

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

IN THE MATTER OF THE  
ESTATE OF THOMAS JOSEPH  
HARRIS, DECEASED.

Case No. 86096

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Elizabeth A. Brown  
Clerk of Supreme Court

TODD ROBBEN,

Appellant,

vs.

THE ESTATE OF THOMAS  
JOSEPH HARRIS; AND THE  
THOMAS J. HARRIS TRUST,

Respondents.

**OPPOSITION TO APPELLANT'S MOTION FOR  
RECONSIDERATION OF THE LAST NON-VIOLENT  
RESOLUTION(S) AS RESPONDENT ESCALATES THE  
HARASSMENT AND ABUSE OF PROCESS USING  
UNDERCOVER AGENTS TO STALK, HARASS AND TRESPASS  
TO THREATEN THE APPELLANT**

Respondents, Estate of Thomas J. Harris, by and through its Personal Representative, the Honorable Tara M. Flanagan (the "Estate"), and the Thomas J. Harris Trust, by and through its Successor Trustee, Ms. Flanagan, (the "Trust") jointly present this Opposition to Appellant's Motion for Reconsideration of the Last Remaining Non-Violent Resolution(s) as Respondent Escalates the Harassment and Abuse of Process Using Undercover Agents to Stalk, Harass and Trespass to

Threaten the Appellant – filed on or about September 18, 2023 (hereinafter referred to as Appellant’s “Motion” or “Motion for Reconsideration”).

## **POINTS AND AUTHORITIES**

### **I. Introduction and Relevant History**

On September 11, 2023, this honorable Court entered its “Order.” The Court’s September 11, 2023 Order DENIED the following Motions filed by the Appellant: 1) the Appellant’s Verified Request for Sanctions (“Motion for Sanctions”) against Respondents and Counsel filed on August 16, 2023; 2) Appellant’s Motion to Strike Respondents Notice of Intent to Oppose the Motion for Sanctions if Ordered – Appellant Requests Further Sanctions filed on August 29, 2023; 3) Appellant’s Motion for Extraordinary Relief filed on August 31, 2023; and 4) Appellant’s Motion to Expedite filed on August 31, 2023.

The Court’s September 11, 2023, Order also addressed abusive litigation tactics undertaken by the Appellant in this matter. Specifically, the Court’s Order directs Appellant to refrain from using “abusive, threatening, or otherwise inappropriate language when communicating with respondent’s counsel or this court.” *See* Court Order of September 11, 2323, at pg. 3. The Court’s Order makes clear continued

use of “abusive or threatening language” may result in the imposition of additional sanctions against the Appellant, up to and including the dismissal of this appeal. *Id.*

Recently, the Appellant filed his Motion for Reconsideration of the Court’s September 11, 2023, Order. The Respondents timely present their Opposition to the Appellant’s Motion for Reconsideration.

## **II. LAW AND ARGUMENT**

Reconsideration of a prior order is only granted in very rare instances. Specifically, a court may reconsider a previously decided issue only if substantially different evidence is subsequently introduced or the prior decision is found to be clearly erroneous. *See Masonry & Tile Contractors Ass’n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997). Indeed, this Court has held “[o]nly in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted.” *See S. Nevada Adult Mental Health Servs. v. Brown*, 498 P.3d 1278, 2021 WL 5370820 (Nev. 2021) *citing Moore v. City of Las Vegas*, 92 Nev. at 405, 551 P.2d at 246.

Here, Appellant's Motion for Reconsideration fails to present any new issues of fact or law relevant to the Court's September 11, 2023 Order. Likewise, Appellant's Motion fails to present any legal argument or other basis upon which the Court's September 11, 2023 Order could be found clearly erroneous. *See Masonry & Tile Contractors Ass'n of S. Nevada v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737 at 741. Otherwise stated, the Appellant's Motion for Reconsideration is devoid of any argument meriting reconsideration of this Court's September 11, 2023 Order.

Instead, the Appellant's Motion continues Appellant's pattern of presenting meritless allegations which are entirely false, and have no bearing on the substance of this case. In this instance, Appellant makes allegations of stalking and harassment against Respondents and their Counsel. The Appellant also repeats other false allegations against Respondents and their Counsel which appeared in Appellant's prior filings, and which have all been denied by this Court. While the Respondents and their Counsel feel great frustration in even having to do so, they deny all allegations made by the Appellant of any wrongdoing of any kind or nature. Judge Flanagan and Respondents' Counsel have done nothing but diligently represented the Respondents at all times, and

have never inappropriately taken or stolen any asset of the Estate or Trust. In response to Appellant's newest false allegations of stalking and harassing, the Respondents' Counsel confirms they have attempted to serve legal process upon Appellant. This effort was done using proper legal channels, and in no way amounts to any type of stalking or harassment. Specifically, Respondents' Counsel has attempted to serve legal process upon the Appellant using a licensed process server at the Appellant's last known address, and have not improperly contacted the Appellant regarding this or any other legal matter. Simply stated, the Appellant's Motion for Reconsideration is based solely on false allegations and is not based upon any new issues of law or fact, or a substantive basis of any kind, upon which the Court's September 11, 2023 Order could be found clearly erroneous. *See S. Nevada Adult Mental Health Servs. v. Brown*, 498 P.3d 1278, 2021 WL 5370820 (Nev. 2021) *citing Moore v. City of Las Vegas, supra*.

Finally, by and through his Motion for Reconsideration, the Appellant persists in conduct this Court instructed him to cease. The Appellant's Motion makes baseless and inappropriate allegations of bias against the Court. The Appellant also continues to use abusive, threatening, and inappropriate language in his Motion for

Reconsideration. Therefore, Respondents request this Court consider further sanctions as set forth in its September 11, 2023 Order.

### III. CONCLUSION

The Appellant's Motion for Reconsideration fails to present any basis upon which the Court's September 11, 2023 Order could be found clearly erroneous. The Appellant's Motion is properly denied.

The Court's September 11, 2023 Order is proper, appropriate, and necessary in the face of this matter.

DATED this 21<sup>st</sup> day of September 2023.

By: /s/ F. McClure Wallace.

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Personal Representative for the  
Estate of Thomas J. Harris, and  
as Successor Trustee of the  
Thomas J. Harris Trust*

## CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury, that I am an employee of *WALLACE & MILLSAP* that I am over the age of eighteen (18) years, and that I am not a party to, nor interested in this action. On this date, I caused to be served a true and correct copy of the foregoing document on all parties to this action by placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada postage paid, following the ordinary course of business practices as follows:

Todd Robben  
P.O. Box 4251  
Sonora, California 95370

DATED this 21st day of September 2023.

By: /s/ Caroline Carter.  
Employee of Wallace & Millsap