

Wesley Rusch

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Las Vegas, NV 89173

702 764 0001

Electronically Filed
Dec 16 2022 09:19 AM
Elizabeth A. Brown
Clerk of Supreme Court

CLARK COUNTY, NEVADA

WESLEY RUSCH, an individual, and OLIVER
LONGBOY, an individual,

Plaintiffs,

vs.

THE MARTIN CONDOMINIUM UNIT
OWNERS' ASSOCIATION, domestic non-
profit; DOE Individuals I through X; and ROE
Corporations and Organizations I through X,

Defendant.

CASE NO. A-20-826568-C
Dept. No.: 27

Consolidated with:
Case No. A-21-840526-C

NOTICE OF APPEAL

**Notice is hereby given that Wesley Rusch Defendant hereby appeals
from the order entered in the court on August 30, 2022**

BY /S/ Wesley Rusch
WESLEY RUSCH
Defendant

Out Home was sold by Red Rock on behalf of the Martin Condominium Unit Owners Association in VIOLATION OF NEVADA LAW and Constitutional Right of Due Process of Law and therefore the SALE IS NULL AND VOID.

POINTS AND AUTHORITIES

HOA Boards Beware: Nevada Courts Require Strict Statutory Compliance to Lien and Foreclose

Collecting assessments is a vital function to fund the HOA's activities. It is unfair for some owners to avoid paying their fair share, and to have the other owners shoulder their burden. Recognizing this, the Legislature has granted Nevada HOAs the powerful tools to lien and foreclose under the Act. However, with those powerful tools comes the obligation to closely comply with each and every requirement of the Act. it is implicit that

HOAs must also closely **follow their own governing documents (CC&Rs, Bylaws, rules and policies), including adopting and following collection policies, in pursuing collection activities authorized under the Act.**

Because of the technical nature of the Act and the courts' apparent deference to err in favor of due process protections for HOA owners (not too dissimilar from the

protections typically afforded to California tenants in unlawful detainer proceedings), the Act is fertile ground for mistakes. **These recent cases make clear that even minor or technical violations can invalidate the lien and foreclosure process.**

Please note the following court case:

G.R. No. 200969, August 03, 2015 - CONSOLACION D. ROMERO AND ROSARIO S.D. DOMINGO, Petitioners, v. ENGRACIA D. SINGSON, Respondent.

SECOND DIVISION

G.R. No. 200969, August 03, 2015

CONSOLACION D. ROMERO AND ROSARIO S.D. DOMINGO, *Petitioners*, v. ENGRACIA D. SINGSON, *Respondent*.

When the deed of sale in favor of respondent was purportedly executed by the parties thereto and notarized on June 6, 2006, it is perfectly obvious that the signatures of the vendors therein, Macario and Felicidad, were forged. They could not have signed the same, because both were by then long deceased: Macario died on February 22, 1981, while Felicidad passed away on September 14, 1997. This makes the June 6, 2006 **deed of sale null and void**; being so, it is **"equivalent to nothing**; it produces no civil effect; and it does not create, modify or extinguish a juridical relation."

And while it is true that respondent has in her favor a Torrens title over the subject property, she nonetheless **acquired no right or title in her favor by virtue of the null and void** June 6, 2006 **deed**. "Verily, when the instrument presented is forged, even if accompanied by the owner's

duplicate certificate of title, the registered owner does not thereby lose his title, and neither does the assignee in the forged deed acquire any right or title to the property."³⁵

In sum, the fact that respondent has in her favor a certificate of title is of no moment; her title cannot be used to validate the forgery or cure the void sale. As has been held in the past:

Insofar as a person who fraudulently obtained a property is concerned, the registration of the property in said person's name would not be sufficient to vest in him or her the title to the property. A certificate of title merely confirms or records title already existing and vested. The indefeasibility of the Torrens title should not be used as a means to perpetrate fraud against the rightful owner of real property. Good faith must concur with registration because, otherwise, registration would be an exercise in futility. **A Torrens title does not furnish a shield for fraud, notwithstanding the long-standing rule that registration is a constructive notice of title binding upon the whole world.** The legal principle is that if the registration of the land is fraudulent, the person in whose name the land is registered holds it as a mere trustee.³⁶ (*Emphasis supplied*)³⁶*Spouses Reyes v. Montemayor*, 614 Phil. 256, 274-275 (2009) UD

Since respondent acquired no right over the subject property, the same remained in the name of the original registered owners, Macario and Felicidad. Being heirs of the owners, petitioners and respondent thus became, and remain co-owners - by succession - of the subject property. As such, petitioners may exercise all attributes of ownership over the same, including possession - whether *de facto* or *de jure*; respondent thus has no right to exclude them from this right through an action for ejectment.

In contrast to RM Lifestyles and Reynolds are two cases cited by Defendants. First, in an early Utah Supreme Court case, the court held a trust sale void where it was not performed by the person authorized under the deed of trust:

The deed of trust authorized the sale to be made by the United States Marshal.

This was not done. One of his deputies made the sale as auctioneer. It is not claimed that he acted as deputy, but simply that a person who was a deputy acted as the auctioneer. Nor do we think that the marshal could have acted by deputy, unless the deed of trust had shown express authority to the effect, which it did not do. The fact that no injury or fraud in the sale has been shown, does not affect the question. Nor is it affected by the fact, that the purchaser was an innocent party.

The sale was made by one not authorized to make it. and cannot be upheld. It is simply void. and no one gains any rights under it. A purchaser must know that the sale is made by the proper person. The deed of trust shows who could make the sale. A trustee can no doubt employ an auctioneer to act for him in crying off the property; but the trustee must be present and superintend the sale. The trustee in the present instance says that he does not think he was present at the sale.

Sinper Mfg. Co. v. Chalmers, 2 Utah 542, 546-47 (Utah Tea. 1880) (emphasis added).

More recently, the Court of Appeals affirmed a trial court ruling that a nonjudicial foreclosure sale for delinquent assessments owed to a condominium association was void where the sale was conducted by the association's attorney because "[t]he record reveal[ed] that, though its attorney may have qualified as a trustee under the Trust Deed Act, the Association failed to appoint its attorney as such." McQueen v. Jordan Pines Townhomes Owners Ass'n, Inc., 2013 UT App 53, ¶ 19-21 & 28, 298 P.3d 666.

Failure to send notice of sale as per Tex. Prop. Code § 51.002 is sufficient reason for a trial court to **set aside a foreclosure sale and hold the sale to be void**. *Shearer v.*

Sometimes homeowners aren't aware that a foreclosure sale has been scheduled until after it's already been completed. Even if your home has been sold, you might be able to invalidate the sale.

Sale of Rusch condo is void

If the property was foreclosed non judicially, the homeowner will usually have to **file a lawsuit in state court** to void the sale.

Reasons a Foreclosure Sale May Be Set Aside

Generally, to set aside a foreclosure sale, the homeowner must show:

irregularity in the foreclosure process that makes the sale void under state law

Irregularity in the Foreclosure Process

State statutes lay out the procedures for a foreclosure. If there are irregularities in the foreclosure process—meaning, **the foreclosure is conducted in a manner not authorized by the statute—the sale can be invalidated**

The **Martin HOA's agent Red Rock did not comply with NRS 116.31162 et seq** and CCR 17.2 when they sold Rusch and Longboy's home

Notice of Delinquent Assessments

Before starting the foreclosure, the **HOA must mail a notice of delinquent assessment to the homeowner**, which states:

the **amount of the assessments and other sums that are due**

a description of the unit against which the lien is imposed, and

the name of the record owner of the unit. (Nev. Rev. Stat. § 116.31162).

NRS 116.31162 specifically provides that: Foreclosure of liens: Mailing of notice of delinquent assessment; recording of notice of default and election to sell; period during which unit's owner may pay lien to avoid foreclosure; limitations on type of lien that may be foreclosed.

Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the **association may foreclose its lien by sale after all of the following occur:**

(a) **The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due** *The Martin Failed to do this.* in accordance with subsection

1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) **Not less than 30 days after mailing the notice of delinquent assessment** pursuant to paragraph (a), the association or other person conducting the sale **has executed and caused to be recorded, with the county recorder of the county** *The Martin failed to do this* in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

**WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE,
YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE**

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its

enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit, whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

(Added to NRS by 1991, 569; A 1993, 2371; 1997, 3121; 1999, 3011; 2003, 2244, 2273; 2005, 2608)

No Notice of the August 10 Sale as required by Nevada Law

Rusch did not receive any written or oral notice of a proposed sale of his property . Rusch first learned of the sale by a call from an attorney's office. Therefore the sale was illegal and must be reversed.

Declaration of Wesley A Rusch

Declarant has personal knowledge of the following and being deposed and sworn states under penalty of perjury under the Laws of the State of Nevada, as follow:

I am over the age of Eighteen.

That myself and Oliver B Longboy, are the two individuals who purchased the real property commonly known as 4471 Dean Martin, Apt 2206, Las Vegas NV 89103.

We own no other property and have no other place to live.

Hollyvale Rental Holdings, LLC is based on information and belief an entity that speculates in real estate. They are not a real person and do not need a place to live.

On the other hand Rusch and Longboy are two individuals who are two real people who need a place to live.

Neither Rusch or Longboy received any notice of any proposed or ported auction of their property for August 10, 2017. Red Rock as agent for the Martin violated Nevada law by selling their property without complying with Nevada law. The sale therefore must be voided and rescinded and the property returned to its rightful owners Rusch and Longboy.

Our real property was sold at auction purportedly for delinquent HOA fees on August 10, 2017. When in fact the Martin owed Rusch more than the HOA fees. On about June 29 a sprinkler pipe broke in the unit at the end of the 22nd floor causing water to flow down the hallway and into Rusch's unit. According to Nigro there was water in Rusch's walls that had to be replaced. The Martin failed to mitigate the damage by not opening the sliding glass door to allow the water to flow down the side of the building instead of down the hall. The Martin also let the water flow for several hours before turning off the water. Had the Martin done either of the foregoing Rusch's Condo would not have suffered damage. As a consequence, Rusch was required to relocate for nearly four months while Nigro repaired his unit. Nigro did not even complete the job and Rusch had to hire his own contractor to complete the job. Rusch incurred expenses in excess of \$25,000 as a result thereof. Rusch therefore claims that amount as an offset

to his HOA fess and therefore does not own the Martin any money and in fact the Martin owes Rusch money.

That neither myself nor Oliver B Longboy had received any notice of the impending HOA sale of our real property.

March 1, 2022

FURTHER DECLARANT SAVETH NAUGHT

/S/ Wesley Rusch

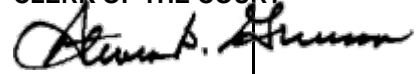
WESLEY A RUSCH

The sales of Rusch's condo was in violation of Nevada Law. Red Rock was required to comply with Nevada Law and they did not therefore the sale is VOID and the sale must be reversed and Rusch must be returned to his condo. Therefore the posession of the Martin condo must be restored to Rusch and Longboy immediately No Notice of the August 10 Sale as required by Nevada Law

Respectfully Submitted

/s/ Wesley Rusch

Wesley Rusch



1 ASTA

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3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 WESLEY RUSCH; OLVER LONGBOY,

11 Plaintiff(s),

12 vs.

13 THE MARTIN CONDOMINIUM UNIT OWNERS'
14 ASSOCIATION,

15 Defendant(s),
16

Case No: A-21-840526-C

Consolidated with A-20-826568-C

Dept No: XXVII

17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Wesley Rusch

20 2. Judge: Nancy Allf

21 3. Appellant(s): Wesley Rusch

22 Counsel:

23 Wesley Rusch
24 Box 30907
25 Las Vegas, NV 89173

26 4. Respondent (s): The Martin Condominium Unit Owners' Association

27 Counsel:

28 Marc S. Cwik, Esq.
6385 S. Rainbow Blvd., Suite 600

Las Vegas, NV 89118

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**: Yes, May 20, 2022
***Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A

9. Date Commenced in District Court: September 2, 2021

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

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 85084, 85108

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 8 day of December 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: Wesley Rusch

CASE SUMMARY**CASE NO. A-21-840526-C****Wesley Rusch, Plaintiff(s)****vs.****Martin Condominium Unit Owners Association,
Defendant(s)**§
§
§
§
§
§Location: **Department 27**Judicial Officer: **Allf, Nancy**Filed on: **09/02/2021**

Case Number History:

Cross-Reference Case **A840526**

Number:

Supreme Court No.: **85108****CASE INFORMATION****Related Cases**

A-20-826568-C (Consolidated)

Case Type: **Judicial Foreclosure**Case
Status: **09/02/2021 Open****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-21-840526-C
Court	Department 27
Date Assigned	02/25/2022
Judicial Officer	Allf, Nancy

PARTY INFORMATION

Plaintiff	Longboy, Oliver	Pro Se 702-764-0001(H)
	Rusch, Wesley	Pro Se 17027640001(H)
Defendant	Martin Condominium Unit Owners Association	Cwik, Marc S. <i>Retained</i> 702-893-3383(W)

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

09/02/2021

Complaint in Intervention
Filed By: Plaintiff Rusch, Wesley
[1] complaint summons waivers

09/02/2021

Application to Proceed in Forma Pauperis
Filed By: Plaintiff Rusch, Wesley
[2]

09/02/2021

Application to Proceed in Forma Pauperis
Filed By: Plaintiff Rusch, Wesley
[3]

09/04/2021

Summons
Filed by: Defendant Martin Condominium Unit Owners Association
[4] issue summons

09/08/2021

Clerk's Notice of Nonconforming Document
[5] Clerk's Notice of Nonconforming Document
















CASE SUMMARY

CASE NO. A-21-840526-C

09/09/2021	 Summons Filed by: Plaintiff Rusch, Wesley <i>[7] Summons (Not Issue, Incorrect Filing Code)</i>
09/14/2021	 Clerk's Notice of Nonconforming Document <i>[8] Clerk's Notice of Nonconforming Documents</i>
12/16/2021	 Notice Filed By: Defendant Martin Condominium Unit Owners Association <i>[9] Notice of Representation</i>
12/17/2021	 Motion to Consolidate Filed By: Defendant Martin Condominium Unit Owners Association <i>[10] Martin Unit Owners' Association's Notice of Related Cases and Motion to Consolidate</i>
12/23/2021	 Clerk's Notice of Nonconforming Document <i>[11] Clerk's Notice of Nonconforming Document</i>
01/11/2022	 Application for Default Judgment <i>[12] Application for Default Judgment</i>
02/10/2022	 Motion Filed By: Plaintiff Rusch, Wesley <i>[13] Rusch Request to Nullify Sale Based on Violation of Constitutional Right of Due Process and Nevada Law and Restore Possession of the Condo to Its Rightful Owners Rusch and Longboy</i>
02/11/2022	 Clerk's Notice of Hearing <i>[14] Notice of Hearing</i>
02/11/2022	 Clerk's Notice of Nonconforming Document and Curative Action <i>[15] Clerk's Notice of Nonconforming Document & Curative Action</i>
02/25/2022	 Notice of Department Reassignment <i>[16] Notice of Department Reassignment</i>
02/28/2022	 Writ Filed by: Plaintiff Rusch, Wesley <i>[17] writ</i>
03/10/2022	 Reply in Support Filed By: Plaintiff Rusch, Wesley <i>[18] Rusch Reply to Request to Nullify Sale Base on Violation of Constitutional Right of Due Process and Nevada Law and Restore Possession of the Condo to Its Rightful Owners Rusch and Longboy</i>
03/29/2022	 Default Filed By: Plaintiff Rusch, Wesley <i>[19] Default</i>
04/05/2022	 Clerk's Notice of Nonconforming Document <i>[20] Clerk's Notice of Nonconforming Document</i>

CASE SUMMARY

CASE NO. A-21-840526-C

04/06/2022	 Writ of Execution <i>[21] Writ</i>
04/13/2022	 Notice of Execution <i>[22] Notice of Execution of Judgment</i>
06/05/2022	 Reply Filed by: Plaintiff Rusch, Wesley <i>[23] Rusch Reply and Request for Summary Judgment</i>
06/05/2022	 Reply Filed by: Plaintiff Rusch, Wesley <i>[24] reply and requires for sanctions</i>
06/11/2022	 Supplement Filed by: Plaintiff Rusch, Wesley <i>[25] counter reply</i>
06/11/2022	 Supplemental Filed by: Plaintiff Rusch, Wesley <i>[26] counrter reply argument</i>
06/17/2022	 Clerk's Notice of Nonconforming Document <i>[27] Clerk's Notice of Nonconforming Document</i>
07/12/2022	 Request Filed by: Plaintiff Rusch, Wesley <i>[28] Request to fil</i>
07/12/2022	 Objection Filed By: Plaintiff Rusch, Wesley <i>[29] objection to ordersr</i>
07/12/2022	 Motion Filed By: Plaintiff Rusch, Wesley <i>[30] Motion for sj</i>
07/12/2022	 Objection Filed By: Plaintiff Rusch, Wesley <i>[31] Objection</i>
07/12/2022	 Objection <i>[32] Objection</i>
07/12/2022	 Motion Filed By: Plaintiff Rusch, Wesley <i>[33] Motion for Reconsideration</i>
07/18/2022	 Notice of Appeal Filed By: Plaintiff Rusch, Wesley <i>[34] Notice of Appeal</i>
08/01/2022	 Case Appeal Statement

CASE SUMMARY

CASE NO. A-21-840526-C

[35] Case Appeal Statement

09/06/2022



NV Supreme Court Clerks Certificate/Judgment - Dismissed

[36] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed

09/29/2022



Document Filed

Filed by: Plaintiff Rusch, Wesley

[37] Notice of Appeal (Filing Error. Moved to Correct Case number A-17-764643-C)

09/29/2022



Notice of Appeal

Filed By: Plaintiff Rusch, Wesley

[38] Notice of Appeal

10/10/2022



Reply in Support

Filed By: Plaintiff Rusch, Wesley

[39] Counter Reply in Support of Motion and Objection

10/24/2022



Motion

[40] aFFIDAVIT OF SERVICE

10/24/2022



Affidavit

Filed By: Plaintiff Rusch, Wesley

[41] affidavit of service

11/02/2022



Order Denying

[42] Order Denying Request to File

11/10/2022



Motion for Judgment

[43] motion for reconsideration

11/10/2022



Motion

[44] Motion not vexatious litigant

11/17/2022



Order

[45] Order Denying Plaintiff's Request to File

11/17/2022



Motion

Filed By: Plaintiff Rusch, Wesley

[46] Motion supplemental just the facts

11/17/2022



Brief

Filed By: Plaintiff Rusch, Wesley

[47] Appellant's Informal Brief

11/17/2022



Request

Filed by: Plaintiff Rusch, Wesley

[48] Transcript Request

11/20/2022



Motion to Reconsider

Filed By: Plaintiff Rusch, Wesley; Plaintiff Longboy, Oliver

[49] Motion for Reconsideration Re Order Re Vexatious Litigant




11/20/2022



Motion to Reconsider

CASE SUMMARY

CASE NO. A-21-840526-C

	Filed By: Plaintiff Rusch, Wesley <i>[50] Motion for Reconsideration</i>	
11/20/2022	 Motion Filed By: Plaintiff Rusch, Wesley <i>[51] Motion for Reconsideration Just the Facts</i>	
11/21/2022	 Order <i>[52] Order Denying Plaintiff's Motions</i>	
12/08/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	
03/15/2022	<u>HEARINGS</u> CANCELED Motion (10:00 AM) (Judicial Officer: Peterson, Jessica K.) <i>Vacated - Subordinate Case</i> <i>Plaintiffs' Pro Se Rusch Request to Nullify Sale Based on Violation of Constitutional Right of Due Process and Nevada Law and Restore Possession of the Condo to Its Rightful Owners Rusch and Longboy</i>	

DATE	FINANCIAL INFORMATION	
	Plaintiff Rusch, Wesley	
	Total Charges	300.00
	Total Payments and Credits	0.00
	Balance Due as of 12/8/2022	300.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

Electronically Filed
9/9/2021 10:29 AM
Steven D. Grierson
CLERK OF THE COURT



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

Plaintiff(s) (name/address/phone): <div style="text-align: center;">Wesley Rusch</div> <div style="text-align: center;">Oliver Longboy</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Martin Condominium Unit Owners Association</div>
Attorney (name/address/phone): <div style="text-align: center;">PO Box 30907</div> <div style="text-align: center;">Las Vegas NV 89173</div>	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 checked="" 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 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 type="checkbox"/> Other Civil Matters

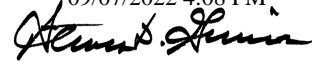
Business Court filings should be filed using the Business Court civil coversheet.

992021 /S/ Wes Risch

Date

Signature of initiating party or representative

See other side for family-related case filings.


CLERK OF THE COURT

1 **ODM**
2 MARC S. CWIK, ESQ.
3 Nevada Bar No. 006946
4 E-Mail: Marc.Cwik@lewisbrisbois.com
5 LEWIS BRISBOIS BISGAARD & SMITH LLP
6 6385 S. Rainbow Boulevard, Suite 600
7 Las Vegas, Nevada 89118
8 702.893.3383
9 FAX: 702.893.3789
10 *Attorneys for Defendant*
11 *The Martin Condominium Unit Owners'*
12 *Association*

13
14 **DISTRICT COURT**
15
16 **CLARK COUNTY, NEVADA**
17

18 WESLEY RUSCH, an individual, and
19 OLIVER LONGBOY, an individual,

20 Plaintiffs,

21 vs.

22 THE MARTIN CONDOMINIUM UNIT
23 OWNERS' ASSOCIATION, domestic non-
24 profit; DOE Individuals I through X; and ROE
25 Corporations and Organizations I through X,

26 Defendant.

CASE NO. A-20-826568-C
Dept. No.: 27

Consolidated with:
Case No. A-21-840526-C

**ORDER DENYING PLAINTIFFS'
MOTION FOR RECONSIDERATION
REGARDING COURT ORDERS
ENTERED ON JUNE 30, 2022**

27 Plaintiffs Wesley Rusch and Oliver Longboy ("Plaintiffs") filed a Motion for
28 Reconsideration, once on July 12, 2022 in Case No. A-21-840526-C and a second time on July 24,
2022 in Case No. A-20-826568-C (due to the cases being consolidated) (hereinafter the "Motion
for Reconsideration"); the Motion for Reconsideration relates to two Orders entered on June 30,
2022 in favor of Defendant The Martin Condominium Unit Owners' Association ("Martin
CUOA") and against Plaintiffs.

Plaintiffs' Motion for Reconsideration came on for hearing before Department 27 of the
Eighth Judicial District Court (Honorable Judge Nancy Allf) on August 30, 2022 in Chambers;
Defendant The Martin Condominium Unit Owners' Association ("Martin CUOA") filed an
Opposition to Plaintiffs' Motion for Reconsideration on July 26, 2022; Plaintiffs filed two separate
Reply briefs on August 18, 2022.

1 Based upon the Court's review of the pleadings and papers on file herein, and good cause
2 appearing, the Court finds/concludes and orders as follows:

3 **I.**

4 **PERTINENT PROCEDURAL HISTORY**

5 1. On November 9, 2021, this Court entered an Order which dismissed the 2020
6 Action in its entirety.

7 2. On February 15, 2022, this Court entered an Order consolidating Case No. A-20-
8 826568-C ("2020 Action") and Case No. A-21-840526-C ("2021 Action"), as well as an Order
9 denying Plaintiffs' Motion for Reconsideration concerning dismissal of the 2020 Action.

10 3. On June 30, 2022, this Court entered an Order granting Defendant The Martin
11 Condominium Unit Owners' Association's ("Martin CUOA") Motion to Dismiss, or in the
12 Alternative, Motion for Summary Judgment, which entered summary judgment in favor of Martin
13 CUOA and against Plaintiffs and dismissed the 2021 Action in its entirety, with prejudice.

14 4. In addition, on June 30, 2022, this Court entered an Order granting in part, and
15 denying in part, Martin CUOA's Motion For (1) Pre-Filing Order Against Plaintiffs Pursuant To
16 Nevada's Vexatious Litigant Standard And (2) An Award Of Attorney's Fees And Costs Resulting
17 From Plaintiffs' Ongoing Vexatious Conduct. This Order requires Plaintiffs to first obtain leave of
18 Court before filing any additional pleadings, motions, or other papers against Martin CUOA in
19 Case No. A-18-774190-C, the consolidated 2020 Action and 2021 Action noted in the case caption
20 above, and/or in Case No. A-17-764643-C, but denied (at that time) an award of attorney's fees
21 and costs to Martin CUOA.

22 **II.**

23 **LEGAL STANDARD**

24 1. "Only in very rare instances in which new issues of fact or law are raised
25 supporting a ruling contrary to the ruling already reached should a motion for rehearing be
26 granted." *See Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976) (emphasis
27 added). *See also Masonry & Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997)

(reconsideration is appropriate only where “substantially different evidence is subsequently introduced or the decision is clearly erroneous”).

2. A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law. *See Wallace v. Romney*, 2017 WL 1078631, at *2 (D. Nev. March 21, 2017) (citing *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009)).

3. Pursuant to EDCR 2.24(a), “[n]o motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.”

III.

FINDINGS/CONCLUSIONS

After review of the motion papers on file herein by the parties and the arguments presented therein, this Court finds and concludes as follows:

1. Pursuant to Nevada's legal standard for reconsideration, Plaintiffs have failed to demonstrate that there is either (1) newly discovered evidence or issues to support Plaintiffs' position regarding this Court's rulings, (2) clear error committed by the Court with regard to its rulings requiring action, or (3) an intervening change in the controlling law, which would affect this Court's rulings. All of Plaintiffs' arguments were previously raised by Plaintiffs and/or previously rejected by this Court.

2. This Court concludes that under Nevada law, there is no basis to reconsider either of its Orders entered on June 30, 2022 against Plaintiffs and in favor of Martin CUOA, which include (1) the Order Granting Martin CUOA's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, and (2) the Order granting in part, and denying in part, Martin CUOA's

1 Motion For Pre-Filing Order Against Plaintiffs Pursuant to Nevada's Vexatious Litigant Standard
2 and an Award of Attorney's Fees and Costs Resulting From Plaintiffs' Ongoing Vexatious
3 Conduct.

4 3. This Court, therefore, concludes that under Nevada law, Plaintiffs' Motion for
5 Reconsideration should be denied in its entirety.
6

7 **ORDER**

8 Based upon the forgoing procedural history, legal standard, findings/conclusions, and good
9 cause appearing:

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for
11 Reconsideration is hereby DENIED in its entirety and the matter scheduled on this Court's
12 Chambers Calendar on August 30, 2022 is hereby VACATED.

13 DATED this _____ day of _____, 2022.

14 Dated this 7th day of September, 2022
15 By: Nancy L. Alf
16 DISTRICT COURT JUDGE

17 **0EA ACF 16DB F89A**
18 **Nancy Alf**
19 **District Court Judge**

20 Respectfully Submitted By: APPROVED/DISAPPROVED
21 LEWIS BRISBOIS BISGAARD & SMITH LLP

22 *FAILED TO RESPOND*

23
24 By: /s/ Marc S. Cwik
25 MARC S. CWIK, ESQ.
26 Nevada Bar No. 06946
27 6385 S. Rainbow Boulevard, Suite 600
28 Las Vegas, Nevada 89118
*Attorneys for The Martin Condominium Unit
Owners' Association*

By: _____
WESLEY RUSCH
OLIVER LONGBOY
P.O. Box 30907
Las Vegas, NV 89173
(702) 764-0001
Plaintiffs Pro Per

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Wesley Rusch, Plaintiff(s)

CASE NO: A-20-826568-C

7 vs.

DEPT. NO. Department 27

8 The Martin Condominium Unit
9 Owners' Association,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 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:

15 Service Date: 9/7/2022

16 Marc Cwik

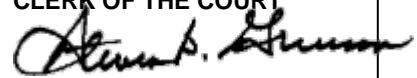
Marc.Cwik@lewisbrisbois.com

17 Susan Awe

susan.awe@lewisbrisbois.com

18 Wesley Rusch

dirofcomp@yahoo.com



1 **NEOJ**
2 MARC S. CWIK, ESQ.
3 Nevada Bar No. 006946
4 E-Mail: Marc.Cwik@lewisbrisbois.com
5 LEWIS BRISBOIS BISGAARD & SMITH LLP
6 6385 S. Rainbow Boulevard, Suite 600
7 Las Vegas, Nevada 89118
8 702.893.3383
9 FAX: 702.893.3789
10 *Attorney for Defendant The Martin*
11 *Condominium Unit Owners' Association*

7
8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

10 WESLEY RUSCH, an individual, and
11 OLIVER LONGBOY, an individual,

12 Plaintiffs,

13 vs.

14 THE MARTIN CONDOMINIUM UNIT
15 OWNERS' ASSOCIATION, domestic non-
16 profit; DOE Individuals I through X; and ROE
17 Corporations and Organizations I through X,

18 Defendant.

CASE NO. A-20-826568-C
DEPT. NO.: 27

Consolidated with:
Case No. A-21-840526-C

**NOTICE OF ENTRY OF ORDER
DENYING PLAINTIFFS' MOTION FOR
RECONSIDERATION REGARDING
COURT ORDERS ENTERED ON JUNE
30, 2022**

19 NOTICE IS HEREBY GIVEN that an **ORDER DENYING PLAINTIFFS' MOTION**
20 **FOR RECONSIDERATION REGARDING COURT ORDERS ENTERED ON JUNE 30,**

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 2022 was entered into the above captioned matter on September 7, 2022; a true and correct copy is
2 attached hereto as **Exhibit A**.

3 DATED this 8th day of September, 2022.

4 LEWIS BRISBOIS BISGAARD & SMITH LLP

5
6 By /s/ Marc S. Cwik

MARC S. CWIK, ESQ.

7 Nevada Bar No. 006946

8 6385 S. Rainbow Boulevard, Suite 600

Las Vegas, Nevada 89118

9 *Attorney for Defendant The Martin Condominium*
10 *Unit Owners' Association*
11
12
13
14
15
16
17
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19
20
21
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25
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28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of LEWIS BRISBOIS
3 BISGAARD & SMITH LLP and that on this 8th day of September, 2022, I did cause a true copy of
4 the foregoing **NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS' MOTION FOR**
5 **RECONSIDERATION REGARDING COURT ORDERS ENTERED ON JUNE 30, 2022** to
6 be served via the Court's electronic filing and service system to all parties on the current service
7 list. This document applies to Case No. A-21-840526-C.

8
9 ***VIA EMAIL AND U.S. MAIL TO:***

10 Wesley Rusch and Oliver Longboy
11 P.O. Box 30907
12 Las Vegas, NV 89173
13 (702) 764-0001
14 dirofcomp@yahoo.com

15 By /s/ Susan Awe
16 an Employee of
17 LEWIS BRISBOIS BISGAARD & SMITH LLP
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

EXHIBIT A

1 **ODM**
2 MARC S. CWIK, ESQ.
3 Nevada Bar No. 006946
4 E-Mail: Marc.Cwik@lewisbrisbois.com
5 LEWIS BRISBOIS BISGAARD & SMITH LLP
6 6385 S. Rainbow Boulevard, Suite 600
7 Las Vegas, Nevada 89118
8 702.893.3383
9 FAX: 702.893.3789
10 *Attorneys for Defendant*
11 *The Martin Condominium Unit Owners'*
12 *Association*

13
14 **DISTRICT COURT**
15
16 **CLARK COUNTY, NEVADA**
17

18 WESLEY RUSCH, an individual, and
19 OLIVER LONGBOY, an individual,

20 Plaintiffs,

21 vs.

22 THE MARTIN CONDOMINIUM UNIT
23 OWNERS' ASSOCIATION, domestic non-
24 profit; DOE Individuals I through X; and ROE
25 Corporations and Organizations I through X,

26 Defendant.

CASE NO. A-20-826568-C
Dept. No.: 27

Consolidated with:
Case No. A-21-840526-C

27 **ORDER DENYING PLAINTIFFS'**
28 **MOTION FOR RECONSIDERATION**
REGARDING COURT ORDERS
ENTERED ON JUNE 30, 2022

Plaintiffs Wesley Rusch and Oliver Longboy ("Plaintiffs") filed a Motion for Reconsideration, once on July 12, 2022 in Case No. A-21-840526-C and a second time on July 24, 2022 in Case No. A-20-826568-C (due to the cases being consolidated) (hereinafter the "Motion for Reconsideration"); the Motion for Reconsideration relates to two Orders entered on June 30, 2022 in favor of Defendant The Martin Condominium Unit Owners' Association ("Martin CUOA") and against Plaintiffs.

Plaintiffs' Motion for Reconsideration came on for hearing before Department 27 of the Eighth Judicial District Court (Honorable Judge Nancy Allf) on August 30, 2022 in Chambers; Defendant The Martin Condominium Unit Owners' Association ("Martin CUOA") filed an Opposition to Plaintiffs' Motion for Reconsideration on July 26, 2022; Plaintiffs filed two separate Reply briefs on August 18, 2022.

1 Based upon the Court's review of the pleadings and papers on file herein, and good cause
2 appearing, the Court finds/concludes and orders as follows:

3 **I.**

4 **PERTINENT PROCEDURAL HISTORY**

5 1. On November 9, 2021, this Court entered an Order which dismissed the 2020
6 Action in its entirety.

7 2. On February 15, 2022, this Court entered an Order consolidating Case No. A-20-
8 826568-C ("2020 Action") and Case No. A-21-840526-C ("2021 Action"), as well as an Order
9 denying Plaintiffs' Motion for Reconsideration concerning dismissal of the 2020 Action.

10 3. On June 30, 2022, this Court entered an Order granting Defendant The Martin
11 Condominium Unit Owners' Association's ("Martin CUOA") Motion to Dismiss, or in the
12 Alternative, Motion for Summary Judgment, which entered summary judgment in favor of Martin
13 CUOA and against Plaintiffs and dismissed the 2021 Action in its entirety, with prejudice.

14 4. In addition, on June 30, 2022, this Court entered an Order granting in part, and
15 denying in part, Martin CUOA's Motion For (1) Pre-Filing Order Against Plaintiffs Pursuant To
16 Nevada's Vexatious Litigant Standard And (2) An Award Of Attorney's Fees And Costs Resulting
17 From Plaintiffs' Ongoing Vexatious Conduct. This Order requires Plaintiffs to first obtain leave of
18 Court before filing any additional pleadings, motions, or other papers against Martin CUOA in
19 Case No. A-18-774190-C, the consolidated 2020 Action and 2021 Action noted in the case caption
20 above, and/or in Case No. A-17-764643-C, but denied (at that time) an award of attorney's fees
21 and costs to Martin CUOA.

22 **II.**

23 **LEGAL STANDARD**

24 1. "Only in very rare instances in which new issues of fact or law are raised
25 supporting a ruling contrary to the ruling already reached should a motion for rehearing be
26 granted." *See Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976) (emphasis
27 added). *See also Masonry & Tile Contractors v. Jolley, Urga & Wirth*, 113 Nev. 737, 741 (1997)

(reconsideration is appropriate only where “substantially different evidence is subsequently introduced or the decision is clearly erroneous”).

2. A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law. *See Wallace v. Romney*, 2017 WL 1078631, at *2 (D. Nev. March 21, 2017) (citing *Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co.*, 571 F.3d 873, 880 (9th Cir. 2009)).

3. Pursuant to EDCR 2.24(a), “[n]o motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.”

III.

FINDINGS/CONCLUSIONS

After review of the motion papers on file herein by the parties and the arguments presented therein, this Court finds and concludes as follows:

1. Pursuant to Nevada's legal standard for reconsideration, Plaintiffs have failed to demonstrate that there is either (1) newly discovered evidence or issues to support Plaintiffs' position regarding this Court's rulings, (2) clear error committed by the Court with regard to its rulings requiring action, or (3) an intervening change in the controlling law, which would affect this Court's rulings. All of Plaintiffs' arguments were previously raised by Plaintiffs and/or previously rejected by this Court.

2. This Court concludes that under Nevada law, there is no basis to reconsider either of its Orders entered on June 30, 2022 against Plaintiffs and in favor of Martin CUOA, which include (1) the Order Granting Martin CUOA's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, and (2) the Order granting in part, and denying in part, Martin CUOA's

1 Motion For Pre-Filing Order Against Plaintiffs Pursuant to Nevada's Vexatious Litigant Standard
2 and an Award of Attorney's Fees and Costs Resulting From Plaintiffs' Ongoing Vexatious
3 Conduct.

4 3. This Court, therefore, concludes that under Nevada law, Plaintiffs' Motion for
5 Reconsideration should be denied in its entirety.
6

7 **ORDER**

8 Based upon the forgoing procedural history, legal standard, findings/conclusions, and good
9 cause appearing:

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for
11 Reconsideration is hereby DENIED in its entirety and the matter scheduled on this Court's
12 Chambers Calendar on August 30, 2022 is hereby VACATED.

13 DATED this _____ day of _____, 2022.

14 Dated this 7th day of September, 2022

15 By:

Nancy L. Alf
DISTRICT COURT JUDGE

17 **0EA ACF 16DB F89A**
Nancy Alf
District Court Judge

18
19
20 Respectfully Submitted By:

APPROVED/DISAPPROVED

21 LEWIS BRISBOIS BISGAARD & SMITH LLP

22 *FAILED TO RESPOND*

23
24 By: /s/ Marc S. Cwik

25 MARC S. CWIK, ESQ.
26 Nevada Bar No. 06946
6385 S. Rainbow Boulevard, Suite 600
27 Las Vegas, Nevada 89118
Attorneys for The Martin Condominium Unit
Owners' Association

By: _____

WESLEY RUSCH
OLIVER LONGBOY
P.O. Box 30907
Las Vegas, NV 89173
(702) 764-0001
Plaintiffs Pro Per

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Wesley Rusch, Plaintiff(s)

CASE NO: A-20-826568-C

7 vs.

DEPT. NO. Department 27

8 The Martin Condominium Unit
9 Owners' Association,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 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:

15 Service Date: 9/7/2022

16 Marc Cwik

Marc.Cwik@lewisbrisbois.com

17 Susan Awe

susan.awe@lewisbrisbois.com

18 Wesley Rusch

dirofcomp@yahoo.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

February 16, 2021

A-20-826568-C	Wesley Rusch, Plaintiff(s)
	vs.
	The Martin Condominium Unit Owners' Association, Defendant(s)

February 16, 2021 3:00 AM Status Check

HEARD BY: Allf, Nancy **COURTROOM:** No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on December 16, 2020 a Complaint in Interpleader was filed.

COURT FUTHER FINDS after review that an Application to Proceed in Forma Pauperis was filed.

COURT FURTHER FINDS after review that on January 25, 2021 Plaintiff s Notice of Default and Request for Compensation was filed.

COURT FURTHER FINDS after review that on February 2, 2021 Plaintiff s Notice of Default and Request for Compensation was filed.

COURT FURTHER FINDS after review that on February 13, 2021 a Notice of Default was filed.

COURT FURTHER FINDS after review that on February 15, 2021 a Summons- Martin Unit Owners Association was filed.

COURT FURTHER FINDS after review that a Status Check: Summons was scheduled on February 16, 2021 on Chambers calendar.

THEREFORE COURT ORDERS for good cause and after review that because a Summons has been issued, the Status Check: Summons scheduled on February 16, 2021 on Chambers calendar is hereby VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 2/18/2021

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

August 31, 2021

A-20-826568-C	Wesley Rusch, Plaintiff(s) vs. The Martin Condominium Unit Owners' Association, Defendant(s)
---------------	--

August 31, 2021	3:00 AM	Minute Order	Minute Order: BlueJeans Appearance
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HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Information to Appear Telephonically

Re: Matter set on September 1, 2021, 9:00 a.m.

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

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

Meeting ID: 897 138 369

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

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

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

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

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

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

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

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

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

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

Please be mindful of where your camera is pointing.

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

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

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

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/31/2021.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

September 01, 2021

A-20-826568-C	Wesley Rusch, Plaintiff(s) vs. The Martin Condominium Unit Owners' Association, Defendant(s)
---------------	--

September 01, 2021	9:00 AM	Motion to Quash	Defendant's Motion to Quash Alleged Service of Process, Strike Writ of Execution Filed on May 15, 2021, and to Dismiss Plaintiff's New Complaint for Compensation, On Order to Shortening Time.
---------------------------	----------------	------------------------	--

HEARD BY: Alf, Nancy

COURTROOM: RJC Courtroom 16A

COURT CLERK: Nicole McDevitt

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:	Cwik, Marc S. Rusch, Wesley	Attorney Plaintiff
-----------------	--------------------------------	-----------------------

JOURNAL ENTRIES

- Present in Court: Wesley Rusch, Plaintiff
Present via the BlueJeans Videoconferencing Application.

Arguments by Mr. Cwik and Mr. Rusch regarding the merits of and opposition of motion. Court stated its findings and ORDERED, Defendant's Motion to Quash Alleged Service of Process, Strike Writ of Execution Filed on May 15, 2021, and to Dismiss Plaintiff's New Complaint for Compensation, On Order to Shortening Time GRANTED in all respects, DISMISSAL WITHOUT

PREJUDICE. Mr. Rusch requested extension of time to file. Court stated the time had already passed. Mr. Cwik to prepare the order and submit it to Mr. Rusch one week before submission to the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

January 04, 2022

A-20-826568-C	Wesley Rusch, Plaintiff(s) vs. The Martin Condominium Unit Owners' Association, Defendant(s)
---------------	--

January 04, 2022

3:00 AM

Minute Order

**Minute Order:
BlueJeans
Information**

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Nicole Cejas

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 27 Information to Appear Telephonically

Re: Matter set on January 6, 2022

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

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

Meeting ID: 897 138 369

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

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

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

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

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

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

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

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

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

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

Please be mindful of where your camera is pointing.

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

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

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

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole Cejas, to all registered parties for Odyssey File & Serve. /nc 1/4/2022

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

January 06, 2022

A-20-826568-C Wesley Rusch, Plaintiff(s)
vs.
The Martin Condominium Unit Owners' Association, Defendant(s)

January 06, 2022 9:30 AM All Pending Motions

HEARD BY: Alf, Nancy **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Nicole McDevitt
Nicole Cejas

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT: Cwik, Marc S. Attorney
Rusch, Wesley Plaintiff

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR RECONSIDERATION OF DEFENDANT THE MARTIN'S MOTION TO STRIKE...DEFENDANT MARTIN UNIT OWNER'S NOTICE OF RELATED CASES AND MOTION TO CONSOLIDATE ON ORDER SHORTENING TIME.

Appearance via BlueJeans Videoconferencing Application: Marc Cwik, Esq.
Present in person: Wesley Rusch, pro se.

Arguments made by counsel and Mr. Rusch regarding the merits of and opposition of Defendant's Motion. COURT ORDERED Defendant Martin Unit Owner's Notice of Related Cases and Motion to Consolidate on Order Shortening Time GRANTED. Mr. Cwik to prepare a simple order and submit it to Mr. Rusch for his review and approval of form. Following colloquy regarding the time needed to hear the remaining mater and in the interest of judicial economy, MATTER TRAILED.

MATTER RECALLED. All parties present as before. Arguments made by counsel and Mr. Rusch regarding the merits of and opposition of Plaintiff's Motion. COURT ORDERED Plaintiff's Motion for

Reconsideration of Defendant the Martin's Motion To Strike DENIED. Mr. Cwik to prepare a simple order and submit it to Mr. Rusch for his review and approval of form. Court stated Mr. Cwik to prepare two separate orders regarding each motion that was heard.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole Cejas, to all registered parties for Odyssey File & Serve. /nc 1/24/2022

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

March 16, 2022

A-20-826568-C	Wesley Rusch, Plaintiff(s) vs. The Martin Condominium Unit Owners' Association, Defendant(s)
---------------	--

March 16, 2022	9:00 AM	Motion	Rusch Request to Nullify Sale Based on Violation of Constitutional Right of Due Process and Nevada Law and Restore Possession of the Condo to its Rightful Owners Rusch & Longboy
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HEARD BY: Alf, Nancy

COURTROOM: RJC Courtroom 16A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT:	Cwik, Marc S. Rusch, Wesley	Attorney Plaintiff
-----------------	--------------------------------	-----------------------

JOURNAL ENTRIES

- Present via BlueJeans Videoconferencing Application: Marc S. Cwik, Esq.

Arguments by mr. Rusch and Mr. Cwik regarding the merits of and opposition to the motion. Court stated its findings and ORDERED, Rusch Request to Nullify Sale Based on Violation of Constitutional Right of Due Process and Nevada Law and Restore Possession of the Condo to its Rightful Owners Rusch & Longboy DENIED. Mr. Cwik to prepare the order and provide it to Mr. Rusch for review.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

April 05, 2022

A-20-826568-C	Wesley Rusch, Plaintiff(s) vs. The Martin Condominium Unit Owners' Association, Defendant(s)
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April 05, 2022	3:00 AM	Motion For Reconsideration
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HEARD BY: Allf, Nancy **COURTROOM:** No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on February 28, 2022, a Motion for Reconsideration of Motion for Consolidation and Fraud (Motion for Reconsideration) was filed.

COURT FURTHER FINDS after review that on March 11, 2022, an Opposition to the Motion for Reconsideration was filed.

COURT FURTHER FINDS after review EDCR 2.24(a) provides in relevant part: No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of court granted upon motion therefor, after notice of such motion to the adverse parties.

COURT FURTHER FINDS after review that a Motion for Reconsideration is scheduled for April 5, 2022, on Chamber Calendar.

COURT FURTHER FINDS after review that Plaintiff does not offer any new evidence or new facts for the Court to reconsider.

THEREFORE COURT ORDERS for good cause appearing and after review the Motion for Reconsideration is hereby DENIED and the matter scheduled on April 5, 2022, on Chamber Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 4/5/2022

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

June 01, 2022

A-20-826568-C	Wesley Rusch, Plaintiff(s) vs. The Martin Condominium Unit Owners' Association, Defendant(s)
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June 01, 2022	9:00 AM	Motion for Sanctions	Plaintiff's Motion for an Award of Sanctions for Fraud by Martins Counsel
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HEARD BY: Alf, Nancy

COURTROOM: RJC Courtroom 16A

COURT CLERK: Nicole McDevitt
Kimberly Gutierrez

RECORDER: Velvet Wood

REPORTER:

PARTIES

PRESENT: Cwik, Marc S. Attorney

JOURNAL ENTRIES

- Mr. Cwik appeared via BlueJeans Videoconferencing App.

Upon Court's inquiry as to whether Mr. Cwik had heard anything from Plaintiffs, Mr. Cwik stated that there has been no communication from Plaintiffs. Court stated its findings and ORDERED Plaintiff's Motion for an Award of Sanctions for Fraud by Martin's Counsel, DENIED. Court instructed that Defendant prepare Findings of Fact and Conclusions of Law that are consistent with the Opposition to said Motion.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

June 15, 2022

A-20-826568-C Wesley Rusch, Plaintiff(s)
vs.
The Martin Condominium Unit Owners' Association, Defendant(s)

June 15, 2022 10:00 AM All Pending Motions

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Nicole McDevitt
Kimberly Gutierrez

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT: Cwik, Marc S. Attorney
Rusch, Wesley Plaintiff

JOURNAL ENTRIES

- DEFENDANT THE MARTIN CONDOMINIUM UNIT OWNERS' ASSOCIATION'S MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT...DEFENDANT'S MOTION FOR (1) PRE-FILING ORDER AGAINST PLAINTIFFS PURSUANT TO NEVADA VEXATIOUS LITIGANT STANDARD AND (2) AN AWARD OF ATTORNEY'S FEES AND COSTS RESULTING FROM PLAINTIFFS' ONGOING VEXATIOUS CONDUCT

Mr. Cwik appeared via BlueJeans Videoconferencing App.

Arguments on the merits of and opposition to the motions presented by counsel. Upon Court's inquiry as to the time frame of when bankruptcy was filed relative to the date of foreclosure, Mr. Rusch stated that said bankruptcy was filed prior to the foreclosure. Court noted that an opposition to Defendant the Martin Condominium Unit Owners' Association's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment was not filed, but instead, an oral counter-motion was presented by Mr. Rusch. Court stated its findings and ORDERED said Defendant's motion GRANTED; and Plaintiff's oral counter-motion DENIED. COURT FURTHER ORDERED Defendant's Motion for (1) Pre- Filing Order Against Plaintiffs Pursuant to Nevada Vexatious Litigant Standard

and (2) An Award Of Attorney's Fees And Costs Resulting From Plaintiffs' Ongoing Vexatious Conduct, GRANTED IN PART as to the motion for pre-filing Order; DENIED WITHOUT PREJUDICE, IN PART as to attorneys fees and costs. Mr. Cwik to prepare both of the Orders and submit to Mr. Rusch for review of form. Court instructed that if any objections relative to form arise, said objection must be filed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

August 30, 2022

A-20-826568-C	Wesley Rusch, Plaintiff(s) vs. The Martin Condominium Unit Owners' Association, Defendant(s)
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August 30, 2022	3:00 AM	Motion For Reconsideration
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HEARD BY: Allf, Nancy **COURTROOM:** No Location

COURT CLERK: Nicole McDevitt

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on July 24, 2022, a Motion for Reconsideration of Motion for Consolidation and Fraud (Motion for Reconsideration) was filed.

COURT FURTHER FINDS after review that on July 26, 2022, an Opposition to the Motion for Reconsideration was filed.

COURT FURTHER FINDS after review EDCR 2.24(a) provides in relevant part: No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of court granted upon motion therefor, after notice of such motion to the adverse parties.

COURT FURTHER FINDS after review that a Motion for Reconsideration is scheduled for August 30, 2022, on Chamber Calendar.

COURT FURTHER FINDS after review that Plaintiff does not offer any new evidence or new facts for the Court to reconsider.

THEREFORE COURT ORDERS for good cause appearing and after review the Motion for Reconsideration is hereby DENIED and the matter scheduled on August 30, 2022, on Chamber Calendar is hereby VACATED. Defendant s Counsel to prepare the Order in compliance with EDCR 7.21 and email it in pdf format to DC27Inbox@ClarkCountyCourts.us

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/1/2022

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

September 01, 2022

A-20-826568-C Wesley Rusch, Plaintiff(s)
vs.
The Martin Condominium Unit Owners' Association, Defendant(s)

September 01, 2022 11:30 AM Show Cause Hearing

HEARD BY: Allf, Nancy **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT: Cwik, Marc S. Attorney

JOURNAL ENTRIES

- Appearances made via the BlueJeans Videoconferencing Application

Mr. Cwik noted concerns he had with filings made by Mr. Rusch. Court stated its findings, noting that Plaintiff did show cause, and ORDERED, show cause GRANTED; Plaintiffs will not be held in held in contempt, forma pauperis status will not be revoked, Plaintiffs' Purported Summary Judgment Order STRICKEN, and Plaintiffs will be referred to the Chief Judge for determination as to whether or not they are vexatious litigants.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Real Property

COURT MINUTES

October 19, 2022

A-20-826568-C Wesley Rusch, Plaintiff(s)
vs.
The Martin Condominium Unit Owners' Association, Defendant(s)

October 19, 2022 9:00 AM Motion

HEARD BY: Alf, Nancy **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Nicole McDevitt

RECORDER: Brynn White

REPORTER:

PARTIES

PRESENT: Cwik, Marc S. Attorney
 Rusch, Wesley Plaintiff

JOURNAL ENTRIES

- Appearances made via the BlueJeans Videoconferencing Application: Marc S. Cwik, Esq.

Arguments by Mr. Rusch regarding the merits of his case and history of the matter. Arguments in opposition made by Mr. Cwik as well as request for review of Plaintiff by Chief Judge as being a vexatious litigant. Court stated its findings and ORDERED, Plaintiff's Motion and Objection DENIED, Defendant's attorney's fees and costs for defendant the matter GRANTED, defendant to submit an affidavit as to fees and costs with the order. Court directed Mr. Cwik to prepare the order and present an affidavit of the fees and costs and the order to Plaintiff one week prior to submission to the Court. Mr. Rusch stated the complaint was served by the sheriff's office and he would submit proof. Court stated it will be enforcing the pre-filing order and further pleadings submitted by Mr. Rusch would be stricken.

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; ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION REGARDING COURT ORDERS ENTERED ON JUNE 30, 2022 (FROM LEAD CASE A-20-826568-C); NOTICE OF ENTRY OF ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION REGARDING COURT ORDERS ENTERED ON JUNE 30, 2022 (FROM LEAD CASE A-20-826568-C); DISTRICT COURT MINUTES

WESLEY RUSCH; OLIVER LONGBOY,

Plaintiff(s),

vs.

THE MARTIN CONDOMINIUM UNIT
OWNERS' ASSOCIATION,

Defendant(s),

Case No: A-21-840526-C

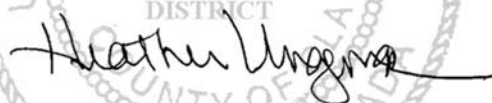
Consolidated with A-20-826568-C

Dept No: XXVII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 8 day of December 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk