees charged by other funds transfer systems or banks involved in the transfer.

8. Wire Transfer System Rules and Laws.

The use of this service is subject to all applicable U.S. federal and state laws, regulations, rules and wire transfer arrangements, including the respective state's Uniform Commercial Code Article 4A, as may be applicable. If you make a Consumer International Wire Transfer, it is also subject to additional federal laws and regulations which, in the event of a conflict with this Agreement, will govern. All of your wire transfers must comply with U.S. laws, including the regulations and economic sanctions administered by the U.S. Treasury Department's Office of Foreign Asset Control and other applicable laws.

9. Indemnification.

You will indemnify us for all claims, expenses, liabilities, and losses (including reasonable legal fees) if you or a third party makes a claim against us for any of our actions or services in this Agreement, unless they prove gross negligence or willful misconduct. You understand this section will survive even if you close your account or this Agreement is terminated.

10. Failure to Perform; Limitation of Liability.

We are only responsible for performing the services specified in this Agreement. We will not be liable for the failure or delay of any wire transfer or for failing to meet other obligations in the Agreement because of circumstances or causes beyond our control, including governmental, legal or regulatory restrictions or prohibitions, third party actions, natural disasters, equipment or system failures, labor disputes, wars or riots. We are not liable for any indirect, special or consequential damages. Any provision of this Agreement that limits the bank's liability does not negate the bank's duty (if any) under applicable law to act in good faith and with reasonable care.

11. Changes to the Agreement

We may change the terms of this Agreement, including fees and features of this service, at any time. If any change would adversely affect you, we will notify you in advance, unless the change is necessary to comply with a legal requirement.

We may direct you to a branch or to your Chase Private Client banker for the content of any changes or the revised Agreement unless the law requires a different method. Your use of this service after we have made such changes available will be considered your agreement to the change.

By providing your signature as authorization, you agree to these terms and conditions, that the wire transfer information in this document is accurate and you authorize us to process this wire transfer.

Recipient Bank's Identifier (ABA/SWIFT) _____

Recipient's Account Number: _____

Sender's Signature: _____

Date: 9-9-20

Email Address: _____

Transaction Number (Contact ID): _____

The Email Address and Transaction Number provided will be used for communication purposes.

Branch / Department Information

Initiated by: NICOLE NATIVIDAD Initiating Branch: Rancho Mirage - 745 Phone: 760-324-5045 Request Time: 12:53:51PM

Wire Transfer: ☐ Approved ☐ Declined Approved/Declined by (Print): _____

Approved/Declined by (Signature): _____ Date: _____

Decline Reason: _____ Comments: _____

Approving Manager (wire amount over limit): _____

Method of Approval (attach required supporting documentation) ☐ Phone call ☐ Email ☐ Other (explain) _____

Wire Tracking Information

FX Contract Number (if applicable): _____

EXHIBIT # 10

Heather S. Shuman

CLERK OF THE COURT

SAO

1 RENE SHERIDAN
2 23823 Malibu Road, #50-364
3 Malibu, CA 90265
4 Tel # 310 - 422 - 9944
5 Email: rsheridan34@aol.com

6
7
8 PETITIONER, In Pro Se

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DISTRICT COURT OF THE STATE OF NEVADA
FOR THE COUNTY OF CLARK

RENE SHERIDAN, an individual
Plaintiff

vs.

JOSEPH A. GUTIERREZ, Esq.
STEVEN G. KNAUSS, Esq.
JASON R. MAIER, Esq.
MAIER GUTIERREZ & ASSOCIATES

Defendants

Dept No: 22
Case No: A-21-838187-C

STIPULATION AND ORDER TO
CONTINUE HEARING

~~RENE SHERIDAN, an individual~~

~~Plaintiff,~~


~~vs.~~


~~JOSEPH A. GUTIERREZ, Esq.
STEVEN G. KNAUSS, Esq.
JASON R. MAIER, Esq.
MAIER GUTIERREZ & ASSOCIATES~~

~~Defendants~~

1 Plaintiff Rene Sheridan and Defendants Joseph A. Gutierrez Esq., Steven G. Knauss,
2 Esq., Maier Gutierrez & Associates and their attorneys of record stipulate as follows:

3 The parties ~~further~~ agree that the hearing regarding Defendant's Motion to ~~Dismiss~~,
4 Plaintiff's Motion to Strike, and ~~Plaintiff's Opposition to Defendant's Motion to Dismiss~~ shall
5 be continued to June 2nd, 2022 at ~~8:30~~ a.m.
6 9:00

7
8 
9
10 Lipson Neilson P.C.
11 Jonathan K. Wong, Esq.
12 9900 Covington Cross Drive, Suite 120
13 Las Vegas, NV 89144

14
15 
16 Rene Sheridan - Plaintiff (in pro per)
17 23823 Malibu Road, 50-364
18 Malibu, CA 90265
19 Tel: 310-422-9944
20
21
22
23
24
25
26
27
28

ORDER

The hearing on Defendant's Motion to ~~Dismiss~~, Plaintiff's Motion to Strike, ~~and Plaintiff's~~
Dismiss and
~~Opposition to Defendant's Motion to Dismiss~~ shall be heard on the 2nd day of June, 2022 at
the hour of ~~8:30~~ a.m.
9:00

~~DATED this 13th day of May, 2022.~~

Dated this 16th day of May, 2022

Susan Johnson

EIGHTH JUDICIAL DISTRICT COURT JUDGE
95A CA1 E15E 4037
JUDGE SUSAN JOHNSON
Susan Johnson
District Court Judge

1 CSERV

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Rene Sheridan, Plaintiff(s)

CASE NO: A-21-838187-C

7 vs.

DEPT. NO. Department 22

8 Joseph Gutierrez, ESQ,
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 Stipulation and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/16/2022

15 Charity Johnson

cmj@mgalaw.com

16 Jason Maier

jrm@mgalaw.com

17 Joseph Gutierrez

jag@mgalaw.com

18 Joseph Garin

jgarin@lipsonneilson.com

19 Kimberly Glad

kglad@lipsonneilson.com

20 Susana Nutt

snutt@lipsonneilson.com

21 Jonathan Wong

jwong@lipsonneilson.com

22 RENE SHERIDAN

RSHERIDAN34@AOL.COM

23 PATRICK CANNON

HOTOPIX@GMAIL.COM

24


25

26

27

28

EXHIBIT # 11


 CLERK OF THE COURT

LIPSON NEILSON P.C.
 JOSEPH P. GARIN, ESQ.
 Nevada Bar No. 6653
 JONATHAN K. WONG, ESQ.
 Nevada Bar No. 13621
 9900 Covington Cross Drive, Suite 120
 Las Vegas, Nevada 89144
 Phone: (702) 382-1500
 Fax: (702) 382-1512
jgarin@lipsonneilson.com
jwong@lipsonneilson.com

Attorneys for Defendants

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

RENE SHERIDAN, an individual,

Plaintiff,

vs.

JOSEPH A. GUTIERREZ, Esq.

STEVEN G. KNAUSS, Esq.

JASON R. MAIER, Esq.

MAIER GUTIERREZ & ASSOCIATES,

Defendants.

) Case No: A-20-813635-C

) Dept. No.: 8

ORDER ON PENDING MOTIONS

On February 10, 2022, this matter came before the Court on the following motions:
 Plaintiff's Motion to Reconsider Award of Attorney Fees and Request for Sanctions
 ("Motion to Reconsider"), Plaintiff's Motion to Strike Defendant's Motion to Dismiss
 ("Plaintiff's Motion to Strike"), Defendants' Motion to Strike Plaintiff's Notice of Default
 ("Defendants' Motion to Strike"), and Defendants' Motion to Dismiss ("Motion to Dismiss").
 Plaintiff Rene Sheridan appeared pro se, and Joseph P. Garin, Esq. and Jonathan K.
 Wong, Esq. appeared on behalf of Defendants Maier Gutierrez & Associates, Joseph
 Gutierrez, Esq., Steven Knauss, Esq., and Jason Maier, Esq. (collectively, "Defendants").
 Having considered the papers and pleadings relevant to this matter, and for good cause
 appearing, the Court FINDS and ORDERS as follows:

Plaintiff's Motion for Reconsideration

1. On August 5, 2021, Plaintiff filed a Motion to Reopen Case.

2. On September 14, 2021, this Court held a hearing on Plaintiff's Motion to Reopen, and ordered that 1) the Motion be denied due to not containing a Memorandum of Points and Authorities as required by Eighth Judicial District Court Rule ("EDCR") 2.20; and 2) awarding Defendants sanctions against Plaintiff in the amount of \$662.50 for having to respond to the Motion and appear at the hearing. A formal order was filed on September 25, 2021.

3. On October 4, 2021, Plaintiff filed a Motion to Reconsider this Court's Order Denying Plaintiff's Motion to Reopen Case dated September 25, 2021.

4. The Motion to Reconsider sought reconsideration of the September 25, 2021 Order in its entirety, and also requested that sanctions be imposed against Defendants in the amount of \$25,000.

5. A Motion for Reconsideration "is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993).

6. None of the justifications for reconsideration apply here. Plaintiff's Motion to Reconsider did not present any newly-discovered evidence, did not demonstrate that this Court's September 25, 2021 Order was clearly erroneous or manifestly unjust, and did not indicate an intervening change in controlling law.

7. Moreover, Plaintiff's Motion to Reconsider did not contain any legal support for its request for sanctions against Defendants.

8. Accordingly, it is hereby ORDERED that Plaintiff's Motion to Reconsider is DENIED in its entirety.

///

///

///

Plaintiff's Motion to Strike

9. On August 3, 2021, Plaintiff filed a Motion to Strike Defendant's Motion to Dismiss and Affidavit for Recusal of Judge Elizabeth Gonzalez ("Plaintiff's Motion to Strike").¹

10. Plaintiff's Motion to Strike was based on the contention that Defendants' Motion to Dismiss was an improper response to her Complaint.

11. In Nevada, a Motion to Dismiss is a proper responsive pleading, and in fact must be filed before an Answer. See NRCP 12(b)(5).

12. Accordingly, Defendants' Motion to Dismiss was properly filed in response to Plaintiff's Complaint, and there is no basis for striking the same.

13. Moreover, insofar as Plaintiff seeks to challenge Defendants' Motion to Dismiss, the proper vehicle to do so is filing an opposition to the same, not a motion to strike.

14. As such, it is ORDERED that Plaintiff's Motion to Strike is DENIED in its entirety.

Defendants' Motion to Strike

15. On October 8, 2021, Plaintiff filed a Notice of Default against Defendants.

16. On October 12, 2021, Defendants filed a Motion to Strike Plaintiff's Notice of Default filed October 8, 2021.

17. Plaintiff's Notice of Default is based on the premise that the only valid response to her Complaint is an Answer. However, in Nevada, a Motion to Dismiss is a proper responsive pleading, and in fact must be filed before an Answer. See NRCP 12(b)(5).

18. Defendants filed their Motion to Dismiss on July 27, 2021, and as such had a responsive pleading on file for well over two months before Plaintiff filed her Notice of Default.

¹ Said Motion was filed in case A-21-838187-C, which was subsequently consolidated with the instant case.

1 19. Even if Defendants were to be in default, Nevada courts have an underlying
2 policy to have each case decided upon its merits. *Hotel Last Frontier v. Frontier Prop.*, 79
3 Nev. 150, 380 P.2d 293 (1963). "A default judgment normally must be viewed as available
4 only when the adversary process has been halted because of an essentially unresponsive
5 party." *Christy v. Carlisle*, 94 Nev. 651, 654, 584 P.2d 687, 689 (1978).

6 20. Allowing default to be entered against Defendants would not further the
7 express policy considerations set forth by Nevada courts in permitting parties to seek
8 default of unresponsive parties. Nothing in any of the documents or oral arguments before
9 this Court indicate that Defendants have been unresponsive and halted the adversary
10 process.

11 21. Accordingly, Plaintiff's analysis regarding Defendants being in default is
12 incorrect, and her Notice of Default is meritless and was filed without basis.

13 22. It is hereby ORDERED that Defendants' Motion to Strike is GRANTED.

14 **Defendants' Motion to Dismiss**

15 23. On July 20, 2021, case A-21-838187-C was opened pursuant to an order
16 granting transfer of venue from the Second Judicial District Court in Washoe County,
17 Nevada.

18 24. On July 27, 2021, Defendants filed their Motion to Dismiss in case A-21-
19 838187-C.

20 25. Although the Honorable Kathleen Sigurdson previously heard and ruled on a
21 Motion to Dismiss filed by Defendants in case CV20-01353², this Court is not bound by the
22 ~~decisions of other district court judges.~~ **

23 26. The Motion to Dismiss was scheduled for hearing on February 10, 2022;
24 however, at the hearing, the Court granted the parties leave to file supplemental briefing.

25 **decision of Judge Sigurdson, as that decision was rendered in the Second Judicial District
26 Court not the Eighth Judicial District Court and thus it is not the same "cause" as that term is
27 defined and thus this Court is not bound by DCR 13(7) or EDCR 2.24. Moreover, the Plaintiff
28 could have filed for leave to have this Court rehear the Motion to dismiss pursuant to EDCR
2.24, which this Court would have GRANTED.

² This Court notes that Judge Sigurdson's order granted in part and denied in part Defendants' Motion to Dismiss. At no point after the entry of Judge Sigurdson's order did Plaintiff file a revised complaint omitting the dismissed allegations and causes of action.

27. It is hereby ORDERED that Plaintiff's supplemental briefing shall be due by March 1, 2022; Defendants' response brief thereto shall be due by March 15, 2022.

28. It is further ORDERED that the hearing on Defendants' Motion to Dismiss is continued to March 29, 2022.

Dated this 28th day of February, 2022

IT IS SO ORDERED.



2CB A1E FA3F 2383
Jessica K. Peterson
District Court Judge

Respectfully Submitted by:

LIPSON NEILSON P.C.

/s/ Jonathan K. Wong

By:

JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
JONATHAN K. WONG, ESQ.
Nevada Bar No. 13621
9900 Covington Cross Drive, Suite 120
Las Vegas, Nevada 89144

Attorneys for Defendants

Approved as to Form & Content

Did Not Approve

Rene Sheridan
23823 Malibu Road, #50-364
Malibu, CA 90265

In Pro Per

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Rene Sheridan, Plaintiff(s)

CASE NO: A-20-813635-C

7 vs.

DEPT. NO. Department 8

8 Maier Gutierrez & Associates,
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 was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 2/28/2022

15 Charity Johnson

cmj@mgalaw.com

16 Jason Maier

jrm@mgalaw.com

17 Joseph Gutierrez

jag@mgalaw.com

18 Kimberly Glad

kglad@lipsonneilson.com

19 Susana Nutt

snutt@lipsonneilson.com

20 Jonathan Wong

jwong@lipsonneilson.com

21 ASH RAHEJA

ash12392610@yahoo.com

22 Patrick Cannon

23 hotopix@gmail.com
24
25
26
27
28

EXHIBIT # 12



VETERANS IN POLITICS

[MEMBER'S LOGIN](#)

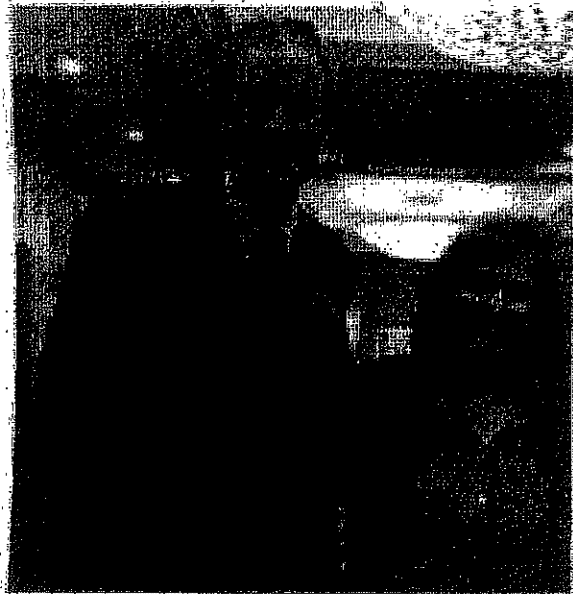
Home	News	Goals & Values	Officers	Radio	Events	Photos
----------------------	----------------------	------------------------------------	--------------------------	-----------------------	------------------------	------------------------

You are here: [Home](#) / [Home - Feat](#)

List of those contributions, identifying the lawyer, law firm, case numbers, amounts "donated," and whether the case was pending before Eric Johnson (Dept. 20) or Susan Johnson (Dept. 22).

[HTTP://FILES.CONSTANTCONTACT.COM/F4FDE64C401/2DFA6166-3860-4AA7-9074-8B905C0B04AD.XLSX](http://files.constantcontact.com/f4fde64c401/2dfe6166-3860-4aa7-9074-8b905c0b04ad.xlsx)

Judge Eric Johnson is taking tens of thousands in campaign money from lawyers with open cases in front of him and his wife.



Clark County, Nevada

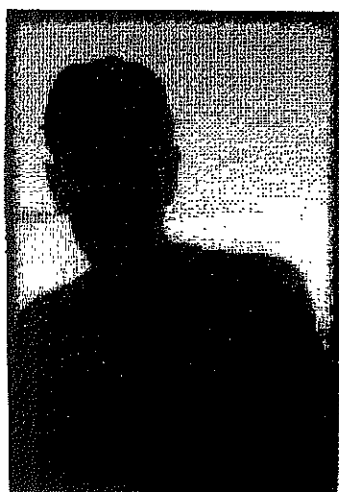
Think it's wrong for a judge to take campaign contributions from lawyers who have open cases in front of him? How about from lawyers who have open cases in front of his wife who is also a District Court judge?

Think it's inherently coercive for a judge to ask a lawyer with an open case in front of him or his wife to contribute to his campaign? How comfortable would you be knowing that your lawyer refused to pay the

**VETERANS
IN POLITICS**[MEMBER'S LOGIN](#)[Home](#)[News](#)[Goals & Values](#)[Officers](#)[Radio](#)[Events](#)[Photos](#)

Apparently District Court Judges Susan and Eric Johnson do!

01. **Here's The Background and What We Found Out:**



Eric Johnson, appointed last year to District Court Dept. 20, is running in this election to be retained. His wife, Susan Johnson, is a District Court Judge in Dept. 22. From January to June alone, Eric Johnson has received *dozens of campaign contributions* – worth over \$54,000 – from lawyers with open cases in front of him or his wife.

(click onto the list below):

List of those contributions, identifying the lawyer, law firm, case numbers, amounts “donated,” and whether the case was pending before Eric Johnson (Dept. 20) or Susan Johnson (Dept. 22).

<http://files.constantcontact.com/f4fde64c401/2dfa6166-3860-4aa7-9074-8b905c0b04ad.xlsx>



VETERANS IN POLITICS

[MEMBER'S LOGIN](#)

Home	News	Goals & Values	Officers	Radio	Events	Photos
----------------------	----------------------	------------------------------------	--------------------------	-----------------------	------------------------	------------------------

When evaluating our judges, we should be asking not only "is it legal?" but also, "is it right?"

Rule 2.11 of the Code of Judicial Conduct says that "a judge shall disqualify himself or herself in any proceeding in which the judge's impartiality *might reasonably be questioned*..."

Rule 4.4 of the Code says that accepting campaign contributions can serve as the basis for disqualification. The comments to the Rule warn judicial candidates to solicit or accept only such contributions as are "reasonable in amount," and "appropriate under the circumstances" and that "the candidate should instruct his or her campaign committee to be especially cautious in connection with such contributions so they do not create grounds for disqualification *if the candidate is elected to judicial office.*"

But what about if the candidate is already in office?

What is the "reasonable amount" that is "appropriate under the circumstances"? The Nevada judicial code doesn't say. Indeed, it's hard to imagine how *any amount* is appropriate when a case is open and pending for decision before the judge seeking the contribution!

In California, a judge is subject to disqualification if he/she accepts more than \$1,500 from a party/lawyer with an open case and the donation was received in the last election or in anticipation of an upcoming election. More than 10 of Johnson's contributions would fall under that category. (CA Code of Civil Procedure Sec. 170.1)

In Mississippi, the amount leading to disqualification is \$1,000 for state trial court judges, such as the Johnsons. (MS Judicial Canons, Sec. 3E(2).) At least 26 of Eric Johnson's donations meet that criteria.

In Utah, the amount is only \$50. (Utah Judicial Canon, Rule 2.11(A)(4).) Virtually all of the noted donations on the spreadsheet would disqualify him under that standard.

**VETERANS
IN POLITICS**[MEMBER'S LOGIN](#)[Home](#)[News](#)[Goals & Values](#)[Officers](#)[Radio](#)[Events](#)[Photos](#)

03. Where are the Disclosures on the Record and Waivers?

Many of us would agree that a judge taking money from active litigants can at least trigger the "appearance of impropriety." When that is triggered, Nevada Judicial Canon 2.11 requires all Judges to disclose to the litigants any information that *may* result in the "appearance of impropriety."

The "appearance of impropriety" and grounds for disqualification, is found to exist "whenever the judge's impartiality *might reasonably be questioned* . . ." (Comment to Canon 2.11.)

How can a judge's impartiality *not* be questioned when he is actively taking money from one of the parties or the party's lawyer?

So let's say there is an appearance of impropriety – how should Eric and Susan Johnson be handling that?

Rule 2.11, Comment 5, says that "a judge should disclose on the record information that the judge believes the parties or their lawyers *might* reasonably consider *relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.*"

The judge is supposed to make the disclosure on the record, in front of the parties, let the parties discuss it outside the purview of the judge, and then decide whether they want to seek the judge's removal or waive their rights to do so.

So where are the disclosures and waivers in Eric and Susan Johnson's numerous cases? Even if they believed that the first Contribution and Expense report that Eric Johnson filed for his campaign on May 24, 2016 should serve as their disclosure, where are the waivers? And, were any disclosures made and



VETERANS IN POLITICS

[MEMBER'S LOGIN](#)
[Home](#)
[News](#)
[Goals & Values](#)
[Officers](#)
[Radio](#)
[Events](#)
[Photos](#)

Nevada, it's time to expect, more demand, more from our judges. We expect them to be held to a higher standard than our politicians and to be a role model for what our society as a whole strives to be – honest, trustworthy, fair, impartial, and wise.

Tellingly, the judicial canons say that judges are supposed to surpass the moral requirements set forth in the judicial code, and that the code is not meant to be an exhaustive list of what judges are/aren't supposed to do.

Let's vote judges into office who truly have a "high moral compass" – that means someone who does the right thing not only when it's easy to do so, but who does it even when it's against their own interests to do so, and even when they think they can get away with not doing it.

In our opinion, neither of the Judge Johnsons meet that standard.

Click onto links below for Related Articles on

Eric Johnson:

["Did Eric Johnson Perjured himself for a Judicial Appointment to the Clark County District Court Bench?"](#)

[An open letter to Voters about your Clark County District Court Judge!](#)

["The North Las Vegas Judicial Discipline/Recall Story Is Not Over ... Not By a Longshot!"](#)

["ERIC JOHNSON – IT'S TIME TO 'FESS UP ABOUT THE JUSTICE DEPARTMENT INVESTIGATIONS ... OF YOU."](#)

["Judges' Association Sides with Ramsey – Says that Judge Johnson Got it Wrong. There Should Be No Recall!"](#)

[Print Friendly](#)

BY [STEVE SANSON](#) IN [HOME - FEATURED, NEWS, PRESS RELEASE TAGS](#) [CAMPAIGN MONEY, IS JUSTICE FOR SALE IN NEVADA, JUDGE ERIC JOHNSON, SUSAN JOHNSON \(DEPT. 22\).](#)

October.17.2016

0

[STEVE SANSON INTERVIEWED BY THE IRELAND'S NATIONAL PUBLIC SERVICE BROADCAST PART 1-2](#)



**VETERANS
IN POLITICS**

[MEMBER'S LOGIN](#)

[Home](#)

[News](#)

[Goals & Values](#)

[Officers](#)

[Radio](#)

[Events](#)

[Photos](#)

About author



Steve Sanson (Steve Sanson)

More posts

[POPULAR](#)

[LATEST](#)



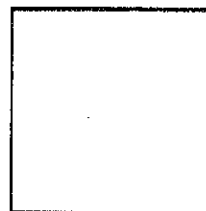
[BAD APPLE FAMILY COURT
JUDGES: "THE FINAL SOLUTION"](#)



[Group calls to recall Nevada
Governor!](#)



[NO FREE RIDE for
HARTER!!](#)



[Deplorable actions by Family
Court Judge Rena Hughes
against a minor child](#)

EXHIBIT # 13

-----Original message-----

From: Joseph Gutierrez <jag@mgalaw.com>

To: hotopix <hotopix@gmail.com>; rsheridan34 <rsheridan34@aol.com>

Sent: Sun, Oct 28, 2018 10:22 am

Subject: RE: Notes on Motion and oral argument

Rene/Patrick,

After going through our *filed* limited opposition to the motion to enforce settlement, I realized that our office made the mistake of not redacting the settlement amounts contained in the emails attached as Exhibit 5 to our opposition brief that was ultimately used as Exhibit A to the Defendants' reply brief.

I take full responsibility for this mistake and I intend on correcting it as follows:

1. File the **attached** motion to redact Exhibit 5 and Defendants' Exhibit A tomorrow morning (or put a stipulation on the record if Defendants agree to file redacted versions of this document).
2. As an alternative to the motion (or stipulation if Defendants will stipulate), is for me to request orally tomorrow that that Judge Denton strike both the opposition and reply from the record, and allow both parties to refile them with proper redactions.

Given that the filing of this unredacted exhibit was my mistake, I cannot take to position in court tomorrow that Defendants breached the confidentiality portion of the Material Terms agreement by refiling the unredacted email exhibit in support of their reply brief.

Defendants are not taking the position that this filing was a breach of any kind on your part, as their reply is still focusing on confirming the settlement agreement based on the Material Terms document.

Therefore, my focus tomorrow will be to argue the merits of the opposition to the enforce settlement agreement by attacking Sedlak's failure to appear to the MSC, Defendants' failure to comply with the material terms of indemnity and payment, and requesting sanctions for Sedlak's failure to appear.

I am in the office for the next few hours if you want to discuss.

If not, I will plan on seeing you tomorrow morning at 7am at the Tuscany to drive you to court and prepare for the hearing.

Joseph A. Gutierrez
MAIER GUTIERREZ & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Tel: 702.629.7900 | Fax: 702.629.7925
jag@mgalaw.com | www.mgalaw.com

EXHIBIT # 14

1 CODE
2 Rene Sheridan
3 23823 Malibu Road, #50-364
4 Malibu, CA 90265
5 Tel: 310-422-9944
6 *In Pro Per*

7
8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE
10

11
12 RENE SHERIDAN, an individual,
13 Plaintiff,

14 v.

Case No.:

15 JOSEPH A. GUTIERREZ, an individual;
16 STEVEN G. KNAUSS, an individual;
17 JASON R. MAIER, and individual;
18 MAIER GUTIERREZ & ASSOCIATES;
19 a Domestic Professional LLC, and
20 DOES I-XX, inclusive, and XYZ
21 CORPORATIONS I-XX, inclusive,
22 Defendants.

Dept. No.:

23
24
25 **COMPLAINT FOR LEGAL MALPRACTICE**

26 COMES NOW, Plaintiff, RENE SHERIDAN, (hereafter "Plaintiff" or "Sheridan") in pro
27 per, for causes of action do hereby files her Complaint and avers and alleges as follows:

28 **I. PARTIES, JURISDICTION & VENUE**

1. Plaintiff SHERIDAN is, and at all relevant times was, a resident of California.

2. Defendant JOSEPH A. GUTIERREZ ("Defendants/Gutierrez"), an individual and attorney at MAIER GUTIERREZ & ASSOCIATES who was hired to represent Plaintiff Sheridan. It is believed that at all relevant times, Defendant Gutierrez is a resident of Nevada.

3. Defendant STEVEN G. KNAUSS ("Defendants/Knauss"), an individual and attorney at MAIER GUTIERREZ & ASSOCIATES who was hired to represent Plaintiff Sheridan. It is believed that at all relevant times, Defendant Knauss is a resident of Nevada.

4. Defendant JASON R. MAIER, ("Defendants/Maier") an individual and attorney at MAIER GUTIERREZ & ASSOCIATES who was hired to represent Plaintiff Sheridan. It is believed that at all relevant times, Defendant Maier is a resident of Nevada.

5. Defendant MAIER GUTIERREZ & ASSOCIATES ("Defendants/MGA") a Nevada Professional Limited Liability Company doing business in Nevada of which the PLLC was hired to represent Plaintiff Sheridan with their principal place of business at 8816 Spanish Ridge Avenue, Las Vegas, Nevada.

6. The true names and capacities, whether individual, corporate, associate, partnership, professional association, joint venture or otherwise of defendants denominated DOES 1-10 are unknown to the Plaintiff who, therefore, sues these defendants by fictitious names. Each of these defendants is liable for the actions or omissions of Defendants by operation of law under agency principles. The Plaintiff will ask leave of the Court to amend the Complaint to insert the true names and capacities of DOES 1-10, inclusive, when the same have been determined, and to join such defendants in this action by operation of NRCP 10(a) and *Nuremberger Hercules-Werke GMBH v. Viresrek*, 107 Nev. 873, 822 P.2d 1100 (1991).

7. At all times relevant to the allegations of this Complaint, each of the Defendants names, including DOES 1-10, were agents of the other remaining Defendants and were acting with actual or apparent authority in the conduct alleged.

1 8. Each of the Defendants were acting in concert with each other and were the agents
2 and employees of each other and were acting within the course and scope of their employment
3 when they knowingly and intentionally caused injury to Plaintiff.

4 9. Each of the Defendants is jointly and severally liable for the damages to Plaintiff as
5 hereinafter more particularly alleged.

6 10. Every act or omission of the Defendants and their agents and employees, whether or
7 not within the scope of their agency, was ratified by the other remaining individual, corporate, joint
8 venture or partnership defendants.

9 11. At all times material to the allegations in this Complaint, Defendants Gutierrez,
10 Knauss and Maier were an employees, shareholders or members of MGA, which is legally and
11 vicariously responsible by operation of law for their actions or omissions.

12 12. This litigation involves the negligence and legal malpractice of the Defendants in
13 the legal representation of Plaintiff during business and settlement negotiations.

14 13. Plaintiff brings this action in Nevada against Defendants and is informed and
15 believes and hereon alleges that all Defendants reside in or are incorporated under the law of the
16 State of Nevada and at which all times pertinent hereto, were and still are conducting business and
17 entered into contracts in Nevada, all in relation to the claims herein.

18 14. Jurisdiction and venue are proper herein because Defendants conducted business
19 with Plaintiff in the State of Nevada, and Plaintiff's claims are in excess of \$15,000.00.

20
21
22 **II. GENERAL ALLEGATIONS**

23 15. Plaintiff hired the Defendants to represent her and her company, GoRock, LLC in
24 regard to a business dispute involving the theft of Plaintiff's intellectual property rights and half
25 ownership of the production of a motion picture, as well as a filing with the Nevada Secretary of
26 State in
27
28

1 which Plaintiff's name was fraudulently removed from the business representing the movie
2 production.

3 16. The Court granted limited jurisdictional discovery to the Plaintiff just prior to
4 Plaintiff initially hiring the Defendants. Plaintiff hired the Defendants to assist with a Rule 16
5 Conference and the ongoing litigation. The Rule 16 Conference was ordered by the Court to
6 establish discovery parameters. Plaintiff's business colleague and investor, Patrick Cannon,
7 attended the Conference, but was precluded from speaking on Plaintiff's behalf. Plaintiff believed
8 that Defendant Gutierrez, the senior attorney would be appearing on Plaintiff's behalf for the Rule
9 16 Conference. Instead, Gutierrez sent his woefully inexperienced associate, Steven Knauss.
10 Knauss stated that this was his first Rule 16 Conference and had appeared in his gym clothes.
11 Plaintiff's business colleague Patrick Cannon, who was at the Conference, was shocked at Knauss'
12 unprofessionalism.
13

14
15 During the conference Cannon was not allowed into chambers while Knauss advocated
16 against Plaintiff's interests. Knauss argued that Plaintiff didn't want or need any discovery which
17 was the entire reason Plaintiff sought the Rule 16 Conference in the first place. Knauss' argument
18 was completely contradictory to the efforts to get the conference granted, let alone to then dismiss
19 the discovery requests during the conference (Exhibit 1). Knauss argued against Plaintiff's interests
20 based upon his belief that opposing counsel was "severe," that his error was "benign" and that
21 Knauss would try to fix his error later. The error was never fixed by Knauss or MGA to Plaintiff's
22 detriment.
23

24 17. Shortly after the Rule 16 Conference, opposing counsel in that case was instructed
25 by the Court to file an Order memorializing the findings after hearing. However, the Order
26 contained a material error which changed the entire meaning in the Court's findings. MGA did not
27 catch the error, but only at Plaintiff's insistence did they reluctantly file a motion to correct the
28

1 error. During the hearing, the Court specifically asked Knauss if the incorrect Order was submitted
2 by Plaintiff's counsel. Knauss responded "Correct," which was completely false. The error was
3 purposefully filed by opposing counsel to harm Plaintiff by changing the locale to California and
4 not Nevada, which was the correct location. It was a deliberate fabrication that would give the Court
5 the false impression that Plaintiff's had an interest in a California LLC, which would remove the
6 illegal conversion claim from the Nevada jurisdiction.
7

8 Knauss knew the Defendant's counsel Gallagher was the one who deliberately and
9 purposefully filed the incorrect Order, not Plaintiff. Yet Knauss stated on the record that the error
10 was a clerical one, and that Plaintiff was the one who filed the incorrect Order. Knauss knew this
11 was completely false yet still stated in open court that the Plaintiff's had filed the Order, even after
12 Plaintiff's presented to Knauss the irrefutable evidence that the opposing attorney, in direct defiance
13 of the Court's direction, filed the fraudulent Order. Even the Court commented that the Order didn't
14 make sense, yet Knauss didn't seek sanctions against opposing counsel at the request of Plaintiff.
15 This demonstrates the negligent representation of Knauss of Plaintiff's interests in failing to set the
16 record straight, implicating Plaintiff in the error, and by further absolving Gallagher (opposing
17 counsel in the underlying case) of her misconduct (Exhibit 2). This negligence caused Plaintiff
18 financial harm in having to litigate this issue as MGA failed to catch the error initially, necessitating
19 the filing of the motion at Plaintiff's insistence. MGA failed in not seeking sanctions or attorney's
20 fees for Gallagher's false assertion.
21
22

23 18. Knauss' misconduct was also demonstrated by his practice of altering Plaintiff's
24 Declarations after Plaintiff had signed them. Plaintiff would review the Declarations presented by
25 MGA, sign them and then believed they would be filed as is. Plaintiff only became aware of the
26 damaging changes made by Knauss after Plaintiff had ok'd the version she signed and saw the
27 version that were then filed. These fraudulent alterations were made by Knauss and often altered the
28

1 entire meaning of the Plaintiff's factual position and argument in direct contradiction to her interests
2 (Exhibit 3). Plaintiff began to believe that Knauss was working with opposing counsel Gallagher to
3 allow opposing counsel to re-write the Declarations before filing to harm Plaintiff's legal position.
4 Knauss further altered discovery requests contrary to the information and requests provided by
5 Plaintiff, directly in opposition to Plaintiff's legal position. These negligent and fraudulent actions
6 further caused direct harm to Plaintiff.
7

8 19. Defendants had previously failed to acquire any of the necessary and relevant
9 discovery, including the highly relevant company records, despite Plaintiff's insistence.

10 20. Defendants allowed the underlying case's Defendant Rudolf Sedlak, to file a
11 renewed Motion to Dismiss on jurisdictional grounds. This led to an appeal with the Nevada
12 Supreme Court and the case was then assigned to a mandatory Nevada Supreme Court Settlement
13 Program.
14

15 21. It was Court ordered that attendance by all parties was mandatory. During the
16 Settlement Conference, Defendant Gutierrez maintained and asserted for over 2 hours to Plaintiff
17 that Defendant Sedlak was present in the other room. Sedlak in fact was not present contrary to the
18 assertions made by Gutierrez. Sedlak made himself unreachable and the Settlement Judge attempted
19 to contact Sedlak to no avail. Sedlak's willful failure to attend the mandatory settlement conference
20 was in direct violation of NRAP 16(e)(3).
21

22 22. Plaintiff adamantly wanted sanctions to be sought against Sedlak. Gutierrez insisted
23 that Plaintiff accept an unauthorized substitute for Sedlak. Gutierrez then offered Plaintiff a
24 reduction in her total legal bill in exchange for Plaintiffs continued participation in the Settlement
25 Conference. Gutierrez then argued against sanctions for Sedlak and went so far as to object to
26 Sedlak's violation entirely by accepting an unauthorized substitute for Sedlak, knowing that the
27 substitute did not have authority to make any decision on the part of the underlying Defendants.
28

1 23. The parties then proceeded with an 8.5-hour Settlement Conference in which a loose
2 list of terms to be included and formalized in a final settlement agreement were agreed upon. The
3 parties would disagree on a number of the terms, but the parties did agree that the Confidentiality
4 Clause of the Agreement was an essential term of the Agreement and any disclosure by either side
5 would constitute a material breach (Exhibit 4).
6

7 24. The parties further agreed that the payment terms of the Material Terms were to be
8 strictly confidential and the parties and their respective counsel would not disclose the facts or
9 contents of the Agreement.

10 25. The Defendants in that case took the draft Settlement Agreement, signed the material
11 terms and filed with the Court to enforce the terms based upon MGA's actions in failing to assert
12 that the settlement agreement was not finalized, was an agreement to negotiate and in no way was a
13 meeting of the minds.
14

15 26. Plaintiff insisted that MGA correct their error in allowing opposing counsel to file
16 the draft settlement agreement which was not finalized in any way and of which Plaintiff was not in
17 agreement. MGA failed to again correct this fraudulent filing by Defendants and was only allowed
18 to file a limited Opposition in regard to the Defendant's subsequent filing to enforce.

19 Within the limited Opposition, Defendant Gutierrez included an unredacted email from
20 Knauss and Gallagher which included the material terms of the Agreement, including settlement
21 amounts and the exact funding terms in direct breach and violation of the Confidentiality Clause of
22 the Agreement.
23

24 27. Defendant Gutierrez sent an email to Plaintiff stating that after going through the
25 limited opposition to the motion to enforce the settlement that was filed on Plaintiff's behalf, MGA
26 had made the material mistake of not redacting the settlement amounts contained in the emails as
27 Plaintiff's Exhibit 5 of the Limited Opposition previously filed (Exhibit 5).
28

1 28. Opposing counsel then duplicated the entire unredacted email exchange provided by
2 Knauss and Gutierrez and filed it with the Court as well. Both filed unredacted versions remained
3 with the Court and as public record for over 45 days. At no time did Gutierrez or Gallagher alert the
4 Court to the unredacted version to correct the error. In fact, Plaintiff only became aware that the
5 unredacted version had been filed when a colleague had informed Plaintiff of the confidential terms
6 after reading it off the Court's docket.
7

8 29. Once Plaintiff became aware of the damaging disclosure, Plaintiff confronted
9 Gutierrez about the blatant malpractice and negligence. Only then did Gutierrez admit to Plaintiff
10 that he would be unable to prosecute a breach of the terms by the opposing counsel, as he had just
11 learned that he was the one in fact who filed the unredacted terms. Gutierrez further went on to state
12 that he takes full responsibility for this mistake and is intent on correcting it (Exhibit 6). However,
13 his only intent on correcting was to try to have the document redacted or in the alternative, to have
14 the parties stipulate to refile with the proper redactions 45 days after being on the public record.
15

16 30. Due to his negligence and the negligence of MGA, Defendant Gutierrez was unable
17 to take the position and argue on the behalf of Plaintiff that the Defendants in that case breached the
18 confidentiality portion of the Material Terms agreement, because Defendant Gutierrez himself took
19 that argument away by being the initiating breaching party. This was extremely damaging to
20 Plaintiff and her position in the litigation. In fact, Gutierrez's negligence completely destroyed any
21 argument Plaintiff may have had in regard to her argument and position.
22

23 31. With the only viable argument removed by Gutierrez's negligence, Gutierrez's only
24 focus was then to argue the merits of the opposition to enforce the settlement agreement by
25 attacking terms which were not the main concern of Plaintiff. Instead, MGA through their
26 negligence included the settlement amounts in the Settlement Agreement.
27

28 32. This was a complete breach of the confidentiality agreement signed by all parties and

1 a negligent breach by Plaintiff's attorney. By providing the settlement terms in a publicly filed
2 document, Plaintiff was settling for a fraction of her interest on the belief that those sums would
3 remain confidential. They were not. This negligence was extremely harmful to the value of
4 Plaintiff's professional services as a producer. It further shows that Plaintiff could be deemed
5 untrustworthy and unprofessional by providing material terms of a contract in a public forum. This
6 negligence has damaged Plaintiff's reputation, her professionalism and her financial position for
7 future endeavors.
8

9 33. Due to the negligence of MGA, Defendant Gutierrez left the Plaintiff in the
10 vulnerable position of being unable to argue from the position of being a non-breaching party. Now,
11 due to his negligence, Plaintiff had become a breaching party. This is in addition to the opposing
12 party also having breached the material terms by filing a Reply to the limited Opposition with the
13 unredacted terms and settlement sums as provided by Defendant Gutierrez.
14

15 34. Plaintiff filed an appeal with the Nevada Supreme Court in opposition to the one-
16 sided settlement agreement terms which damaged Plaintiff (Exhibit 7).

17 35. The breach by Defendant Gutierrez was so egregious that the Nevada Supreme Court
18 made note of it in its Affirmance.

19 36. The Supreme Court issued an Opinion in which the Court stated, "We further
20 disagree with Sheridan's argument that she was excused from any obligation under the settlement
21 due to a breach of the agreement's confidentiality provision. Sheridan's own counsel breached that
22 provision. Cf. Lange v. Hickman, 92 Nev. 41, 43, 544 P.2d 1208, 1209 (1976). ("[An] attorney's
23 neglect is imputed to his client, and the client is held responsible for it."). The appropriate relief for
24 any harm caused by that breach, therefore, is a malpractice action against Sheridan's former
25 counsel, not the district court to invalidate the settlement agreement. (The client's recourse is an
26 action for malpractice")." (Exhibit 8- see pages 5-6)
27
28

1 37. Further, by this breach, MGA made Plaintiff a breaching party and removing
2 Plaintiff's ability to seek recourse. The Defendants in the underlying case stated on the record that
3 they were also a breaching party by including the email with the material terms in their Reply brief.
4 However, due to Plaintiff's counsel being the initiating breaching party, Plaintiff's ability to seek
5 any recourse was completely removed (Exhibit 9).
6

7 39. The damage done to Plaintiff's professional reputation and value was, and will
8 always be, devastating to Plaintiff's career. Plaintiff only agreed to a fraction of the value of
9 Plaintiff's half ownership of the production of the motion picture under the terms of the Agreement.
10 Defendants not only devalued the professional status of the Plaintiff, but also the value of the
11 production itself.
12

13 40. The Settlement Agreement that was being drafted by Gutierrez and opposing counsel
14 provided for terms that were contrary to Plaintiff's interests. Gutierrez provided for a bizarre
15 admission of Plaintiff's guilt, and indemnification clause that only indemnifies the underlying
16 case's Defendants and not Plaintiff, and a defamation clause that opens the Plaintiff to unlimited
17 and meritless lawsuits and provides an incentive to do so (Exhibit 7). Further, the Settlement
18 Agreement was structured to where the underlying Defendant was able to make a small initial
19 payment, but the main payment wasn't due for 60 days. This made it easy for the underlying
20 Defendant to default on the payment, which they have done (Exhibit 10). Plaintiff cannot see how
21 Gutierrez, Knauss and MGA advocated for Plaintiff's interests in the creation of the one-sided
22 settlement agreement, which was detrimental to Defendant's client, the Plaintiff. In fact, it is clear
23 that Defendants actively worked against Plaintiff's interests and the case was dismissed (Exhibit
24 11).
25

26 41. Based upon the numerous and ongoing errors, Plaintiff fired MGA as her counsel of
27 record on October 29, 2018 due to the ongoing negligence and failure to adequately represent her,
28

1 and in fact, had been actively working against Plaintiff's interests. Interestingly, MGA filed that
2 same day a Lien for Attorney's Fees and Judgment. This further harmed Plaintiff by precluding her
3 from obtaining further investment monies for other creative projects and negatively affected
4 Plaintiff's credit worthiness. This demonstrates Defendant's fraudulent intent to gain unearned
5 attorney's fees for work that was not competently completed (Exhibit 12).
6

7 42. Plaintiff has suffered damages in excess of \$15,000.

8 43. Plaintiff is informed, believes and hereon allege that he above actions of all named
9 Defendants are continuous.

10 **III. CAUSES OF ACTION**

11 **FIRST CLAIM FOR RELIEF**
12 **Professional Negligence**
13 **All Defendants**

14 1. Plaintiff realleges the allegations contained in the other paragraphs of this Complaint
15 and incorporates them by reference as if fully set forth here.

16 2. A legal malpractice action under Nevada law requires an attorney- client
17 relationship, a duty owed to the client by the attorney, breach of that duty, and the breach is the
18 actual and proximate cause of the client's damages, *Kahn v. Morse & Mowbray*, 121 Nev. 464, 477,
19 117 P.3d 227, 236 (2005).

20 3. An attorney/client relationship existed between Plaintiff and the Defendants. In their
21 representation of the Plaintiff, the Defendants had a duty to exercise that degree of skill and
22 competence consistent with the standard of care of attorneys practicing law in the State of Nevada.
23 The Defendants negligently disclosed sensitive information, including the financial terms without
24 redactions during the settlement negotiations in direct breach of the actual Settlement Agreement.
25 This negligence also removed Plaintiff's ability to argue from a non-breaching party standpoint and
26 placed Plaintiff in a highly disadvantaged position. This negligence removed any recourse Plaintiff
27
28

1 may have had as she was no longer a non-breaching party. In fact, the negligence of Defendants has
2 damaged Plaintiff throughout their entire representation of Plaintiff (Exhibit 13).

3 4. Defendants breached their duty to Plaintiff to exercise reasonable care and are liable
4 for the damages incurred as a consequence.
5

6 5. As a direct and proximate result of the professional negligence of the Defendants, the
7 Plaintiff has suffered the following damages:

- 8 a. Fees paid to the Defendants for services which had no value,
9 b. Costs incurred in the underlying litigation,
10 c. Fees paid to prosecute an unsuccessful appeal to the Nevada Supreme Court,
11 d. Loss in excess of \$15,000.00, greater than the minimum jurisdictional
12 amount of this court to be proved at the time of trial.
13
14 e. Punitive damages for the willful, fraudulent and malicious conduct of
15 Defendants.

16 **SECOND CLAIM FOR RELIEF**
17 **Breach of Contract**
18 **All Defendants**

19 1. Plaintiff realleges the allegations contained in the other paragraphs of this Complaint
20 and incorporates them by reference as if fully set forth here.

21 2. Plaintiff and Defendants entered into a valid and existing contract for legal services
22 to be provided by the Defendants;

23 3. Plaintiff has performed all of her obligations and satisfied all of the conditions under
24 the contract, and/or her performance and conditions were excused;

25 4. Defendants breached the terms of the contract by failing to exercise that degree of
26 skill and competence consistent with the standard of care of attorneys practicing law in the State of
27 Nevada by releasing the terms of the settlement negotiations in breach of the Settlement Agreement,
28

1 in addition to the ongoing negligent representation as set forth above.

2 6. Defendants breached their duty to Plaintiff to exercise reasonable care and
3 are liable for the damages incurred as a consequence.

4 7. As a direct and proximate result of the breach of contract by the Defendants, the
5 Plaintiff has suffered the following damages:

- 6 a. Fees paid to the Defendants for services which had no value,
7 b. Costs incurred in the underlying litigation,
8 c. Fees paid to prosecute an unsuccessful appeal to the Nevada Supreme Court,
9 d. Loss in excess of \$15,000.00, greater than the minimum jurisdictional
10 amount of this court to be proved at the time of trial.
11
12 e. Punitive damages for the willful, fraudulent and malicious conduct of
13 Defendants.
14

15 **THIRD CLAIM FOR RELIEF**
16 **(Quasi-Contract / Equitable Contract / Detrimental Reliance)**
17 **All Defendants**

18 1. Plaintiff realleges the allegations contained in the other paragraphs of this Complaint
19 and incorporates them by reference as if fully set forth here;

20 2. Defendants are contractually obligated to Plaintiff. The contractual obligations are
21 based upon the underlying agreements between the Defendants and Plaintiff, and principles of
22 equity and representations made by the Defendants;

23 3. Plaintiff relied upon the Defendants' representations and trusted the Defendants to
24 provide adequate and competent legal representation;

25 6. Defendants were informed of, and in fact knew of, Plaintiff's reliance upon their
26 representations;

27 7. Based on these facts, equitable or quasi-contracts existed between the Plaintiff and
28

1 the Defendants;

2 8. Defendants, however, have failed to perform their obligations;

3 9. These failures constitute material breaches of their agreements;

4 10. Plaintiff has performed all of her obligations and satisfied all conditions under the
5 contracts, and/or his performance and conditions, under the contracts, were excused;

6 11. As a direct and proximate result of Defendants' wrongful conduct, Plaintiff has been
7 harmed.

8 12. In addition, as a direct, proximate and necessary result of Defendant's wrongful
9 conduct, Plaintiff has been forced to incur costs and fees and thus Plaintiff seeks an award of said
10 costs and fees as damages pursuant to statute, decisional law, common law and this Court's inherent
11 powers;

12 13. As a direct and proximate result of the breach of contract by the Defendants, the
13 Plaintiff has suffered the following damages:

- 14 a. Fees paid to the Defendants for services which had no value,
15 b. Costs incurred in the underlying litigation,
16 c. Fees paid to prosecute an unsuccessful appeal to the Nevada Supreme Court,
17 d. Loss in excess of \$15,000.00, greater than the minimum jurisdictional
18 amount of this court to be proved at the time of trial.
19 e. Punitive damages for the willful, fraudulent and malicious conduct of
20 Defendants.

21
22
23
24 **FOURTH CLAIM FOR RELIEF**
25 **(Breach of the Implied Covenant of Good Faith and Fair Dealing)**
26 **All Defendants**

27 1. Plaintiff realleges the allegations contained in the other paragraphs of this Complaint
28

1 and incorporates them by reference as if fully set forth here;

2 2. As alleged herein, Plaintiff entered into one or more contracts with Defendants;

3 3. Under the terms of the contracts, Defendants were obligated to provide competent
4 legal representation to Plaintiff;

5 4. Every contract in Nevada has implied into it, a covenant that the parties thereto will
6 act in the spirit of good faith and fair dealing;

7 5. Defendants have breached this covenant by intentionally making false and
8 misleading statements to Plaintiff, and for their other wrongful actions as alleged in this Complaint.

9 6. In addition, as a direct, proximate and necessary result of Defendant's wrongful
10 conduct, Plaintiff has been forced to incur costs and fees and thus Plaintiff seeks an award of said
11 costs and fees as damages pursuant to statute, decisional law, common law and this Court's inherent
12 powers;

13 7. As a direct and proximate result of the breach of contract by the Defendants, the
14 Plaintiff has suffered the following damages:

- 15 a. Fees paid to the Defendants for services which had no value,
16 b. Costs incurred in the underlying litigation,
17 c. Fees paid to prosecute an unsuccessful appeal to the Nevada Supreme Court,
18 d. Loss in excess of \$15,000.00, greater than the minimum jurisdictional
19 amount of this court to be proved at the time of trial.
20 e. Punitive damages for the willful, fraudulent and malicious conduct of
21 Defendants.
22

23
24
25 **FIFTH CLAIM FOR RELIEF**
26 **(Vicarious Liability)**
27 **All Defendants**

28 1. Plaintiff realleges the allegations contained in the other paragraphs of this Complaint

1 and incorporates them by reference as if fully set forth here;

2 2. At all times relevant, Defendants Gutierrez, Defendant Knauss and Defendant Maier,
3 were employees of the Defendant MGA, a Nevada Professional Corporation. As a consequence,
4 Defendant MGA is vicariously liable by operation of law for the actions and omissions of
5 Defendants Gutierrez, Defendant Knauss and Defendant Maier.
6

7 3. An attorney/client relationship existed between Plaintiff and the Defendants. In their
8 representation of the Plaintiff, the Defendants had a duty to exercise that degree of skill and
9 competence consistent with the standard of care of attorneys practicing law in the State of Nevada.

10 4. Defendants breached their duty to Plaintiff to exercise reasonable care and MGA is
11 liable for the damages incurred as a consequence.

12 8. As a direct and proximate result of the professional negligence of the Defendants, the
13 Plaintiff has suffered the following damages:
14

- 15 a. Fees paid to the Defendants for services which had no value,
16 b. Costs incurred in the underlying litigation,
17 c. Fees paid to prosecute an unsuccessful appeal to the Nevada Supreme Court,
18 d. Loss in excess of \$15,000.00, greater than the minimum jurisdictional
19 amount of this court to be proved at the time of trial.
20 e. Punitive damages for the willful, fraudulent and malicious conduct of
21 Defendants.
22

23 **SIXTH CLAIM FOR RELIEF**
24 **(Fraud)**
25 **Defendant Gutierrez and MGA**

26 1. Plaintiff realleges the allegations contained in the other paragraphs of this Complaint
27 and incorporates them by reference as if fully set forth here;

28 2. Defendants advertised and presented themselves as skilled and competent attorneys

1 who would aggressively represent their clients' interests. However, most of Plaintiff's case was
2 handled by interns and support staff who had neither the training nor education to properly handle a
3 complex business litigation and these staff members were not licensed attorneys.

4 3. The control and management of cases by non-lawyer support staff is the business
5 model and practice of the Defendant. This is done to inflate bills without the requisite legal work
6 being completed by a skilled licensed attorney. The staff, including assistants and Knauss were
7 inadequately supervised by the Defendant Gutierrez and lacked the skill, training and competence to
8 practice law in place of Gutierrez. Defendant Gutierrez would routinely refer to Knauss as the
9 "newbee from Legal Zoom" and was fresh out of law school with very little high-level litigation
10 practice. In fact, Knauss had never attended a Rule 16 Conference before and showed up in his gym
11 clothes.
12

13 4. Gutierrez routinely had interns, with zero law experience, doing complex litigation
14 work with no supervision and charging as if they were licensed attorneys at the firm.
15

16 5. Through his law office management practices, Defendant Gutierrez consciously and
17 deliberately created a risk that the clients in his office would receive substandard legal care from
18 employees not licensed to practice law. This was fraud by deception and concealment.
19

20 6. Plaintiff relied upon the representations, express and implied, by Defendant
21 Gutierrez that her case would be competently and skillfully managed and resolved. It was not and
22 Plaintiff suffered the damages alleged above as a result.

23 7. The conduct of Defendant Gutierrez was in conscious disregard for the probable
24 harmful consequences of his actions and omissions; therefore, the Defendants should suffer punitive
25 damages for the sake of example and by way of punishment.

26 8. As a direct and proximate result of the professional negligence of the Defendants, the
27 Plaintiff has suffered the following damages:
28

- a. Fees paid to the Defendants for services which had no value,
- b. Costs incurred in the underlying litigation,
- c. Fees paid to prosecute an unsuccessful appeal to the Nevada Supreme Court,
- d. Loss in excess of \$15,000.00, greater than the minimum jurisdictional amount of this court to be proved at the time of trial.
- e. Punitive damages for the willful, fraudulent and malicious conduct of Defendants.

WHEREFORE, the Plaintiff prays for judgment against Defendants for:

1. For general, special, exemplary and punitive damages sustained by the Plaintiff in a sum in excess of \$15,000.00, jointly and severally, or as the Court may see fit, together with interest on that amount, until paid;
2. Reasonable costs and fees;
3. Such other and further relief as the court may deem just and proper.

Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 31st day of August, 2020.

/s/ Rene Sheridan
Rene Sheridan
23823 Malibu Road, #50-364
Malibu, CA 90265
Tel: 310-422-9944
In Pro Per

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

VERIFICATION

I, the undersigned, hereby declare:

I am the Plaintiff in the above-entitled action. I have read the foregoing COMPLAINT and know the contents thereof; that the same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury and under the laws of Nevada that the foregoing is true and correct.

DATED this 28 day of August 2020.

Rene Sheridan

Rene Sheridan

SUBSCRIBED and sworn to
before me this _____ day of _____
2020

Notary Public

Notary Public in and for the State of California, my commission expires on _____.

STATE OF CALIFORNIA, COUNTY OF Los Angeles

Subscribed and sworn to before me on this 28 day of August, 2020.

Rene Sheridan

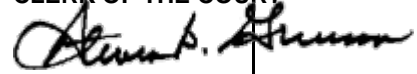
proved to me on the basis of satisfactory evidence to be the person(s) who executed foregoing.

Kelly Charpenet
(Signature of Notary)



List of Exhibits

Ex. No.:	Description
<u>1.</u>	Knauss – Rule 16 Conference
<u>2.</u>	Transcript Knauss affirmation of Gallagher's error
<u>3.</u>	Declaration's changed by Knauss
<u>4.</u>	Material Terms Agreement
<u>5.</u>	Court filing which included the unredacted email with amounts by MGA
<u>6.</u>	Email from MGA admitting the material breach and error
<u>7.</u>	Appellants Supplemental Information – Nevada Supreme Court Filing
<u>8.</u>	Order of Affirmance- Nevada Supreme Court
<u>9.</u>	Gallagher's statement of breach based upon MGA's initial breach
<u>10.</u>	Notice of Default
<u>11.</u>	Order of Dismissal
<u>12.</u>	Lien for Attorney's Fees- MGA
<u>13.</u>	Declaration by Patrick Cannon



ASTA

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

RENE SHERIDAN,

Plaintiff(s),

vs.

JOSEPH A. GUTIERREZ; STEVEN G. KNAUSS;
JASON R. MILLER; MAIER GUTIERREZ &
ASSOCIATES,

Defendant(s),

Case No: A-21-838187-C

Dept No: XXII

CASE APPEAL STATEMENT

1. Appellant(s): Rene Sheridan

2. Judge: Linda Marie Bell

3. Appellant(s): Rene Sheridan

Counsel:

Rene Sheridan
23823 Malibu Rd. #50-364
Malibu, CA 90265

4. Respondent (s): Joseph A. Gutierrez; Steven G. Knauss; Jason R. Miller; Maier Gutierrez & Associates

Counsel:

Joseph P. Garin, Esq.
9900 Covington Cross Dr., Suite 120
Las Vegas, NV 89144

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: July 20, 2021

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 82104, 84468, 84757, 84818

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 12 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: Rene Sheridan

CASE SUMMARY**CASE NO. A-21-838187-C****Rene Sheridan, Plaintiff(s)****vs.****Joseph Gutierrez, ESQ, Defendant(s)**§
§
§
§
§
§Location: **Department 22**Judicial Officer: **Johnson, Susan**Filed on: **07/20/2021**

Case Number History:

Cross-Reference Case **A838187**

Number:

Supreme Court No.: **84818****CASE INFORMATION**Case Type: **Other Civil Matters**Case
Status: **07/20/2021 Open****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-21-838187-C
Court	Department 22
Date Assigned	05/02/2022
Judicial Officer	Johnson, Susan

PARTY INFORMATION*Lead Attorneys***Plaintiff Sheridan, Rene****Pro Se****Defendant Gutierrez, Joseph A, ESQ****Garin, Joseph P**
Retained
702-382-1500(W)**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

07/20/2021



Order Granting Motion

Filed By: Defendant Gutierrez, Joseph A, ESQ

[1] Order Granting Defendants' Motion to Transfer Venue

07/22/2021



Filing Fee Remittance

Filed By: Defendant Gutierrez, Joseph A, ESQ

[2] Filing Fee Remittance

07/27/2021



Motion to Dismiss

Filed By: Defendant Gutierrez, Joseph A, ESQ

[3] Defendant's Motion to Dismiss Pursuant to NRCP 12(b)(5) [Hearing Requested]

07/27/2021



Initial Appearance Fee Disclosure

Filed By: Defendant Gutierrez, Joseph A, ESQ

[4] Initial Appearance Fee Disclosure

07/27/2021



Clerk's Notice of Hearing

[5] Notice of Hearing

07/27/2021



Certificate of Service

CASE SUMMARY

CASE NO. A-21-838187-C

Filed by: Defendant Gutierrez, Joseph A, ESQ
[6] Certificate of Service

08/03/2021



Motion to Strike

Filed By: Plaintiff Sheridan, Rene
[7] Plaintiff's Motion to Strike Defendant's Motion to Dismiss and Affidavit for Recusal of Judge Elizabeth Gonzalez Hearing Not Requested

08/03/2021



Clerk's Notice of Hearing

[8] Notice of Hearing

08/03/2021



Certificate of Service

Filed by: Defendant Gutierrez, Joseph A, ESQ
[9] Certificate of Service

08/04/2021



Declaration

[10] Declaration of Elizabeth Gonzalez

08/11/2021



Motion to Continue

Filed By: Plaintiff Sheridan, Rene
[11] Plaintiff's Ex Parte Motion for Continuance Hearing Not Requested

08/11/2021



Opposition to Motion

Filed By: Plaintiff Sheridan, Rene
[12] Plaintiff's Opposition to Defendant's Motion to Dismiss and Affidavit for Recusal of Judge Elizabeth Gonzalez

08/12/2021



Clerk's Notice of Hearing

[13] Notice of Hearing

08/12/2021



Opposition to Motion to Dismiss

Filed By: Plaintiff Sheridan, Rene
[14] Plaintiff's Opposition to Defendant's Motion to Dismiss and Affidavit for Recusal of Judge Elizabeth Gonzalez Hearing Not Requested

08/17/2021



Opposition to Motion

Filed By: Defendant Gutierrez, Joseph A, ESQ
[15] Defendants' Opposition to Plaintiff's Motion to Strike and Affidavit of Recusal

08/23/2021



Reply to Opposition

Filed by: Plaintiff Sheridan, Rene
[16] Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Strike and Affidavit of Recusal Hearing Not Requested

08/24/2021



Reply in Support

Filed By: Defendant Gutierrez, Joseph A, ESQ
[17] Defendants' Reply in Support of Motion to Dismiss Pursuant to NRCP 12(b)(5)

08/25/2021



Opposition to Motion

Filed By: Defendant Gutierrez, Joseph A, ESQ
[18] Defendants' Limited Opposition to Plaintiff's Motion for Continuance

08/26/2021



Reply in Support


Filed By: Plaintiff Sheridan, Rene


CASE SUMMARY

CASE NO. A-21-838187-C


[19] Plaintiff's Reply in Support of Opposition to Defendant's Motion to Dismiss and Reply to Defendant's Motion to Dismiss and Reply to Defendant's Opposition to Plaintiff's Motion for Continuance


09/07/2021 Administrative Reassignment - Judicial Officer Change
From Judge Elizabeth Gonzalez to Vacant, DC 11


10/08/2021  Notice of Default
Filed By: Plaintiff Sheridan, Rene
[20] Notice of Defendant's Default

10/12/2021  Motion to Strike
Filed By: Defendant Gutierrez, Joseph A, ESQ
[21] Defendant's Motion to Strike Plaintiff's Notice of Default Hearing Requested

10/13/2021  Clerk's Notice of Hearing
[22] Notice of Hearing


10/21/2021  Order
[23] Entry of Order


10/25/2021  Opposition to Motion
Filed By: Plaintiff Sheridan, Rene
[24] Opposition to Defendant's Motion to Strike Plaintiff's Notice of Defendant's Default


11/03/2021  Notice of Department Reassignment
[25] Notice of Department Reassignment


05/12/2022  Order
[26] Order Communications with Court Staff be in Writing


05/12/2022  Order
[33] Order De-Consolidating Cases and Closing Case No. A-20-813635-C

05/16/2022  Stipulation and Order
Filed by: Plaintiff Sheridan, Rene
[27] Stipulation and Order to Continue Hearing

05/30/2022  Supplement
Filed by: Plaintiff Sheridan, Rene
[28] SUPPLEMENTAL INFORMATION PLAINTIFF'S SUPREME COURT NOTICE OF APPEAL AND CASE APPEAL STATEMENT



05/31/2022  Notice of Appeal
Filed By: Plaintiff Sheridan, Rene
[29] Notice of Appeal

06/01/2022  Notice of Hearing
[30] Instructions for Department 22 Hearing Appearances

06/01/2022  Motion
Filed By: Plaintiff Sheridan, Rene
[31] Plaintiff's Motion and Affidavit for Recusal of Judge Susan Johnson

CASE SUMMARY



CASE NO. A-21-838187-C

06/02/2022	 Affidavit <i>[32] Answer to Plaintiff's Motion and Affidavit for Recusal of Judge Susan Johnson</i>
06/06/2022	 Case Appeal Statement <i>[34] Case Appeal Statement</i>
06/06/2022	 Clerk's Notice of Hearing <i>[35] Notice of Hearing</i>
06/15/2022	 Opposition to Motion Filed By: Defendant Gutierrez, Joseph A, ESQ <i>[36] Defendants Opposition to Plaintiffs Motion and Affidavit for Recusal of Judge Susan Johnson</i>
06/21/2022	 Reply Filed by: Plaintiff Sheridan, Rene <i>[37] Plaintiff's Reply to Affidavit in the Recusal of Judge Susan Johnson</i>
06/28/2022	 Decision and Order <i>[38] Decision and Order</i>
07/07/2022	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[39] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
07/09/2022	 Notice of Appeal Filed By: Plaintiff Sheridan, Rene <i>[40] Notice of Appeal</i>
07/12/2022	 Case Appeal Statement <i>Case Appeal Statement</i>

DISPOSITIONS

07/07/2022	Clerk's Certificate (Judicial Officer: Johnson, Susan) Debtors: Rene Sheridan (Plaintiff) Creditors: Joseph A Gutierrez, ESQ. (Defendant) Judgment: 07/07/2022, Docketed: 07/07/2022 Comment: Supreme Court No. 84818; Appeal Dismissed
------------	--

HEARINGS

08/16/2021	 Minute Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Minute Order - No Hearing Held; Journal Entry Details: <i>The Court notes plaintiff has filed a motion to continue. Pursuant to NRS 1.235(5) the Court can take no action on that motion and shall proceed no further with the matter until a decision is made on Plaintiffs motion for DQ. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/8/16/21;</i>
08/31/2021	 Motion to Dismiss (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion to Dismiss Pursuant to NRCP 12(b)(5)</i> Minute Order - No Hearing Held; Journal Entry Details: <i>Pursuant to NRS 1.235(5) the Court can take no action on that motion and shall proceed no further with the matter until a decision is made on Plaintiffs motion for DQ. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/9/3/21;</i>

CASE SUMMARY

CASE NO. A-21-838187-C

09/09/2021



Motion to Strike (9:00 AM) (Judicial Officer: Hardcastle, Kathy)

Plaintiff's Motion to Strike Defendant's Motion to Dismiss and Affidavit for Recusal of Judge Elizabeth Gonzalez

Motion Denied;

Journal Entry Details:

Court FOUND the present matter was previously filed and assigned to Judge Crockett as case No. A-20-813635-C. The latter Judge Crockett granted Defendant's Motion to Dismiss Without Prejudice. After the case was dismissed Plaintiff filed the in the Second Judicial District Court in Reno, NV. Plaintiff filed in the Second Judicial District Court to avoid further action from Judge Corckett. Defendants filed a motion to dismiss citing Judge Crockett's decision. The motion to dismissed was denied and Defendants filed a motion to change venue which was granted and the case was moved to the Eight Judicial District Court. Under the rules of the District Court when subsequent case is brought about involving the same parties and transactions in order to prevent judge or forum shopping the case is required to be reassigned to the department with the lowest case number. COURT ORDERED, case A-21-838187-C to be consolidated with A-20-813635-C and transferred to Department 24. COURT DENIED, Plaintiff's Affidavit of Prejudice since Judge Gonzalez had retired, matter is MOOT. Defendants pending motion to dismiss needs to be renoticed under A-20-813635-C if it is to be heard. Pending motion to strike needs to be renoticed under A-20-813635-C if it is to be heard. ;

09/17/2021



Motion (3:00 AM) (Judicial Officer: Hardcastle, Kathy)

[11] Plaintiff's Ex Parte Motion for Continuance

Off Calendar;

Journal Entry Details:

The Motion for Continuance came before this Court on the September 17, 2021 Chamber Calendar. The Court has reviewed the Motion and the Limited Opposition. The Court previously reviewed the Motion for Continuance in Relation to the Hearing on September 9, 2021. The Court entered a Minute Order on September 9, 2021 transferring the case to Department 24 to be consolidated with A-20-813635-C. As such, this Department cannot take any further action on this motion. Therefore, COURT ORDERED matter OFF CALENDAR and Plaintiff to Re-notice the Motion if further action is needed. CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. - vg/9/21/21;

10/21/2021



Minute Order (12:00 PM) (Judicial Officer: Bixler, James)

Minute Order - No Hearing Held;

Journal Entry Details:

The Court hereby corrects its minute orders of September 9, 2021 and September 17, 2021. The Minute Orders incorrectly identified the department handling the lower numbered case as Department 24. Case number A-20-813635-C, the lower numbered case into which this matter is consolidated was transferred to Department 8 as a result of Administrative Order 20-25 filed December 31, 2020 ,which reassigned all civil cases in Department 24 to Department 8. See AO-20-25, page 2:17-18. Therefore, the minute orders are hereby ORDERED CORRECTED to reflect the department assigned to this case instead of Department 24 CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10-21-2021 ks).;

11/16/2021

CANCELED Motion to Strike (9:00 AM) (Judicial Officer: Crockett, Jim)

Vacated - Case Reassigned

Defendant's Motion to Strike Plaintiff's Notice of Default

06/01/2022



Minute Order (3:00 AM) (Judicial Officer: Johnson, Susan)

Minute Order - No Hearing Held;

Journal Entry Details:

Having noted Plaintiff filed a Motion and Affidavit for Recusal of Judge Susan Johnson on June 1, 2022, this Court ORDERS the hearings concerning Plaintiff's Motion to Strike Defendants Motion to Dismiss and Defendants Motion to Dismiss scheduled to be heard Thursday, June 2, 2022 at 9:00 a.m.to be VACATED. CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. nc// 6/1/2022;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-21-838187-C

06/02/2022	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Johnson, Susan) <i>Vacated</i> <i>Defendant's Motion to Dismiss</i> 05/17/2022 <i>Continued to 06/02/2022 - Stipulation and Order - Sheridan, Rene; Gutierrez, Joseph A, ESQ</i>
06/02/2022	CANCELED Motion to Strike (9:00 AM) (Judicial Officer: Johnson, Susan) <i>Vacated</i> <i>Plaintiff's Motion to Strike Defendant's Motion to Dismiss</i> 05/17/2022 <i>Continued to 06/02/2022 - Stipulation and Order - Sheridan, Rene; Gutierrez, Joseph A, ESQ</i>
06/30/2022	CANCELED Motion (10:30 AM) (Judicial Officer: Bell, Linda Marie) <i>Vacated</i> <i>Plaintiff's Motion and Affidavit for Recusal of Judge Susan Johnson</i>
08/04/2022	Motion to Dismiss (9:00 AM) (Judicial Officer: Johnson, Susan) <i>Defendant's Motion to Dismiss</i>
08/04/2022	Motion to Strike (9:00 AM) (Judicial Officer: Johnson, Susan) <i>Plaintiff's Motion to Strike Defendant's Motion to Dismiss</i>

DATE

FINANCIAL INFORMATION

Defendant Gutierrez, Joseph A, ESQ	
Total Charges	583.00
Total Payments and Credits	583.00
Balance Due as of 7/12/2022	0.00
 Plaintiff Sheridan, Rene	
Total Charges	0.00
Total Payments and Credits	0.00
Balance Due as of 7/12/2022	0.00

DISTRICT COURT CIVIL COVER SHEET

XI

County, Nevada

Case No. _____
(Assigned by Clerk's Office)**I. Party Information** (provide both home and mailing addresses if different)

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

Rene Sheridan

1394

14466

Attorney (name/address/phone):

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

Joseph A Gutierrez

6653

13621

Attorney (name/address/phone):

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

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

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

7/20/21

Date

Prepared by the Clerk

Signature of initiating party or representative

See other side for family-related case filings.

1 **DAO**

2 **EIGHTH JUDICIAL DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4
5 RENE SHERIDAN,

6 Plaintiff,

7 vs.

8 JOSEPH GUTIERREZ, ET AL.,

9 Defendant.

Case No. A-21-838187-C

Dept. No. 22

10 **DECISION AND ORDER**

11
12 Plaintiff Rene Sheridan filed a Motion to Disqualify Judge Johnson on June 1, 2022. Plaintiff
13 alleges Judge Johnson's rulings and actions in the course of proceedings demonstrate bias. Based on
14 a review of the papers, the relevant record, Judge Johnson's response, and pursuant to EDCR
15 2.23(c), Plaintiff's Motion is denied.

16 **I. Factual and Procedural Background**

17 This case arises out of a legal malpractice claim. The case's procedural history involves
18 numerous disputes, a venue transfer, and two case numbers that have since been de-consolidated. On
19 May 2, 2022, following recusal from Judge Peterson and peremptory challenges against Judges
20 Lilly-Spells and Escobar, the matter was assigned to Judge Susan Johnson.

21 On May 12, 2022, the parties appeared before Judge Johnson for Defendants' motion for
22 sanctions and to deem Plaintiff a vexatious litigant. In the May 12 hearing, which serves as the basis
23 for Plaintiff's instant Motion for Recusal, Judge Johnson denied Defendant's motion to deem
24 Plaintiff a vexatious litigant, and granted the request that Plaintiff pay cost bonds for two
25 Defendants. Judge Johnson denied Plaintiff's countermotion for sanctions against Defendants.
26 Following the hearing, Judge Johnson issued an order in case A-20-813635-C to de-consolidate that
27 case from A-21-838187-C, and closed case A-20-813635-C on the basis that a motion to dismiss
28 was granted in July 2020. Plaintiff thereafter appealed Judge Johnson's order de-consolidating the

1 cases, and closing case A-20-813635-C. On June 10, 2022, the Nevada Supreme Court entered an
2 order dismissing the appeal.

3 On June 1, 2022, Plaintiff filed the instant Motion seeking recusal. Plaintiff asserts that she
4 was denied the right to give testimony when Judge Johnson ordered her microphone muted in the
5 May 12 hearing. Plaintiff further asserts that Judge Johnson improperly de-consolidated the two
6 aforementioned case numbers. Plaintiff states Judge Johnson denied Plaintiff's right to have her
7 opposition to Defendants' motion to dismiss be heard, and that Judge Johnson illegally demanded
8 the parties appear for a hearing on June 2, 2022 while the matter was under appeal. Plaintiff states
9 these actions represent the deep-seated favoritism or antagonism that would make fair judgment
10 impossible. Plaintiff states that Judge Johnson closed her mind to the presentation of evidence, and
11 that Judge Johnson's bias in the case is so profound, that she must be disqualified.

12 On June 2, 2022, Judge Johnson responded to Plaintiff's Motion for Recusal by stating that
13 she is not biased in this matter and has no conflict which would prevent her from sitting for this case.
14 Further, Judge Johnson states she informed Plaintiff of the requirements to appear remotely, as
15 Plaintiff did not have video enabled, however, Plaintiff was allowed to appear by telephone on May
16 12 as an exception. Because Plaintiff interrupted Judge Johnson on more than one occasion, Judge
17 Johnson states she instructed her court recorder to mute Plaintiff to prevent interruption, and then to
18 unmute Plaintiff when Judge Johnson was finished speaking on each occasion. Additionally, Judge
19 Johnson states that the motion to dismiss, which Plaintiff asserts Judge Johnson did not permit her to
20 oppose at the May 12 hearing, was on calendar for June 2, and she anticipated and would have
21 accorded Plaintiff the opportunity to oppose the motion on that date, had the hearing gone forward.

22 This Court now finds as follows.

23 **II. Discussion**

24 **A. Legal Standard**

25 Nevada Revised Statute 1.230 provides the statutory grounds for disqualifying district Court
26 judges. The statute in pertinent part provides:

- 27 1. A judge shall not act in an action or proceeding when the judge entertains actual
28 bias or prejudice for or against one of the parties to the action.

- 1 2. A judge shall not act as such in an action or proceeding when implied bias exists
2 in any of the following respects:
- 3 (a) When the judge is a party to or interested in the action or proceeding.
 - 4 (b) When the judge is related to either party by consanguinity or affinity within the
5 third degree.
 - 6 (c) When the judge has been attorney or counsel for either of the parties in the
7 particular action or proceeding before the court.
 - 8 (d) When the judge is related to an attorney or counselor for either of the parties by
9 consanguinity or affinity within the third degree. This paragraph does not apply
10 to the presentation of ex parte or contested matters, except in fixing fees for an
11 attorney so related to the judge.

12 Rule 2.7 of the Revised Nevada Code of Judicial Conduct (NCJC) provides that a “judge shall hear
13 and decide matters assigned to the judge, except when disqualification is required by Rule 2.11,” the
14 rule which details substantive grounds for judicial disqualification. Pursuant to NCJC 2.11(A):

15 (A) A judge shall disqualify himself or herself in any proceeding in which the
16 judge’s impartiality might reasonably be questioned, including but not limited to the
17 following circumstances:

- 18 (1) The judge has a personal bias or prejudice concerning a party or a party’s
19 lawyer, or personal knowledge of facts that are in dispute in the proceeding.

20 A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might
21 be reasonably questioned. Ybarra v. State, 247 P.3d 269, 271 (Nev. 2011). The test for whether a
22 judge’s impartiality might be reasonably questioned is objective and courts must decide whether a
23 reasonable person, knowing all the facts, would harbor reasonable doubts about a judge’s
24 impartiality. Id. at 272.

25 The burden is on the party asserting the challenge to establish sufficient factual and legal
26 grounds warranting disqualification. Las Vegas Downtown Redevelopment Agency v. District
27 Court, 116 Nev. 640, 643 (2000). A judge has a duty to preside to the conclusion of all proceedings,
28 in the absence of some statute, rule of court, ethical standard, or compelling reason otherwise. Id. A
29 judge is presumed to be unbiased. Millen v. District Court, 148 P.3d 694, 701 (Nev. 2006). A judge
30 is presumed to be impartial, and the burden is on the party asserting the challenge to establish
31 sufficient factual grounds warranting disqualification. Ybarra, 247 P.3d at 272. Additionally, the
32 Court must give substantial weight to a judge’s determination that the judge may not voluntarily
33 disqualify themselves, and the judge’s decision cannot be overturned in the absence of clear abuse of
34 discretion. In re Pet. To recall Dunleavy, 104 Nev. 784 (1988).

1 The Nevada Supreme Court has stated “rulings and actions of a judge during the course of
2 official judicial proceedings do not establish legally cognizable grounds for disqualifications.” Id. at
3 1275. The personal bias necessary to disqualify must “stem from an extrajudicial source and result
4 in an opinion on the merits on some basis other than what the judge learned from participation in the
5 case.” Id. “To permit an allegation of bias, partially founded upon a justice’s performance of his [or
6 her] constitutionally mandated responsibilities, to disqualify that justice from discharging those
7 duties would nullify the court’s authority and permit manipulation of justice, as well as the court.”
8 Id.

9 The Nevada Supreme Court has noted that while the general rule is that what a judge learns
10 in his or her official capacity does not result in disqualification, “an opinion formed by a judge on
11 the basis of facts introduced or events occurring in the course of the current proceedings, or of prior
12 proceedings, constitutes a basis for a bias or partiality motion where the opinion displays ‘a deep-
13 seated favoritism or antagonism that would make fair judgment impossible.’” Kirksey v. State, 923
14 P.2d 1102, 1107 (Nev. 1996); Liteky v. U.S., 510 U.S. 540 (1994) (“...judicial remarks during the
15 course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their
16 cases, ordinarily do not support a bias or partiality challenge.”). However, “remarks of a judge made
17 in the context of a court proceeding are not considered indicative of improper bias or prejudice
18 unless they show that the judge has closed his or her mind to the presentation of all the evidence.”
19 Cameron v. State, 968 P.2d 1169, 1171 (Nev. 1998).

20 **B. Disqualification is not warranted because Plaintiff has not established sufficient factual**
21 **and legal grounds for disqualification.**

22 As the party seeking disqualification, Plaintiff bears the burden of establishing sufficient
23 factual grounds to warrant disqualification. Las Vegas Downtown Redevelopment Agency v.
24 District Court, 5 P.3d 1059, 1061 (Nev. 2000). However, the rulings, and actions of a judge during
25 the course of official judicial proceedings do not establish legally cognizable grounds for
26 disqualification. Canarelli v. Eighth Judicial Dist. Court, 138 Nev. Adv. Op. 12 (2022) (concluding
27 that a party seeking disqualification as a result of a judge’s exercise of her duties must show that the
28 judge has formed an opinion displaying a deep-seated favoritism that would prevent fair judgment);

1 In re Pet. To recall Dunleavy, 104 Nev. 784, 789 (1988). Here, Plaintiff has not met the burden of
2 establishing sufficient facts for disqualification.

3 While Plaintiff claims Judge Johnson has closed her mind to evidence, she has not
4 established sufficient factual or legal grounds to prove this. In the May 12 hearing at issue, Judge
5 Johnson ruled on the motion and countermotion before her, and while Plaintiff asserts Judge
6 Johnson would not allow opposition to a pending motion to dismiss, the motion to dismiss was not
7 on calendar for that date. Instead, the motion to dismiss was on calendar for June 2, 2022, and was
8 vacated as a result of the instant Motion for Recusal. A review of the May 12 hearing does not reveal
9 the deep-seated favoritism or antagonism as characterized by Plaintiff. There is no evidence that
10 Judge Johnson's actions or rulings have been influenced by bias toward or prejudice against any
11 party to this case.

12 Further, disagreement with a judge's rulings or decisions is not a basis to disqualify. Judge
13 Johnson's instruction to mute Plaintiff after interruption is not indicative of bias, as Plaintiff was
14 otherwise given adequate time to argue her position regarding the motions before the court on May
15 12. Additionally, Judge Johnson has the broad authority to maintain order and decorum in
16 proceedings in her courtroom.

17 As to Plaintiff's procedural arguments that it was improper to hold a hearing while matters
18 were on appeal, that the record is allegedly missing documents from the Second Judicial District
19 venue transfer, and that the matter being classified as "other civil matters" are all indicative of bias,
20 this Court makes no findings as to the procedural arguments themselves, but does not find these
21 allegations to warrant disqualification. Plaintiff's allegations fall short of demonstrating any bias or
22 prejudice against her that would support the disqualification of Judge Johnson. This Court does not
23 find that Judge Johnson has demonstrated the kind of deep-seated favoritism that would prevent fair
24 judgment in this matter. Further, this Court must give substantial weight to the sitting judge's
25 determination to not recuse from the matter.

26 As to Defendants' request for attorney's fees, the request is denied, as opposing parties do
27 not have a statutory authority or obligation to respond to disqualification requests. The judge
28 assigned to the case has the statutory authority to respond to disqualification efforts pursuant to NRS

1.235(6). Requesting disqualification via motion or affidavit does not, in and of itself, create an obligation by a nonmoving party to oppose the motion, as the sitting judge maintains the statutory authority to answer to the allegations, rather than the nonmoving party. In general, it is the response from the assigned judge which aids the court in determining questions of disqualification, not a response from a nonmoving party. Defendants' request for attorney's fees is denied.

Conclusion

Plaintiff does not bring cognizable claims supported by factual or legal allegations against Judge Johnson. The record does not support Plaintiff's allegations of bias by Judge Johnson, and Judge Johnson's rulings and actions in the course of official judicial proceedings are not evidence of bias or prejudice. Thus, Plaintiff's request to disqualify Judge Johnson is DENIED. Defendants' request for attorney's fees is DENIED. The hearing on calendar for June 30, 2022 is VACATED as a result of this Decision.

Dated this 28th day of June, 2022



9A9 A1A 7BA8 3E17
Linda Marie Bell
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Rene Sheridan, Plaintiff(s)

CASE NO: A-21-838187-C

7 vs.

DEPT. NO. Department 22

8 Joseph Gutierrez, ESQ,
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 Decision and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 6/28/2022

15 Charity Johnson

cmj@mgalaw.com

16 Jason Maier

jrm@mgalaw.com

17 Joseph Gutierrez

jag@mgalaw.com

18 Joseph Garin

jgarin@lipsonneilson.com

19 Kimberly Glad

kglad@lipsonneilson.com

20 Jonathan Wong

jwong@lipsonneilson.com

21 RENE SHERIDAN

RSHERIDAN34@AOL.COM

22 PATRICK CANNON

HOTOPIX@GMAIL.COM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 16, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

August 16, 2021 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court notes plaintiff has filed a motion to continue. Pursuant to NRS 1.235(5) the Court can take no action on that motion and shall proceed no further with the matter until a decision is made on Plaintiffs motion for DQ.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//8/16/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 31, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

August 31, 2021 3:00 AM Motion to Dismiss

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to NRS 1.235(5) the Court can take no action on that motion and shall proceed no further with the matter until a decision is made on Plaintiffs motion for DQ.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//9/3/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 09, 2021

A-21-838187-C	Rene Sheridan, Plaintiff(s)
	vs.
	Joseph Gutierrez, ESQ, Defendant(s)

September 09, 2021 9:00 AM Motion to Strike

HEARD BY: Vacant, DC 11; Hardcastle, Kathy **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court FOUND the present matter was previously filed and assigned to Judge Crockett as case No. A-20-813635-C. The latter Judge Crockett granted Defendant's Motion to Dismiss Without Prejudice. After the case was dismissed Plaintiff filed the in the Second Judicial District Court in Reno, NV. Plaintiff filed in the Second Judicial District Court to avoid further action from Judge Corckett. Defendants filed a motion to dismiss citing Judge Crockett's decision. The motion to dismissed was denied and Defendants filed a motion to change venue which was granted and the case was moved to the Eight Judicial District Court. Under the rules of the District Court when subsequent case is brought about involving the same parties and transactions in order to prevent judge or forum shopping the case is required to be reassigned to the department with the lowest case number.

COURT ORDERED, case A-21-838187-C to be consolidated with A-20-813635-C and transferred to Department 24.

COURT DENIED, Plaintiff's Affidavit of Prejudice since Judge Gonzalez had retired, matter is MOOT.

Defendants pending motion to dismiss needs to be renoticed under A-20-813635-C if it is to be heard.

Pending motion to strike needs to be renoticed under A-20-813635-C if it is to be heard.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 17, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

September 17, 2021 3:00 AM Motion

HEARD BY: Hardcastle, Kathy

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- The Motion for Continuance came before this Court on the September 17, 2021 Chamber Calendar. The Court has reviewed the Motion and the Limited Opposition. The Court previously reviewed the Motion for Continuance in Relation to the Hearing on September 9, 2021. The Court entered a Minute Order on September 9, 2021 transferring the case to Department 24 to be consolidated with A-20-813635-C. As such, this Department cannot take any further action on this motion. Therefore, COURT ORDERED matter OFF CALENDAR and Plaintiff to Re-notice the Motion if further action is needed.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//9/21/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 21, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

October 21, 2021 12:00 AM Minute Order

HEARD BY: Bixler, James

COURTROOM: Chambers

COURT CLERK:
Kory Schlitz

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court hereby corrects its minute orders of September 9, 2021 and September 17, 2021. The Minute Orders incorrectly identified the department handling the lower numbered case as Department 24. Case number A-20-813635-C, the lower numbered case into which this matter is consolidated was transferred to Department 8 as a result of Administrative Order 20-25 filed December 31, 2020 ,which reassigned all civil cases in Department 24 to Department 8. See AO-20-25, page 2:17-18. Therefore, the minute orders are hereby ORDERED CORRECTED to reflect the department assigned to this case instead of Department 24

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10-21-2021 ks).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

June 01, 2022

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

June 01, 2022 3:00 AM Minute Order

HEARD BY: Johnson, Susan **COURTROOM:** Chambers

COURT CLERK: Nicole Cejas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having noted Plaintiff filed a Motion and Affidavit for Recusal of Judge Susan Johnson on June 1, 2022, this Court ORDERS the hearings concerning Plaintiff s Motion to Strike Defendants Motion to Dismiss and Defendants Motion to Dismiss scheduled to be heard Thursday, June 2, 2022 at 9:00 a.m.to be VACATED.

CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. nc// 6/1/2022

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 16, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

August 16, 2021 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court notes plaintiff has filed a motion to continue. Pursuant to NRS 1.235(5) the Court can take no action on that motion and shall proceed no further with the matter until a decision is made on Plaintiffs motion for DQ.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//8/16/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

August 31, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

August 31, 2021 3:00 AM Motion to Dismiss

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to NRS 1.235(5) the Court can take no action on that motion and shall proceed no further with the matter until a decision is made on Plaintiffs motion for DQ.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//9/3/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 09, 2021

A-21-838187-C	Rene Sheridan, Plaintiff(s) vs. Joseph Gutierrez, ESQ, Defendant(s)
---------------	---

September 09, 2021 9:00 AM Motion to Strike

HEARD BY: Vacant, DC 11; Hardcastle, Kathy **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Valeria Guerra

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court FOUND the present matter was previously filed and assigned to Judge Crockett as case No. A-20-813635-C. The latter Judge Crockett granted Defendant's Motion to Dismiss Without Prejudice. After the case was dismissed Plaintiff filed the in the Second Judicial District Court in Reno, NV. Plaintiff filed in the Second Judicial District Court to avoid further action from Judge Corckett. Defendants filed a motion to dismiss citing Judge Crockett's decision. The motion to dismissed was denied and Defendants filed a motion to change venue which was granted and the case was moved to the Eight Judicial District Court. Under the rules of the District Court when subsequent case is brought about involving the same parties and transactions in order to prevent judge or forum shopping the case is required to be reassigned to the department with the lowest case number.

COURT ORDERED, case A-21-838187-C to be consolidated with A-20-813635-C and transferred to Department 24.

COURT DENIED, Plaintiff's Affidavit of Prejudice since Judge Gonzalez had retired, matter is MOOT.

Defendants pending motion to dismiss needs to be renoticed under A-20-813635-C if it is to be heard.

Pending motion to strike needs to be renoticed under A-20-813635-C if it is to be heard.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

September 17, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

September 17, 2021 3:00 AM Motion

HEARD BY: Hardcastle, Kathy

COURTROOM: Chambers

COURT CLERK: Valeria Guerra

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Motion for Continuance came before this Court on the September 17, 2021 Chamber Calendar. The Court has reviewed the Motion and the Limited Opposition. The Court previously reviewed the Motion for Continuance in Relation to the Hearing on September 9, 2021. The Court entered a Minute Order on September 9, 2021 transferring the case to Department 24 to be consolidated with A-20-813635-C. As such, this Department cannot take any further action on this motion. Therefore, COURT ORDERED matter OFF CALENDAR and Plaintiff to Re-notice the Motion if further action is needed.

CLERK S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. -
vg//9/21/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

October 21, 2021

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

October 21, 2021 12:00 AM Minute Order

HEARD BY: Bixler, James

COURTROOM: Chambers

COURT CLERK:
Kory Schlitz

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The Court hereby corrects its minute orders of September 9, 2021 and September 17, 2021. The Minute Orders incorrectly identified the department handling the lower numbered case as Department 24. Case number A-20-813635-C, the lower numbered case into which this matter is consolidated was transferred to Department 8 as a result of Administrative Order 20-25 filed December 31, 2020 ,which reassigned all civil cases in Department 24 to Department 8. See AO-20-25, page 2:17-18. Therefore, the minute orders are hereby ORDERED CORRECTED to reflect the department assigned to this case instead of Department 24

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (10-21-2021 ks).

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Civil Matters

COURT MINUTES

June 01, 2022

A-21-838187-C Rene Sheridan, Plaintiff(s)
vs.
Joseph Gutierrez, ESQ, Defendant(s)

June 01, 2022 3:00 AM Minute Order

HEARD BY: Johnson, Susan **COURTROOM:** Chambers

COURT CLERK: Nicole Cejas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Having noted Plaintiff filed a Motion and Affidavit for Recusal of Judge Susan Johnson on June 1, 2022, this Court ORDERS the hearings concerning Plaintiff s Motion to Strike Defendants Motion to Dismiss and Defendants Motion to Dismiss scheduled to be heard Thursday, June 2, 2022 at 9:00 a.m.to be VACATED.

CLERK'S NOTE: The above minute order has been distributed to all parties by the Court Clerk via electronic service and/or mail. nc// 6/1/2022



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

RENE SHERIDAN
23823 MALIBU RD. #50-364
MALIBU, CA 90265

DATE: July 12, 2022
CASE: A-21-838187-C

RE CASE: RENE SHERIDAN vs. JOSEPH A. GUTIERREZ; STEVEN G. KNAUSS; JASON R. MILLER.; MAIER GUTIERREZ & ASSOCIATES

NOTICE OF APPEAL FILED: July 9, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER; DISTRICT COURT
MINUTES; NOTICE OF DEFICIENCY

RENE SHERIDAN,

Plaintiff(s),

vs.

JOSEPH A. GUTIERREZ; STEVEN G.
KNAUSS; JASON R. MILLER.; MAIER
GUTIERREZ & ASSOCIATES,

Defendant(s),

Case No: A-21-838187-C

Dept No: XXII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 12 day of July 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

