

No. A-21-841580-C

Dept. No. 20

IN THE 8<sup>th</sup> JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA IN AND FOR  
THE COUNTY OF CLARK

Electronically Filed  
Mar 07 2023 02:57 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

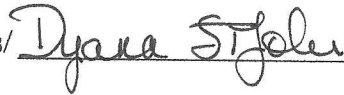
LAS PALMAS HOA,  
Plaintiff }

v.

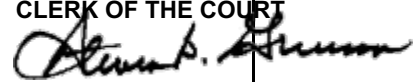
DYANA STJOHN,  
Defendant }

**NOTICE OF APPEAL**

Notice is hereby given that Dyana STJohn, defendant above named, hereby appeals to the Supreme Court of Nevada from the Order To Schedule Inspection, entered in this action on the 6th day of February, 2023

/s/ 

Dyana STJohn, in Pro Se  
Mailing address:  
PO Box 31134 Laughlin, NV  
89028  
1956 Las Palmas Ln Unit 136  
Laughlin, NV 89029  
Email:  
earthangel144@outlook.com



1 ASTA

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

10 LAS PALMAS HOMEOWNERS ASSOCIATION,

11 Plaintiff(s),

12 vs.

13 DYANA A. ST. JOHN,

14 Defendant(s),  
15

Case No: A-21-841580-C

Dept No: XX

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Dyana St. John

20 2. Judge: Eric Johnson

21 3. Appellant(s): Dyana St. John

22 Counsel:

23 Dyana St. John  
24 P.O. Box 31134  
Laughlin, NV 89028

25 4. Respondent (s): Las Palmas Homeowners Association

26 Counsel:

27 Gregory P. Kerr, Esq.  
28 3773 Howard Hughes Pkwy., Ste 590  
Las Vegas, NV 89169

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes  
4 Permission Granted: N/A

5 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: N/A  
8 *\*\*Expires 1 year from date filed*  
9 Appellant Filed Application to Proceed in Forma Pauperis: No  
Date Application(s) filed: N/A

10 9. Date Commenced in District Court: September 23, 2021

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

12 Type of Judgment or Order Being Appealed: Misc. Order

13 11. Previous Appeal: Yes

14 Supreme Court Docket Number(s): 84213

15 12. Child Custody or Visitation: N/A

16 13. Possibility of Settlement: Unknown

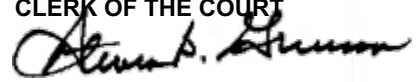
17 Dated This 6 day of March 2023.

18 Steven D. Grierson, Clerk of the Court

19  
20  
21 /s/ Amanda Hampton

22 Amanda Hampton, Deputy Clerk  
23 200 Lewis Ave  
24 PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

25 cc: Dyana St. John  
26  
27  
28



No. A-21-841580-C

Dept. No. 20

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

LAS PALMAS HOMEOWNERS

ASSOC.,                      Plaintiff                      }

DYANA STJOHN., Defendant                      }

**CASE APPEAL STATEMENT**

1. Dyana STJohn
2. Judge Eric Johnson issued the order subject to the appeal.
3. Dyana STJohn Appellant in Proper Person
4. Las Palmas HOA counsel Gregory P. Kerr Bar – WRS Lawyers 3773 Howard Hughes Pkwy. Suite 590 South Las Vegas, NV 89169
5. Licensed in Nevada Respondent counsel.
6. Appellant was represented in district court intermittently, Timothy P. Thomas, Esq.
7. Appellant is unrepresented on appeal. Mr. Thomas declined to represent.
8. Appellant requested Mr. Thomas to withdraw from case for lack of defense which granted on February 6, 2023. Mr. Thomas was weary of the repeated hostility of Judge Johnson and his repeated efforts to interfere with a Veteran handicapped grant awarded to the appellant for wheelchair access in the home and not intended for the remediation of hazard conditions averting the financial responsibility of the association. Judge Johnson threatened the appellant with eviction from her home if legal counsel was not retained, most of the transcripts have been altered and this information omitted. The audio recordings confirm this fact.
9. Petition was filed October 23, 2021 in district court by the Las Palmas HOA.
10. The February 6, 2023 Order To Schedule Inspection violates real estate law and the appellant's real estate ownership rights, Right of Exclusion: The order preempts Article III, 3.17 Right of Entry 15 days-notice that requires the Association to provide in writing to the owner which has not happened to date. Appellant has provided audio recording CD's and transcripts to validate gross alterations of what was said at the hearings in the transcripts for review and correction.  
The January 27, 2023 inspection by Synergy excluded a quarantine area in the unit for pets and valuables that is an unaffected area for any repairs. A mold inspection report

confirms the area as unaffected that has been completely disregarded. This inspection preceded the February 6, 2023 order which was based upon misinformation given by Synergy that contributed to the order.

Appellant has had multiple adverse events with Synergy Contracting that support the exclusion.

The order violates the Association Declaration of CC&R's and NRS 116.31086 Solicitation for Bids. The order violates NRS 116.31086 that requires solicitation of bids and notice to the members by the opening of bids at the Executive board meeting. The order gives contractor exclusivity also a violation of NRS 116.31086 and Declaration of CC&R's.

The order violates Article II, 2.10 of the Association CC&R's the repair of the unit interior common areas are an expense of all the owners. The basis for the solicitation of bids NRS 116.31086.

11. Appellant filed a notice of appeal the previous year however, due to a severe relapse of multiple sclerosis, incapacitated, indigent . Appellant had no ability to respond. Same case
12. No child custody or visitation.
13. The Association has declined a settlement offer.

Dated this 15<sup>th</sup> day of February, 2023

Signature Dyana STJohn

Dyana STJohn in Proper Person

**CASE SUMMARY****CASE NO. A-21-841580-C**

**Las Palmas Homeowners Association, Plaintiff(s)**  
**vs.**  
**Dyana St. John, Defendant(s)**

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§  
§  
§

Location: **Department 20**  
 Judicial Officer: **Johnson, Eric**  
 Filed on: **09/23/2021**  
 Cross-Reference Case Number: **A841580**  
 Supreme Court No.: **84213**

**CASE INFORMATION**Case Type: **Other Real Property**

Case Status: **09/23/2021 Open**






**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-21-841580-C  
 Court Department 20  
 Date Assigned 09/23/2021  
 Judicial Officer Johnson, Eric

**PARTY INFORMATION**














<b>Plaintiff</b>	<b>Las Palmas Homeowners Association</b>	<i>Lead Attorneys</i> <b>Kerr, Gregory P.</b> <i>Retained</i> 7023415200(W)
<b>Defendant</b>	<b>St. John, Dyana A.</b>	<b>Thomas, Timothy P</b> <i>Retained</i> 702-227-0011(W)

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

09/23/2021	 <b>Complaint</b> Filed By: Plaintiff Las Palmas Homeowners Association <i>[1] Complaint for Injunctive Relief Regarding Real Property, and Breach of Contract (CC&amp;RS)</i>
09/23/2021	 <b>Initial Appearance Fee Disclosure</b> Filed By: Plaintiff Las Palmas Homeowners Association <i>[2] Initial Appearance Fee Disclosure</i>
09/23/2021	 <b>Motion for Preliminary Injunction</b> Filed By: Plaintiff Las Palmas Homeowners Association <i>[3] Plaintiff's Motion for Preliminary Injunction</i>
09/23/2021	 <b>Declaration</b> Filed By: Plaintiff Las Palmas Homeowners Association <i>[4] Declaration of Deborah Markham in Support of Preliminary Injunction</i>
09/23/2021	 <b>Clerk's Notice of Hearing</b> <i>[5] Notice of Hearing</i>

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09/23/2021	 Summons Electronically Issued - Service Pending Party: Plaintiff Las Palmas Homeowners Association <i>[6] Summons</i>
09/30/2021	 Summons Filed by: Plaintiff Las Palmas Homeowners Association <i>[7] Summons with Affidavit of Service</i>
10/13/2021	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[8] Affidavit in Support of Order Extending Time to Answer</i>
10/13/2021	 Motion for Order Extending Time Filed by: Defendant St. John, Dyana A. <i>[9] Motion for Order Extending Time to Answer</i>
10/19/2021	 Motion Filed By: Defendant St. John, Dyana A. <i>[10] Defendant's Motion to Dismiss and Opposition to Plaintiff's Application for a Preliminary Injunction</i>
10/22/2021	 Reply to Opposition Filed by: Plaintiff Las Palmas Homeowners Association <i>[11] Plaintiff's Reply to Opposition to Motion for Preliminary Injunction</i>
11/12/2021	 Ex Parte Motion Filed By: Plaintiff Las Palmas Homeowners Association <i>[12] Ex Parte Motion for Continuance</i>
11/18/2021	 Opposition to Motion Filed By: Plaintiff Las Palmas Homeowners Association <i>[13] Opposition to Defendant's Motion for Continuance; Opposition to Defendant's Ex Parte Motion for Continuance; Request for Status Check Hearing</i>
11/18/2021	 Order Filed By: Plaintiff Las Palmas Homeowners Association <i>[14] Order on Motion for Preliminary Injunction</i>
11/19/2021	 Notice of Entry of Order Filed By: Plaintiff Las Palmas Homeowners Association <i>[15] Notice of Entry of Order on Motion for Preliminary Injunction</i>
11/22/2021	 Reply in Support Filed By: Defendant St. John, Dyana A. <i>[16] 16] Reply in Support of Opposition to Plaintiff's Opposition for Ex Parte Continuance of Hearing</i>
11/23/2021	 Supplement Filed by: Defendant St. John, Dyana A. <i>[17] Documents in Support of Reasonable Accommodations and Modifications the Fair Housing Acts Rights and Obligations Under Federal Law HOA Housing Providers</i>
11/23/2021	 Supplemental Filed by: Defendant St. John, Dyana A.



# CASE SUMMARY

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*[18] Documents in Support of Reasonable Accommodations and Modifications the Fair Housing Acts Rights and Obligations Under Federal Law HOA Housing Providers*

11/23/2021



Supplement to Response and Opposition

Filed By: Defendant St. John, Dyana A.

*[19] Reply in Support of Opposition to Plaintiffs Opposition to Ex Parte Continuance of Hearing 11/24/2021 10:30 am*

11/25/2021



Motion for Order

Filed By: Defendant St. John, Dyana A.

*[20] Defendant Motion for Order to Set Aside Arbitration/Mediation*

11/25/2021



Motion to Dismiss

Filed By: Defendant St. John, Dyana A.

*[21] Motion to Dismiss Lawsuit*

11/29/2021



Clerk's Notice of Hearing

Party: Defendant St. John, Dyana A.

*[22] Notice of Hearing*

11/29/2021



Clerk's Notice of Hearing

*[23] Notice of Hearing*

12/01/2021



Clerk's Notice of Nonconforming Document

*[24] Clerk's Notice of Nonconforming Document*

12/09/2021



Opposition to Motion

Filed By: Plaintiff Las Palmas Homeowners Association

*[25] Opposition to Defendant's Motion to Set Aside Order to Arbitrate; Opposition to Defendant's Motion to Dismiss*

12/10/2021



Supplement

Filed by: Defendant St. John, Dyana A.

*[26] Documents in Support of Defendants Motion to Dismiss Civil Lawsuit*

12/10/2021



Miscellaneous Filing

Filed by: Defendant St. John, Dyana A.

*[27] Letter*

12/10/2021



Exhibits

Filed By: Defendant St. John, Dyana A.

*[28] Diagram Common Use Accessible Spaces and Elements on an Accessible Route*

12/10/2021



Miscellaneous Filing

Filed by: Defendant St. John, Dyana A.

*[29] Cost Breakout*

12/10/2021



Exhibits

*[30] Letter - Department of Veterans Affairs to Dyana A St John*

12/10/2021



Exhibits

*[31] Letter - Department of Veterans Affairs to Dyana A St John*

12/12/2021



Supplement



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	<p>Filed by: Defendant St. John, Dyana A.  <i>[32] Documents in Support of Defendants Motion to Dismiss Civil Lawsuit</i></p>
12/13/2021	<p> Subpoena Duces Tecum            Filed by: Defendant St. John, Dyana A.  <i>[33] Subpoena Duces Tecum for Business Records (No Appearance Required) - CDM Management c/o Las Palmas HOA</i></p>
12/14/2021	<p> Subpoena Duces Tecum            Filed by: Defendant St. John, Dyana A.  <i>[34] Subpoena Duces Tecum for Business Records</i></p>
12/16/2021	<p> Supplemental            Filed by: Defendant St. John, Dyana A.  <i>[35] Documents in Support of Defendants Motion to Dismiss Civila Lawsuit</i></p>
12/17/2021	<p> Supplemental            Filed by: Defendant St. John, Dyana A.  <i>[36] Documents in support of Defendants Motion to Dismiss Civil Lawsuit</i></p>
12/17/2021	<p> Supplement            Filed by: Defendant St. John, Dyana A.  <i>[37] Documents in Support of Defendants Motion to Dismiss Civil Lawsuit</i></p>
01/13/2022	<p> Order Shortening Time  <i>[38] Motion for Leave to Amend Complaint on Order Shortening Time</i></p>
01/13/2022	<p> Order Shortening Time  <i>[39] Plaintiff's Motion for Preliminary Injunction on Order Shortening Time</i></p>
01/14/2022	<p> Opposition to Motion            Filed By: Defendant St. John, Dyana A.  <i>[40] Opposition to Plaintiffs Motion for Preliminary Injunction Order Shortening Time</i></p>
01/17/2022	<p> Opposition to Motion            Filed By: Defendant St. John, Dyana A.  <i>[41] Opposition to Plaintiffs Motion for Preliminary Injunction and Order Shortening Time</i></p>
01/19/2022	<p> Errata            Filed By: Plaintiff Las Palmas Homeowners Association  <i>[42] Errata to Plaintiff's Motion for Preliminary Injunction on Order Shortening Time</i></p>
01/19/2022	<p> Declaration            Filed By: Plaintiff Las Palmas Homeowners Association  <i>[43] Declaration of Earl Abbott in Support of Preliminary Injunction</i></p>
01/19/2022	<p> Declaration            Filed By: Plaintiff Las Palmas Homeowners Association  <i>[44] Declaration of Tom Wolff in Support of Preliminary Injunction</i></p>
01/19/2022	<p> Opposition            Filed By: Defendant St. John, Dyana A.  <i>[45] Defendants OOpposition to Plaintiff;s Motion for Preliminary Injunctive Relief</i></p>















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01/20/2022	 Reply to Opposition Filed by: Plaintiff Las Palmas Homeowners Association <i>[46] Plaintiff's Reply to Opposition to Motion for Preliminary Injunction</i>
01/20/2022	 Declaration Filed By: Plaintiff Las Palmas Homeowners Association <i>[47] Declaration of Zach M. Gharibian in Support of Reply to Opposition to Preliminary Injunction</i>
01/20/2022	 Declaration Filed By: Plaintiff Las Palmas Homeowners Association <i>[48] Declaration of Deborah Markham in Support of Reply to Opposition to Motion for Preliminary Injunction</i>
01/22/2022	 Supplement Filed by: Defendant St. John, Dyana A. <i>[49] Amended Declaration of Defendant</i>
01/23/2022	 Affidavit in Support <i>[50] Affidavit of Documents in Support of Defendants Opposition to Plaintiffs Preliminary Injunctio</i>
01/24/2022	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[51] Defendant Statement of Facts</i>
01/26/2022	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[52] Affidavit of Facts</i>
01/26/2022	 Amended Complaint Filed By: Plaintiff Las Palmas Homeowners Association <i>[53] First Amended Complaint for Injunctive Relief Regarding Real Property, and Breach of Contract (CC&amp;RS), and Negligence</i>
01/26/2022	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[54] Affidavit of Facts</i>
01/27/2022	 Declaration Filed By: Defendant St. John, Dyana A. <i>[55] Defendant Declaration 1/26/2022 Hearing</i>
02/02/2022	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[56] Affidavit of Facts and Supporting Documents</i>
02/02/2022	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[57] Affidavit of Facts and Supporting Documents Amended</i>
02/02/2022	 Document Filed Filed by: Defendant St. John, Dyana A. <i>[58] Document of HUD Complaint</i>



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02/02/2022	 Order <i>[59] Order on Motion For Leave To Amend And Motion For Preliminary Injunction</i>
02/02/2022	 Notice of Entry of Order Filed By: Plaintiff Las Palmas Homeowners Association <i>[60] Notice of Entry of Order on Motion for Leave to Amend and Motion for Preliminary Injunction</i>
02/05/2022	 Notice of Appeal Filed By: Defendant St. John, Dyana A. <i>[61] Notice of Appeal to Nevada Supreme Court</i>
02/07/2022	 Order Filed By: Plaintiff Las Palmas Homeowners Association <i>[62] Order Regarding Continuance of Stay</i>
02/08/2022	 Case Appeal Statement <i>[63] Case Appeal Statement</i>
02/08/2022	 Notice of Entry of Order Filed By: Plaintiff Las Palmas Homeowners Association <i>[64] Notice of Entry of Order Regarding Continuance of Stay</i>
02/10/2022	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[65] Statement of facts and Documents</i>
04/01/2022	 Recorders Transcript of Hearing <i>[66] Recorder's Transcript of Hearing: Plaintiff's Motion for Preliminary Injunction, October 27, 2021</i>
04/01/2022	 Recorders Transcript of Hearing <i>[67] Recorder's Transcript of Hearing: Status Check: Stay of Case, February 02, 2022</i>
04/05/2022	 Status Report Filed By: Plaintiff Las Palmas Homeowners Association <i>[68] Update for Status Check Hearing</i>
04/05/2022	 Errata Filed By: Plaintiff Las Palmas Homeowners Association <i>[69] Errata to Update for Status Check</i>
04/06/2022	 Response Filed by: Defendant St. John, Dyana A. <i>[70] Response to Plaintiff's Errata Status Check</i>
04/06/2022	 Miscellaneous Filing Filed by: Defendant St. John, Dyana A. <i>[71] Letter from State of Nevada Department of Business and Industry Real estate Division</i>
04/10/2022	 Miscellaneous Filing <i>[72] Letter form Department of Veterans Affairs</i>








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04/19/2022	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[73] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
05/10/2022	 Affidavit in Support Filed By: Defendant St. John, Dyana A. <i>[74] Statement of Facts Affidavit</i>
07/08/2022	 Notice of Change of Hearing <i>[75] Notice of Change of Hearing</i>
07/11/2022	 Declaration Filed By: Defendant St. John, Dyana A. <i>[76] Defendant Statement of Facts</i>
08/22/2022	 Notice of Change of Hearing <i>[77] Notice of Change of Hearing</i>
10/03/2022	 Court Recorders Invoice for Transcript <i>[78] Written Transcript of 8-10-22</i>
10/19/2022	 Recorders Transcript of Hearing <i>[79] Recorder's Transcript of Hearing: Status Check: Case Status, August 10, 2022</i>
10/26/2022	 Court Recorders Invoice for Transcript <i>[80] Audio/Video disks</i>
12/05/2022	 Court Recorders Invoice for Transcript <i>[81] Written Transcript and CD of 11-16-22</i>
12/06/2022	 Recorders Transcript of Hearing <i>[82] Recorder's Transcript of Hearing: Status Check: Contractors Bid for VA Grant, November 16, 2022</i>
12/19/2022	 Court Recorders Invoice for Transcript <i>[83] Written Transcript and CD of 12-7-22</i>
01/19/2023	 Motion to Withdraw As Counsel Filed By: Defendant St. John, Dyana A. <i>[84] Defendant's Motion to Withdraw as Counsel</i>
01/24/2023	 Notice of Hearing Filed By: Defendant St. John, Dyana A. <i>[85] Notice of Hearing for Motion to Withdraw as Counsel for Defendant</i>
02/06/2023	 Order Filed By: Plaintiff Las Palmas Homeowners Association <i>[86] Order to Schedule Inspection</i>
02/07/2023	 Declaration Filed By: Plaintiff Las Palmas Homeowners Association <i>[87] Declaration of Earl Abbott Regarding Qualifications of Synergy Contracting</i>

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CASE NO. A-21-841580-C

02/07/2023	 Notice of Entry of Order Filed By: Plaintiff Las Palmas Homeowners Association <i>[88] Notice of Entry of Order to Schedule Inspection</i>
02/13/2023	 Court Recorders Invoice for Transcript <i>[89] CD and Written Transcript of 2-1-23 Hearing</i>
02/15/2023	 Recorders Transcript of Hearing <i>[90] Recorder's Transcript of Hearing: Status Check: Status of Mold Remediation and Repairs, December 07, 2022</i>
03/02/2023	 Notice of Appeal Filed By: Defendant St. John, Dyana A. <i>[91] Notice of Appeal Order To Schedule Inspection</i>
03/02/2023	 Declaration Filed By: Defendant St. John, Dyana A. <i>[92] Defendants Declaration Countering Synergy Declaration</i>
03/03/2023	 Ex Parte Motion Filed By: Defendant St. John, Dyana A. <i>[93] Ex Parte Motion for Continuance</i>
03/03/2023	 Recorders Transcript of Hearing <i>[94] Status Check: Status of Mold Remediation and Repairs; Motion to Withdraw as Counsel, February 01, 2023</i>
03/03/2023	 Case Appeal Statement Filed By: Defendant St. John, Dyana A. <i>[95] Case Appeal Statement</i>
03/06/2023	 Case Appeal Statement <i>[96] Case Appeal Statement</i>

## **DISPOSITIONS**

04/19/2022 **Clerk's Certificate** (Judicial Officer: Johnson, Eric)  
Debtors: Dyana A. St. John (Defendant)  
Creditors: Las Palmas Homeowners Association (Plaintiff)  
Judgment: 04/19/2022, Docketed: 04/19/2022  
Comment: Supreme Court No. 84213 Appeal Dismissed




## **HEARINGS**

10/27/2021	 <b>Motion for Preliminary Injunction</b> (10:30 AM) (Judicial Officer: Johnson, Eric) Events: 09/23/2021 Motion for Preliminary Injunction <i>Plaintiff's Motion for Preliminary Injunction</i> Denied; Journal Entry Details: <i>Arguments by Mr. Kerr and Ms. St. John. COURT ORDERED, Plaintiff's Motion DENIED and parties are to participate in alternative mediation with the Nevada Real Estate Division in the next 90 days. Mr. Kerr to prepare the order.;</i>
11/19/2021	 <b>Minute Order</b> (10:00 AM) (Judicial Officer: Johnson, Eric) Minute Order - No Hearing Held; Journal Entry Details: <i>The matter is STAYED 90 days beginning 10/27/2021 pending Parties' participation in the</i>

# CASE SUMMARY

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mediation program with the Nevada Real Estate Division. The scheduled hearings on 11/24/2021 will be vacated. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 11/19/21 khm;

11/24/2021	<b>CANCELED Motion for Order Extending Time</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Law Clerk</i> <i>Motion for Order Extending Time to Answer</i>
11/24/2021	<b>CANCELED Motion</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Law Clerk</i> <i>Defendant's Motion to Dismiss and Opposition to Plaintiff's Application for a Preliminary Injunction</i>
12/20/2021	 <b>Minute Order</b> (10:20 AM) (Judicial Officer: Johnson, Eric) Minute Order - No Hearing Held; Journal Entry Details: <i>Pursuant to the Court's Order entered on 11/18/2021, the matter is STAYED 90 days beginning 10/27/2021 pending Parties' participation in the mediation program with the Nevada Real Estate Division. The currently scheduled hearings on 12/29/2021 and 01/05/2022 will be vacated and heard after the stay ends. The stay will end on January 25, 2022. There will be a status check on February 02, 2022 at 9:00am. Defendant's Motion to Dismiss Lawsuit, Defendant's Motion for Order to Set Aside Arbitration/Mediation, and Defendant's Motion for a Continuance will be rescheduled for a separate hearing date at the status check. 02/02/2022 9:00 AM STATUS CHECK: STAY OF CASE CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File &amp; Serve. 12/20/21KHM;</i>
12/29/2021	<b>CANCELED Motion to Dismiss</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Law Clerk</i> <i>Defendant's Pro Per Motion to Dismiss Lawsuit</i>
01/05/2022	<b>CANCELED Motion for Order</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - per Law Clerk</i> <i>[20] Defendant Motion for Order to Set Aside Arbitration/Mediation</i>
01/26/2022	<b>Motion for Preliminary Injunction</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Plaintiff's Motion for Preliminary Injunction on Order Shortening Time</i> Granted;
01/26/2022	<b>Motion for Leave</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Motion for Leave to Amend Complaint on OST</i> Granted;
01/26/2022	 <b>All Pending Motions</b> (10:30 AM) (Judicial Officer: Johnson, Eric) Matter Heard; Journal Entry Details: <i>PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME . . . MOTION FOR LEAVE TO AMEND COMPLAINT ON OST. Court inquired if Plaintiff served the Defendant on the motions on calendar, noting it appeared the Defendant filed responses to the motions. Mr. Kerr stated he did serve the Defendant and noted when the Defendant files paperwork with the court she does not serve him therefore he has his staff check Odyssey daily. Mr. Kerr argued in favor of his motions. Earl Abbott and Deborah Markham sworn and testified. COURT stated its FINDINGS and ORDERED, Plaintiff's Motion for Leave to Amend GRANTED, can add the causes of action relating to construction work. COURT FURTHER ORDERED, Plaintiff's Motion for Preliminary Injunction GRANTED; Synergy Contracting may enter premises during reasonable hours of the day during a normal schedule for the purpose of repairing the unit back to the status quo. ;</i>
02/02/2022	 <b>Status Check</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <b>02/02/2022, 04/06/2022</b> <i>Status Check: Stay of Case</i> <b>MINUTES</b>

## CASE SUMMARY

CASE NO. A-21-841580-C

Matter Continued; Status Check: Stay of Case

Matter Heard;

Journal Entry Details:

*Court noted parties were ordered to participate in mediation; understand mediation was not successful and inquired where the matter stood. Mr. Kerr stated Ms. St. John refused to participate in mediation, provided a procedural history of the case and advised his client filed another claim and noted the Defendant was not allowing construction workers into the unit to repair the damage. Upon Court's inquiry, Ms. St. John stated she did cooperate with the mediation, she had called the Real Estate Division to get the information last week. Ms. St. John reported the Veterans Administration (VA) has given her a grant for \$28,000.00 to fix the home; she was working with the building department to complete this. Following colloquy regarding the mediation process and the case, COURT ORDERED, stay LIFTED; the case could proceed. Court stated it needed to see the paperwork from the VA. Ms. St. John stated she would file the paperwork into the case. COURT FURTHER ORDERED, Ms. St. John to provide a copy of the VA letter to Plaintiff by end of day today and status check SET.*

05/11/2022 8:30 AM STATUS CHECK;

Matter Continued; Status Check: Stay of Case

Matter Heard;

Journal Entry Details:

*Court noted Deft. refused to participate in mediation with the Nevada Real Estate Division. Ms. St. John stated she did not refuse to participate and they gave me an hour and a half to get the \$50.00 fee in by mail, they said service was done on the 4th, did not find documentation of that and then also, on November 5th, HUD stepped in with regards to the housing discrimination complaint which this lawsuit has been added to. The mediation on a limited common element that is assigned to the unit, that is not the reason why the problem happened with the mediation. Further, Ms. St. John stated she did not agree to binding arbitration because the arbitrators do not generally know the fair housing act. Court stated it is not a binding arbitration, it is a mediation. Upon Court's inquiry of Ms. St. John as to participating in the mediation process with the Nevada Real Estate Division, Ms. St. John stated no at this time because of the HUD and the complaint being forwarded to the Department of Justice. Court stated if Ms. St. John does not want to participate in the mediation, that is a basis for this case to go forward and the stay will be lifted. Mr. Kerr stated since the Preliminary Injunction and since that date a whole lot has taken place and none of that is reflected in what Ms. St. John said. This Court ordered parties to go to mediation regarding the various improvements Ms. St. John put out on the common areas. Further, Ms. St. John agreed to go to mediation in open court when Ms. St. John personally appeared. The claim was filed through the Real Estate Division, it was not binding arbitration, it was mediation. The mediation was selected as the process, filed it and served it. Counsel has an affidavit of service from the party that attempted to serve by process, the paperwork was left at Ms. St. John's door while she was home. It was also mailed and e-mailed to Ms. St. John and she was fully aware of the process. Once the claim was filed with the Division, Ms. St. John engaged in campaign of harassment and bombardment of counsel, the Real Estate Division, Dee Newell who is one of the panel mediators that the Division uses to conduct mediations and attacked all of us on a regular basis, made it very clear that she thought this Court had no jurisdiction, she specifically mentioned the Court as violating her rights and this is the kind of behavior we have dealt with for years with Ms. St. John. She is intentionally refuse to comply to go to mediation to solve a very simple dispute. Counsel has even e-mailed her and advised her the board is willing to allow the chains and the cones out there, can you just agree to put them at the front of the parking space when not there so they are not strewn all over the common area and she never even responded to the most simple solution to this problem. Ms. St. John believes that this case should be in Federal Court where the HUD has jurisdiction over this, she has regularly informed counsel and the board of what she just informed this Court that there is some Federal lawsuit out there that has this case which is why we should not be here. Counsel has no idea what case she is talking about, counsel has asked her and asked her in open court to give the name of the investigator or the person assigned to this file and counsel will reach out to them to try to solve this. She will not provide and counsel does not believe there is such case out there. Court inquired of Ms. St. John as to the filing of the complaint with HUD. Ms. St. John stated it was filed March 30, 2021, responded on November 5, 2021, to that complaint, had to file paperwork with them as far as the violations including the parking space and that was given to them. Court inquired if Ms. St. John can provide a copy of the order to Pltf's counsel that way he can reach out to HUD to see if matter can be expedited. Ms. St. John stated she can do that. The e-mail has the responses to the questionnaire, that is fine, but Ms. St. John stated she has no problem with mediation, it was her understanding this was binding. If the Court continues the stay for 60 days, will Ms. St. John participate in the mediation with the Nevada Real Estate Division. Ms. St. John stated she will participate as long as it is not binding. Further, Ms. St. John stated she is also concerned that she does not have legal*



**CASE SUMMARY****CASE NO. A-21-841580-C**

representation because she has not been able to get it because they all say it is HUD and cannot get an attorney to take it. Mr. Kerr agreed to try one more time and requested the Court include in the order whatever information Ms. St. John has regarding the HUD case. Ms. St. John stated she will provide that information. COURT ORDERED, Ms. St. John to provide e-mail to Mr. Kerr by 5:00 p.m. tomorrow, stay CONTINUED for 60 days and parties and ORDERED to participate in the non-binding mediation. FURTHER ORDERED, this matter CONTINUED. Mr. Kerr to prepare order. CONTINUED TO: 4/6/2021 9:00 AM;

**SCHEDULED HEARINGS**

**Status Check** (05/11/2022 at 8:30 AM) (Judicial Officer: Johnson, Eric)

Status Check: Case Status

05/11/2022



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

Status Check: Case Status

**MINUTES**

Matter Heard;

Journal Entry Details:

Upon Court's inquiry, Mr. Kerr stated has hopefully they could make progress in the matter; the Defendant had retained Timothy Thomas to represent her and we spoke last week and we are still working towards meditation. Mr. Kerr noted the outstanding building violations had not progressed; the Defendant applied for a Veteran's (VA) Grant to help with the repairs. Mr. Kerr stated the Defendant spoke to the building department about the VA grant and they did allow her more time for repairs. Ms. St. John confirmed she did retain counsel for meditation and explained the VA grant process takes longer than other programs. The VA contractor had to prepare an estimate, then the estimate goes to an officer for approval and then the funds would be issued to the contractor. Ms. St. John would not receive the funds directly. Colloquy regarding anticipated meditation schedule. Ms. St. John advised she has a total of 5 grants with \$160,000.00 available after this grant, the time starts when the application is submitted. Court requested an update on the mediation and the grants at the next hearing and ORDERED, status check SET. 07/13/2022 8:30 AM STATUS CHECK: CASE STATUS;

**SCHEDULED HEARINGS**

**Status Check** (07/12/2022 at 1:30 PM) (Judicial Officer: Johnson, Eric)

Status Check: Case status/mediation

07/12/2022



**Status Check** (1:30 PM) (Judicial Officer: Johnson, Eric)

Status Check: Case status/mediation

**MINUTES**

Continued;

Journal Entry Details:

Court noted this was a status check and inquired where the matter stood. Mr. Kerr advised they went to mediation and he believes they have a tentative resolution regarding the parking issue; he noted Plaintiff did retain counsel but he had been unable to get a hold of Defendant or counsel to finalize the resolution. Mr. Kerr further advised the issue of damages inside the unit remain as the Defendant still won't allow access; the Defendant did apply for a VA grant to cover repairs but he had not received any updates on where the grant stood. Mr. Kerr stated he was not sure what else could be done unless an injunction was invoked to go in and make the repairs. Upon Court's inquiry, Ms. St. John advised the VA made several mistakes on the estimates and they want corrections from the contractors; she believed the corrected estimates should be done in the next two weeks. Colloquy regarding who Mr. Kerr could talk to at the VA regarding the status of the grant. COURT DIRECTED, Ms. St. John to provide contact information to Mr. Kerr by 07/15/2022 and ORDERED, status check CONTINUED. CONTINUED TO: 08/10/2022 8:30 AM;

**SCHEDULED HEARINGS**

**Status Check** (08/10/2022 at 8:30 AM) (Judicial Officer: Johnson, Eric)

Status Check: Case status

08/10/2022



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

Status Check: Case status

**CASE SUMMARY****CASE NO. A-21-841580-C****MINUTES**

Matter Heard;

Journal Entry Details:

*Court noted this was a status check and stated it understood Mr. Timothy Thomas would be appearing for Defendant. Ms. St. John advised Mr. Thomas would not be appearing but she may need him for the hearings and would probably call him today to discuss retainer. Mr. Kerr advised he had some contact with Mr. Thomas and sent him a settlement for the parking space issue which he believed was resolved. Mr. Kerr provided an update stating the Defendant was supposed to provide a copy of the VA loan documents which he had not received. Ms. St. John stated she spoke to the VA and Mr. Thomas and they said Mr. Kerr should contact them. Ms. St. John claimed her upstairs neighbors A/C unit was leaking into her hall way and utility panel. Colloquy regarding the VA loan. Mr. Kerr stated he was able to confirm the VA application was filed but had no other information. Court directed Ms. St. John to finalize her retainer with Mr. Thomas and stated if Mr. Thomas did not appear in 2 weeks then the case would need to move forward as Pro Per and warned Ms. St. John that absent working being started the Court would need to move forward with eviction to complete the work. COURT ORDERED, status check SET. 08/24/2022 8:30 AM STATUS CHECK: STATUS OF CASE;*

**SCHEDULED HEARINGS**

**Status Check: Status of Case** (08/24/2022 at 10:30 AM) (Judicial Officer: Johnson, Eric)

08/24/2022



**Status Check: Status of Case** (10:30 AM) (Judicial Officer: Johnson, Eric)

**MINUTES**

Matter Heard;

Journal Entry Details:

*Court inquired if the matter was moving forward. Mr. Kerr stated he is in regular contact with Mr. Thomas regarding updates on the VA grant; the Defendant has obtained the construction estimates which were then submitted to the VA and building permits. Mr. Kerr stated he would prefer to go this route but he does not want to drag the matter out either as his client and the neighbors have concerns with the repairs. Mr. Thomas advised Defendant provided a letter dated 8/16/22 from a follow up interview in March 2022; the Va has determined the remodel is viable but they want bids from 3 contractors which after reviewing for a list of property requirements that goes to approval of the grant. Upon Court's inquiry, Mr. Thomas anticipated having the bids completed in 2-3 weeks then to the submitted to the VA. Colloquy regarding scheduling. COURT ORDERED, status check SET. 10/05/2022 9:00 AM STATUS CHECK;*

**SCHEDULED HEARINGS**

**Status Check** (10/05/2022 at 9:00 AM) (Judicial Officer: Johnson, Eric)

*Status Check: status of veteran's grant*

10/05/2022



**Status Check** (9:00 AM) (Judicial Officer: Johnson, Eric)

*Status Check: status of veteran's grant*

**MINUTES**

Continued;

Journal Entry Details:

*Upon Court's inquiry, Mr. Kerr advised nothing materially has changed Defendant was still trying to obtain the VA grant. Defendant was supposed to obtain estimates from contractors for submission to the VA; I have not received any information on this from Mr. Thomas. Mr. Kerr further advised the parking space has become an issue again even though I thought we had this issue settled but Defendant seems to be storing personal items in the parking space. Mr. Kerr requested Court's guidance on seeking temporary eviction process to make the repairs. Mr. Thomas stated he received a letter from Defendant last night showing the VA increased the grant by \$8,000.00 and a bid was completed on September 29, 2022. As for the parking space, Mr. Thomas reported motor scooter on the pallet will be assembled and the jet ski trailer was being used to move items from the condo to her storage unit; he requested to allow more time for the contractors to complete the estimates for movement from the VA and possible a drop dead date to move the items from the parking space. Colloquy regarding counsel having contact with the VA. COURT ORDERED, status check CONTINUED,*

# CASE SUMMARY

CASE NO. A-21-841580-C

*DIRECTED Mr. Thomas to deal directly with the VA otherwise the Court would not consider a VA grant any longer and allow the HOA to move forward which would probably result in Defendant be evicted for repairs and Defendant has 2 weeks, October 19th, to move the items from the parking space. 10/19/2022 8:30 AM STATUS CHECK: STATUS OF VETERAN'S GRANT;*

## SCHEDULED HEARINGS



**Status Check** (10/19/2022 at 8:30 AM) (Judicial Officer: Johnson, Eric)

*Status Check: Status of Veteran's Grant*

10/19/2022



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Status Check: Status of Veteran's Grant*

## MINUTES

Matter Heard;

Journal Entry Details:

*Upon Court's inquiry, Mr. Thomas advised he spoke to a Veteran's Administration (VA) representative who verified the VA grant was approved for a higher amount, however, they were waiting on bids from an approved VA contractor. He also spoke to a HUD representative in hopes of resolving the parking space issue but felt that might not happen. Colloquy regarding find a contractor. Mr. Thomas thought the difficulty with the contractors was they would be paid at the end of the project by the VA and it would take the VA at least 30 days to release the funds. As for the parking space, Mr. Thomas stated it was the Defendant's position it was under a separate litigation with HUD and under fair housing she has certain rights relating to carrying grocery and mobility issues. Upon Court's inquiry regarding a federal actions, Mr. Kerr advised the Defendant filed a Pro Se case in Federal court originally in November 2021 which was dismissed then re-filed in March or April of 2022; this matter was being handled by Defense Counsel for the insurance company. He further advised there was a pending motion to dismiss and Ms. St. John has claimed varies civil and disability rights; she recently filed a claim with HUD naming the Association's management company and broad president as parties to which he filed a response and the HUD investigator sent a proposed settlement which he felt was unacceptable. Colloquy regarding the items still in the parking space. Court instructed Mr. Kerr to file a written motion citing a legal basis to remove the items. Further colloquy as to obtaining contractors bids. Mr. Thomas stated had been involved but there has been little progress. Mr. Kerr advised Synergy Contracting has previously been approved to complete the work and believe they would have no issue to provide an updated bid; the president of Synergy contacts me often to see if the work was going forward. Court stated if Ms. St. John has not found a contractor soon, it was it's inclination to go forward with Synergy Contracting to complete the work. Parties felt they could more information in 30 days. COURT ORDERED, status check SET. 11/16/2022 8:30 AM STATUS CHECK: CONTRACTORS BID FOR VA GRANT;*

## SCHEDULED HEARINGS



**Status Check** (11/16/2022 at 8:30 AM) (Judicial Officer: Johnson, Eric)

*Status Check: Contractors Bid for VA Grant*

11/16/2022



**Status Check** (8:30 AM) (Judicial Officer: Johnson, Eric)

*Status Check: Contractors Bid for VA Grant*

## MINUTES

Matter Heard;

Journal Entry Details:

*Court noted this was a status check to discuss the bids to get the VA grant going and inquired where the matter stood. Mr. Thomas advised parties talked about having Synergy approved by the VA to complete the work but they have not heard regarding there status; however, Plaintiff has since had the unit mold tested and the result came in positive for both the upstairs until and hers which will require the tenants to vacate the units. Colloquy regarding the mold remediation and repairs. Mr. Kerr advised the HOA was ready to send Synergy in to complete the remediation and repairs but were be stalled by the VA. Court requested counsel arrange a conference call with the VA to work on the matter and ORDERED, status check SET. 12/07/2022 9:00 AM STATUS CHECK: STATUS OF MOLD REMEDIATION AND REPAIRS;*

## SCHEDULED HEARINGS

**Status Check** (12/07/2022 at 9:00 AM) (Judicial Officer: Johnson, Eric)

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-21-841580-C**

	<i>Status Check: Status of Mold Remediation and Repairs</i>	
12/07/2022	<b>Status Check</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Status of Mold Remediation and Repairs</i>	
02/01/2023	<b>Status Check</b> (9:00 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Status of Mold Remediation and Repairs</i> Matter Heard;	
02/01/2023	<b>Motion to Withdraw as Counsel</b> (9:00 AM) (Judicial Officer: Johnson, Eric) Granted;	
02/01/2023	<b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Johnson, Eric)  <b>MINUTES</b> Matter Heard;  <b>SCHEDULED HEARINGS</b> <b>Status Check</b> (03/08/2023 at 8:30 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Access to Unit for inspection for Mold Remediation</i>	
02/22/2023	<b>CANCELED Motion to Withdraw as Counsel</b> (10:30 AM) (Judicial Officer: Johnson, Eric) <i>Vacated - Set in Error</i> <i>Motion to Withdraw as Counsel for Defendant</i>	
03/08/2023	<b>Status Check</b> (8:30 AM) (Judicial Officer: Johnson, Eric) <i>Status Check: Access to Unit for inspection for Mold Remediation</i>	

**DATE**

**FINANCIAL INFORMATION**

<b>Defendant</b> St. John, Dyana A.	
Total Charges	742.30
Total Payments and Credits	742.30
<b>Balance Due as of 3/6/2023</b>	<b>0.00</b>
 <b>Plaintiff</b> Las Palmas Homeowners Association	
Total Charges	270.00
Total Payments and Credits	270.00
<b>Balance Due as of 3/6/2023</b>	<b>0.00</b>

# DISTRICT COURT CIVIL COVER SHEET

\_\_\_\_\_ County, Nevada  
 Case No. \_\_\_\_\_  
 (Assigned by Clerk's Office)

**CASE NO: A-21-841580-C**  
**Department 20**

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

Plaintiff(s) (name/address/phone): <b>LAS PALMAS HOMEOWNERS ASSOCIATION</b> c/o Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP 3773 Howard Hughes Pkwy., Ste. 590 South Las Vegas, NV 89169	Defendant(s) (name/address/phone): <b>DYANA A. ST. JOHN</b> 1956 Las Palmas Lane, #136 Laughlin, NV 89029
Attorney (name/address/phone): <b>Gregory P. Kerr, Esq.</b> Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP 3773 Howard Hughes Pkwy., Ste. 590 South Las Vegas, NV 89169	Attorney (name/address/phone):     

## **II. Nature of Controversy** *(please select the one most applicable filing type below)*

### **Civil Case Filing Types**

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input checked="" type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> <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 <b>Estate Value</b> <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	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <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		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

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

**September 23, 2021**

Date

*/s/ Gregory P. Kerr*

Signature of initiating party or representative

*See other side for family-related case filings.*

**ORD**  
**WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**  
GREGORY P. KERR, ESQ.  
Nevada Bar No. 10383  
DAVID STERN, ESQ.  
Nevada Bar No. 15335  
3773 Howard Hughes Parkway, Suite 590 South  
Las Vegas, Nevada 89169  
(702) 341-5200/Fax: (702) 341-5300  
gkerr@wrslawyers.com  
dstern@wrslawyers.com

Attorneys for Plaintiff, LAS PALMAS  
HOMEOWNERS ASSOCIATION

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LAS PALMAS HOMEOWNERS  
ASSOCIATION, a Nevada nonprofit  
corporation,

Plaintiff,

vs.

DYANA A. ST. JOHN, an individual; and  
DOES 1 THROUGH 50, inclusive,

Defendants.

Case No.: A-21-841580-C

Dept. No.: 20

**ORDER TO SCHEDULE INSPECTION**

Las Palmas Homeowners Association (“Association”), by and through its attorney of record, Gregory P. Kerr, Esq., and Dyana A. St. John (“Defendant”), by and through its attorney of record, Timothy Thomas, Esq., appeared at the status check hearing in this case on February 1, 2023. At that status check hearing, this court also heard and ruled on Mr. Thomas’ Motion to Withdraw as counsel for Defendant. As a result of the hearing on February 1, 2023, the court ordered as follows:

1. It is hereby ORDERED that Mr. Timothy Thomas’ Motion to Withdraw as counsel of record for Defendant is hereby granted; and

2. It is hereby FURTHER ORDERED that an inspection of Defendant’s unit, located at 1956 Las Palmas Lane, #136, Laughlin, NV 89029 (the “Unit”) be conducted to inspect and test

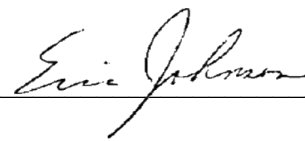
1 for the presence of mold in the Unit and prepare any and all proposals and scopes of repairs of the  
2 Unit relating to any needed mold remediation. Furthermore, the inspection shall also be for the  
3 purpose of inspecting for the presence of any and all existing violations of the Clark County Code,  
4 including, but not limited to, the building codes adopted by the Clark County Department of  
5 Building and Fire Prevention ("Building Department"); and

6 3. It is hereby FURTHER ORDERED that such inspection shall be performed by any  
7 and all parties appropriate to carry out the purposes of the inspection as stated herein. Specifically,  
8 representatives that may participate in the inspection include, but are not necessarily limited to,  
9 representatives from Synergy Contracting, Adaptive Environmental Consulting Group, Inc., and  
10 the Building Department; and

11 4. It is hereby FURTHER ORDERED that the entire interior of the Unit, including all  
12 rooms, hallways, closets and living areas, be made available for inspection; and

13 5. It is hereby FURTHER ORDERED that the inspection as ordered herein be  
14 scheduled to take place at a date and time that is within twenty-one (21) days from the date that  
15 this order is entered with the court.

16  
17 Dated this 6th day of February, 2023

18  
19   
20

21 **B08 E16 9334 5364**  
**Eric Johnson**  
**District Court Judge**

22 Respectfully submitted by:  
23 **WOLF, RIFKIN, SHAPIRO,**  
24 **SCHULMAN & RABKIN, LLP**

25 By: /s/ Gregory P. Kerr  
26 GREGORY P. KERR, ESQ. (NSB #10383)  
27 DAVID STERN, ESQ. (NSB #15335)  
28 3773 Howard Hughes Pkwy., Ste. 590 South  
Las Vegas, Nevada 89169  
*Attorneys for Plaintiff Las Palmas*  
*Homeowners Association*



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Las Palmas Homeowners  
Association, Plaintiff(s)

CASE NO: A-21-841580-C

7 vs.

DEPT. NO. Department 20

8  
9 Dyana St. John, 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: 2/6/2023

15 Gregory Kerr

gkerr@wrslawyers.com

16 Nina Stone

nstone@wrslawyers.com

17 Timothy Thomas

tthomas@tthomaslaw.com

18 David Stern

dstern@wrslawyers.com

19 Law Assistant

assistant@tthomaslaw.com

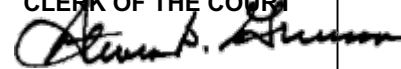
20 Dyana St. John

earthangel144@outlook.com

21 Lainey Hare

lainey@tthomaslaw.com

22  
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24  
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28



1 **NEOJ**  
2 **WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**  
3 GREGORY P. KERR, ESQ.  
Nevada Bar No. 10383  
4 DAVID STERN, ESQ.  
Nevada Bar No. 15335  
5 3773 Howard Hughes Parkway Ste. 590  
Las Vegas, Nevada 89169  
6 (702) 341-5200/Fax: (702) 341-5300  
gkerr@wrslawyers.com  
7 dstern@wrslawyers.com  
*Attorneys for Plaintiff LAS PALMAS*  
*HOMEOWNERS ASSOCIATION*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 LAS PALMAS HOMEOWNERS  
11 ASSOCIATION, a Nevada nonprofit  
corporation,

12 Plaintiff,

13 vs.

14 DYANA A. ST. JOHN, an individual; and  
15 DOES 1 THROUGH 50, inclusive,

16 Defendants.

Case No.: A-21-841580-C

Dept. No.: 20

**NOTICE OF ENTRY OF ORDER TO  
SCHEDULE INSPECTION**

17 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

18 PLEASE TAKE NOTICE that the attached Order to Schedule Inspection was signed by  
19 the Court on February 6, 2023, and filed on February 6, 2023.

20 A true and correct copy of said Order is attached hereto.

21 DATED this 7th day of February, 2022.

**WOLF, RIFKIN, SHAPIRO,  
SCHULMAN & RABKIN, LLP**

By: /s/ Gregory P. Kerr

GREGORY P. KERR, ESQ. (NSB 10383)  
DAVID STERN, ESQ., (NSB 15335)  
3773 Howard Hughes Parkway, Suite 590  
Las Vegas, NV 89169  
(702) 341-5200/Fax: (702) 341-5300  
*Attorneys for Las Palmas Homeowners  
Association*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of February, 2022, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER TO SCHEDULE INSPECTION** was served by electronically filing with the Clerk of the Court using the Odyssey eFileNV system and serving all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

By /s/ Stephanie Miller  
Stephanie Miller, an Employee of  
WOLF, RIFKIN, SHAPIRO, SCHULMAN &  
RABKIN, LLP

**ORD**  
**WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP**  
GREGORY P. KERR, ESQ.  
Nevada Bar No. 10383  
DAVID STERN, ESQ.  
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gkerr@wrslawyers.com  
dstern@wrslawyers.com

Attorneys for Plaintiff, LAS PALMAS  
HOMEOWNERS ASSOCIATION

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

LAS PALMAS HOMEOWNERS  
ASSOCIATION, a Nevada nonprofit  
corporation,

Plaintiff,

vs.

DYANA A. ST. JOHN, an individual; and  
DOES 1 THROUGH 50, inclusive,

Defendants.

Case No.: A-21-841580-C

Dept. No.: 20

**ORDER TO SCHEDULE INSPECTION**

Las Palmas Homeowners Association (“Association”), by and through its attorney of record, Gregory P. Kerr, Esq., and Dyana A. St. John (“Defendant”), by and through its attorney of record, Timothy Thomas, Esq., appeared at the status check hearing in this case on February 1, 2023. At that status check hearing, this court also heard and ruled on Mr. Thomas’ Motion to Withdraw as counsel for Defendant. As a result of the hearing on February 1, 2023, the court ordered as follows:

1. It is hereby ORDERED that Mr. Timothy Thomas’ Motion to Withdraw as counsel of record for Defendant is hereby granted; and

2. It is hereby FURTHER ORDERED that an inspection of Defendant’s unit, located at 1956 Las Palmas Lane, #136, Laughlin, NV 89029 (the “Unit”) be conducted to inspect and test

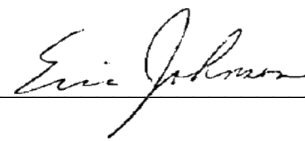
1 for the presence of mold in the Unit and prepare any and all proposals and scopes of repairs of the  
2 Unit relating to any needed mold remediation. Furthermore, the inspection shall also be for the  
3 purpose of inspecting for the presence of any and all existing violations of the Clark County Code,  
4 including, but not limited to, the building codes adopted by the Clark County Department of  
5 Building and Fire Prevention ("Building Department"); and

6 3. It is hereby FURTHER ORDERED that such inspection shall be performed by any  
7 and all parties appropriate to carry out the purposes of the inspection as stated herein. Specifically,  
8 representatives that may participate in the inspection include, but are not necessarily limited to,  
9 representatives from Synergy Contracting, Adaptive Environmental Consulting Group, Inc., and  
10 the Building Department; and

11 4. It is hereby FURTHER ORDERED that the entire interior of the Unit, including all  
12 rooms, hallways, closets and living areas, be made available for inspection; and

13 5. It is hereby FURTHER ORDERED that the inspection as ordered herein be  
14 scheduled to take place at a date and time that is within twenty-one (21) days from the date that  
15 this order is entered with the court.

16  
17 Dated this 6th day of February, 2023

18  
19   
20

21 **B08 E16 9334 5364**  
**Eric Johnson**  
**District Court Judge**

22 Respectfully submitted by:  
23 **WOLF, RIFKIN, SHAPIRO,**  
24 **SCHULMAN & RABKIN, LLP**

25 By: /s/ Gregory P. Kerr  
26 GREGORY P. KERR, ESQ. (NSB #10383)  
27 DAVID STERN, ESQ. (NSB #15335)  
28 3773 Howard Hughes Pkwy., Ste. 590 South  
Las Vegas, Nevada 89169  
*Attorneys for Plaintiff Las Palmas*  
*Homeowners Association*

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Las Palmas Homeowners  
Association, Plaintiff(s)

CASE NO: A-21-841580-C

7 vs.

DEPT. NO. Department 20

8  
9 Dyana St. John, 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: 2/6/2023

15 Gregory Kerr

gkerr@wrslawyers.com

16 Nina Stone

nstone@wrslawyers.com

17 Timothy Thomas

tthomas@tthomaslaw.com

18 David Stern

dstern@wrslawyers.com

19 Law Assistant

assistant@tthomaslaw.com

20 Dyana St. John

earthangel144@outlook.com

21 Lainey Hare

lainey@tthomaslaw.com

22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property**

**COURT MINUTES**

**October 27, 2021**

---

A-21-841580-C      Las Palmas Homeowners Association, Plaintiff(s)  
vs.  
Dyana St. John, Defendant(s)

---

**October 27, 2021      10:30 AM      Motion for Preliminary  
Injunction**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Kerr, Gregory P.      Attorney  
                         St. John, Dyana A.      Defendant

**JOURNAL ENTRIES**

- Arguments by Mr. Kerr and Ms. St. John. COURT ORDERED, Plaintiff's Motion DENIED and parties are to participate in alternative mediation with the Nevada Real Estate Division in the next 90 days. Mr. Kerr to prepare the order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property**

**COURT MINUTES**

**November 19, 2021**

---

A-21-841580-C	Las Palmas Homeowners Association, Plaintiff(s)
	vs.
	Dyana St. John, Defendant(s)

---

**November 19, 2021      10:00 AM      Minute Order**

**HEARD BY:** Johnson, Eric      **COURTROOM:** Chambers

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The matter is STAYED 90 days beginning 10/27/2021 pending Parties' participation in the mediation program with the Nevada Real Estate Division. The scheduled hearings on 11/24/2021 will be vacated.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 11/19/21 khm

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Other Real Property

# COURT MINUTES

December 20, 2021

A-21-841580-C      Las Palmas Homeowners Association, Plaintiff(s)  
vs.  
Dyana St. John, Defendant(s)

**December 20, 2021      10:20 AM      Minute Order**

**HEARD BY:** Johnson, Eric                      **COURTROOM:** Chambers

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Pursuant to the Court's Order entered on 11/18/2021, the matter is STAYED 90 days beginning 10/27/2021 pending Parties' participation in the mediation program with the Nevada Real Estate Division. The currently scheduled hearings on 12/29/2021 and 01/05/2022 will be vacated and heard after the stay ends. The stay will end on January 25, 2022.

There will be a status check on February 02, 2022 at 9:00am.

Defendant's Motion to Dismiss Lawsuit, Defendant's Motion for Order to Set Aside Arbitration/Mediation, and Defendant's Motion for a Continuance will be rescheduled for a separate hearing date at the status check.

02/02/2022 9:00 AM STATUS CHECK: STAY OF CASE

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 12/20/21KHM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property**

**COURT MINUTES**

**January 26, 2022**

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A-21-841580-C	Las Palmas Homeowners Association, Plaintiff(s)
	vs.
	Dyana St. John, Defendant(s)

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**January 26, 2022      10:30 AM      All Pending Motions**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:** Kerr, Gregory P.      Attorney

**JOURNAL ENTRIES**

- PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION ON ORDER SHORTENING TIME . . .  
MOTION FOR LEAVE TO AMEND COMPLAINT ON OST.

Court inquired if Plaintiff served the Defendant on the motions on calendar, noting it appeared the Defendant filed responses to the motions. Mr. Kerr stated he did serve the Defendant and noted when the Defendant files paperwork with the court she does not serve him therefore he has his staff check Odyssey daily. Mr. Kerr argued in favor of his motions. Earl Abbott and Deborah Markham sworn and testified. COURT stated its FINDINGS and ORDERED, Plaintiff's Motion for Leave to Amend GRANTED, can add the causes of action relating to construction work. COURT FURTHER ORDERED, Plaintiff's Motion for Preliminary Injunction GRANTED; Synergy Contracting may enter premises during reasonable hours of the day during a normal schedule for the purpose of repairing the unit back to the status quo.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property****COURT MINUTES****February 02, 2022**

A-21-841580-C      Las Palmas Homeowners Association, Plaintiff(s)  
                                  vs.  
                                  Dyana St. John, Defendant(s)

**February 02, 2022      9:00 AM      Status Check      Status Check: Stay of Case**

**HEARD BY:** Johnson, Eric**COURTROOM:** RJC Courtroom 12A**COURT CLERK:** April Watkins**RECORDER:** Angie Calvillo**REPORTER:****PARTIES**

**PRESENT:**      Kerr, Gregory P.      Attorney  
                                  St. John, Dyana A.      Defendant

**JOURNAL ENTRIES**

- Court noted Deft. refused to participate in mediation with the Nevada Real Estate Division. Ms. St. John stated she did not refuse to participate and they gave me an hour and a half to get the \$50.00 fee in by mail, they said service was done on the 4th, did not find documentation of that and then also, on November 5th, HUD stepped in with regards to the housing discrimination complaint which this lawsuit has been added to. The mediation on a limited common element that is assigned to the unit, that is not the reason why the problem happened with the mediation. Further, Ms. St. John stated she did not agree to binding arbitration because the arbitrators do not generally know the fair housing act. Court stated it is not a binding arbitration, it is a mediation. Upon Court's inquiry of Ms. St. John as to participating in the mediation process with the Nevada Real Estate Division, Ms. St. John stated no at this time because of the HUD and the complaint being forwarded to the Department of Justice. Court stated if Ms. St. John does not want to participate in the mediation, that is a basis for this case to go forward and the stay will be lifted. Mr. Kerr stated since the Preliminary Injunction and since that date a whole lot has taken place and none of that is reflected in what Ms. St. John said. This Court ordered parties to go to mediation regarding the various improvements Ms. St. John put out on

the common areas. Further, Ms. St. John agreed to go to mediation in open court when Ms. St. John personally appeared. The claim was filed through the Real Estate Division, it was not binding arbitration, it was mediation. The mediation was selected as the process, filed it and served it. Counsel has an affidavit of service from the party that attempted to serve by process, the paperwork was left at Ms. St. John's door while she was home. It was also mailed and e-mailed to Ms. St. John and she was fully aware of the process. Once the claim was filed with the Division, Ms. St. John engaged in campaign of harassment and bombardment of counsel, the Real Estate Division, Dee Newell who is one of the panel mediators that the Division uses to conduct mediations and attacked all of us on a regular basis, made it very clear that she thought this Court had no jurisdiction, she specifically mentioned the Court as to violating her rights and this is the kind of behavior we have dealt with for years with Ms. St. John. She is intentionally refuse to comply to go to mediation to solve a very simple dispute. Counsel has even e-mailed her and advised her the board is willing to allow the chains and the cones out there, can you just agree to put them at the front of the parking space when not there so they are not strewn all over the common area and she never even responded to the most simple solution to this problem. Ms. St. John believes that this case should be in Federal Court where the HUD has jurisdiction over this, she has regularly informed counsel and the board of what she just informed this Court that there is some Federal lawsuit out there that has this case which is why we should not be here. Counsel has no idea what case she is talking about, counsel has asked her and asked her in open court to give the name of the investigator or the person assigned to this file and counsel will reach out to them to try to solve this. She will not provide and counsel does not believe there is such case out there. Court inquired of Ms. St. John as to the filing of the complaint with HUD. Ms. St. John stated it was filed March 30, 2021, responded on November 5, 2021, to that complaint, had to file paperwork with them as far as the violations including the parking space and that was given to them. Court inquired if Ms. St. John can provide a copy of the order to Pltf's counsel that way he can reach out to HUD to see if matter can be expedited. Ms. St. John stated she can do that. The e-mail has the responses to the questionnaire, that is fine, but Ms. St. John stated she has no problem with mediation, it was her understanding this was binding. If the Court continues the stay for 60 days, will Ms. St. John participate in the mediation with the Nevada Real Estate Division. Ms. St. John stated she will participate as long as it is not binding. Further, Ms. St. John stated she is also concerned that she does not have legal representation because she has not been able to get it because they all say it is HUD and cannot get an attorney to take it. Mr. Kerr agreed to try one more time and requested the Court include in the order whatever information Ms. St. John has regarding the HUD case. Ms. St. John stated she will provide that information. COURT ORDERED, Ms. St. John to provide e-mail to Mr. Kerr by 5:00 p.m. tomorrow, stay CONTINUED for 60 days and parties and ORDERED to participate in the non-binding mediation. FURTHER ORDERED, this matter CONTINUED. Mr. Kerr to prepare order.

CONTINUED TO: 4/6/2021 9:00 AM

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Other Real Property

# COURT MINUTES

April 06, 2022

A-21-841580-C      Las Palmas Homeowners Association, Plaintiff(s)  
vs.  
Dyana St. John, Defendant(s)

**April 06, 2022**      **9:00 AM**      **Status Check**

**HEARD BY:** Johnson, Eric **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

## PARTIES

**PRESENT:** Kerr, Gregory P. Attorney  
St. John, Dyana A. Defendant

## JOURNAL ENTRIES

- Court noted parties were ordered to participate in mediation; understand mediation was not successful and inquired where the matter stood. Mr. Kerr stated Ms. St. John refused to participate in mediation, provided a procedural history of the case and advised his client filed another claim and noted the Defendant was not allowing construction workers into the unit to repair the damage. Upon Court's inquiry, Ms. St. John stated she did cooperate with the mediation, she had called the Real Estate Division to get the information last week. Ms. St. John reported the Veterans Administration (VA) has given her a grant for \$28,000.00 to fix the home; she was working with the building department to complete this. Following colloquy regarding the mediation process and the case, COURT ORDERED, stay LIFTED; the case could proceed. Court stated it needed to see the paperwork from the VA. Ms. St. John stated she would file the paperwork into the case. COURT FURTHER ORDERED, Ms. St. John to provide a copy of the VA letter to Plaintiff by end of day today and status check SET.

05/11/2022 8:30 AM STATUS CHECK



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property****COURT MINUTES****May 11, 2022**

A-21-841580-C      Las Palmas Homeowners Association, Plaintiff(s)  
                                  vs.  
                                  Dyana St. John, Defendant(s)

**May 11, 2022      8:30 AM      Status Check**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell  
                                  Shuron Dockery

**RECORDER:** Aimee Curameng

**REPORTER:**

**PARTIES**

**PRESENT:**      Kerr, Gregory P.      Attorney  
                                  St. John, Dyana A.      Defendant

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Kerr stated has hopefully they could make progress in the matter; the Defendant had retained Timothy Thomas to represent her and we spoke last week and we are still working towards meditation. Mr. Kerr noted the outstanding building violations had not progressed; the Defendant applied for a Veteran's (VA) Grant to help with the repairs. Mr. Kerr stated the Defendant spoke to the building department about the VA grant and they did allow her more time for repairs. Ms. St. John confirmed she did retain counsel for meditation and explained the VA grant process takes longer than other programs. The VA contractor had to prepare an estimate, then the estimate goes to an officer for approval and then the funds would be issued to the contractor. Ms. St. John would not receive the funds directly. Colloquy regarding anticipated meditation schedule. Ms. St. John advised she has a total of 5 grants with \$160,000.00 available after this grant, the time starts when the application is submitted. Court requested an update on the mediation and the grants at the next hearing and ORDERED, status check SET.

07/13/2022 8:30 AM STATUS CHECK: CASE STATUS

PRINT DATE: 03/06/2023

Page 9 of 19

Minutes Date: October 27, 2021



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property**

**COURT MINUTES**

**July 12, 2022**

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A-21-841580-C	Las Palmas Homeowners Association, Plaintiff(s) vs. Dyana St. John, Defendant(s)
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<b>July 12, 2022</b>	<b>1:30 PM</b>	<b>Status Check</b>
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<b>HEARD BY:</b> Johnson, Eric	<b>COURTROOM:</b> RJC Courtroom 12A
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**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kerr, Gregory P. St. John, Dyana A.	Attorney Defendant
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**JOURNAL ENTRIES**

- Court noted this was a status check and inquired where the matter stood. Mr. Kerr advised they went to mediation and he believes they have a tentative resolution regarding the parking issue; he noted Plaintiff did retain counsel but he had been unable to get a hold of Defendant or counsel to finalize the resolution. Mr. Kerr further advised the issue of damages inside the unit remain as the Defendant still won't allow access; the Defendant did apply for a VA grant to cover repairs but he had not received any updates on where the grant stood. Mr. Kerr stated he was not sure what else could be done unless an injunction was invoked to go in and make the repairs. Upon Court's inquiry, Ms. St. John advised the VA made several mistakes on the estimates and they want corrections from the contractors; she believed the corrected estimates should be done in the next two weeks. Colloquy regarding who Mr. Kerr could talk to at the VA regarding the status of the grant. COURT DIRECTED, Ms. St. John to provide contact information to Mr. Kerr by 07/15/2022 and ORDERED, status check CONTINUED.

CONTINUED TO: 08/10/2022 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property**

**COURT MINUTES**

**August 10, 2022**

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A-21-841580-C	Las Palmas Homeowners Association, Plaintiff(s)
	vs.
	Dyana St. John, Defendant(s)

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**August 10, 2022      8:30 AM      Status Check**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kerr, Gregory P.	Attorney
	St. John, Dyana A.	Defendant

**JOURNAL ENTRIES**

- Court noted this was a status check and stated it understood Mr. Timothy Thomas would be appearing for Defendant. Ms. St. John advised Mr. Thomas would not be appearing but she may need him for the hearings and would probably call him today to discuss retainer. Mr. Kerr advised he had some contact with Mr. Thomas and sent him a settlement for the parking space issue which he believed was resolved.

Mr. Kerr provided an update stating the Defendant was supposed to provide a copy of the VA loan documents which he had not received. Ms. St. John stated she spoke to the VA and Mr. Thomas and they said Mr. Kerr should contact them.

Ms. St. John claimed her upstairs neighbors A/C unit was leaking into her hall way and utility panel. Colloquy regarding the VA loan. Mr. Kerr stated he was able to confirm the VA application was filed but had no other information. Court directed Ms. St. John to finalize her retainer with Mr. Thomas and stated if Mr. Thomas did not appear in 2 weeks then the case would need to move forward as Pro Per and warned Ms. St. John that absent working being started the Court would need to move

**A-21-841580-C**

forward with eviction to complete the work. COURT ORDERED, status check SET.

08/24/2022 8:30 AM STATUS CHECK: STATUS OF CASE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property**

**COURT MINUTES**

**August 24, 2022**

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A-21-841580-C	Las Palmas Homeowners Association, Plaintiff(s) vs. Dyana St. John, Defendant(s)
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<b>August 24, 2022</b>	<b>10:30 AM</b>	<b>Status Check: Status of Case</b>
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**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kerr, Gregory P. St. John, Dyana A. Thomas, Timothy P	Attorney Defendant Attorney
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**JOURNAL ENTRIES**

- Court inquired if the matter was moving forward. Mr. Kerr stated he is in regular contact with Mr. Thomas regarding updates on the VA grant; the Defendant has obtained the construction estimates which were then submitted to the VA and building permits. Mr. Kerr stated he would prefer to go this route but he does not want to drag the matter out either as his client and the neighbors have concerns with the repairs. Mr. Thomas advised Defendant provided a letter dated 8/16/22 from a follow up interview in March 2022; the Va has determined the remodel is viable but they want bids from 3 contractors which after reviewing for a list of property requirements that goes to approval of the grant. Upon Court's inquiry, Mr. Thomas anticipated having the bids completed in 2-3 weeks then to the submitted to the VA. Colloquy regarding scheduling. COURT ORDERED, status check SET.

10/05/2022 9:00 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property****COURT MINUTES****October 05, 2022**

A-21-841580-C      Las Palmas Homeowners Association, Plaintiff(s)  
                                  vs.  
                                  Dyana St. John, Defendant(s)

**October 05, 2022      9:00 AM      Status Check**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

**PRESENT:**      Kerr, Gregory P.      Attorney  
                                  Thomas, Timothy P      Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Kerr advised nothing materially has changed Defendant was still trying to obtain the VA grant. Defendant was supposed to obtain estimates from contractors for submission to the VA; I have not received any information on this from Mr. Thomas. Mr. Kerr further advised the parking space has become an issue again even though I thought we had this issue settled but Defendant seems to be storing personal items in the parking space. Mr. Kerr requested Court's guidance on seeking temporary eviction process to make the repairs. Mr. Thomas stated he received a letter from Defendant last night showing the VA increased the grant by \$8,000.00 and a bid was completed on September 29, 2022. As for the parking space, Mr. Thomas reported motor scooter on the pallet will be assembled and the jet ski trailer was being used to move items from the condo to her storage unit; he requested to allow more time for the contractors to complete the estimates for movement from the VA and possible a drop dead date to move the items from the parking space. Colloquy regarding counsel having contact with the VA. COURT ORDERED, status check CONTINUED, DIRECTED Mr. Thomas to deal directly with the VA otherwise the Court would not consider a VA grant any longer and allow the HOA to move forward which would probably result in Defendant be evicted for repairs and Defendant has 2 weeks, October 19th, to move the items from

the parking space.

10/19/2022 8:30 AM STATUS CHECK: STATUS OF VETERAN'S GRANT



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Real Property**

**COURT MINUTES**

**October 19, 2022**

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A-21-841580-C	Las Palmas Homeowners Association, Plaintiff(s)
	vs.
	Dyana St. John, Defendant(s)

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**October 19, 2022      8:30 AM      Status Check**

**HEARD BY:** Johnson, Eric      **COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Kerr, Gregory P.	Attorney
	St. John, Dyana A.	Defendant
	Thomas, Timothy P	Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Thomas advised he spoke to a Veteran's Administration (VA) representative who verified the VA grant was approved for a higher amount, however, they were waiting on bids from an approved VA contractor. He also spoke to a HUD representative in hopes of resolving the parking space issue but felt that might not happen. Colloquy regarding find a contractor. Mr. Thomas thought the difficulty with the contractors was they would be paid at the end of the project by the VA and it would take the VA at least 30 days to release the funds.

As for the parking space, Mr. Thomas stated it was the Defendant's position it was under a separate litigation with HUD and under fair housing she has certain rights relating to carrying grocery and mobility issues. Upon Court's inquiry regarding a federal actions, Mr. Kerr advised the Defendant filed a Pro Se case in Federal court originally in November 2021 which was dismissed then re-filed in March or April of 2022; this matter was being handled by Defense Counsel for the insurance company. He further advised there was a pending motion to dismiss and Ms. St. John has claimed varies civil and disability rights; she recently filed a claim with HUD naming the Association's

management company and broad president as parties to which he filed a response and the HUD investigator sent a proposed settlement which he felt was unacceptable. Colloquy regarding the items still in the parking space. Court instructed Mr. Kerr to file a written motion citing a legal basis to remove the items.

Further colloquy as to obtaining contractors bids. Mr. Thomas stated had been involved but there has been little progress. Mr. Kerr advised Synergy Contracting has previously been approved to complete the work and believe they would have no issue to provide an updated bid; the president of Synergy contacts me often to see if the work was going forward. Court stated if Ms. St. John has not found a contractor soon, it was it's inclination to go forward with Synergy Contracting to complete the work. Parties felt they could more information in 30 days. COURT ORDERED, status check SET.

11/16/2022 8:30 AM STATUS CHECK: CONTRACTORS BID FOR VA GRANT

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Other Real Property

# COURT MINUTES

November 16, 2022

A-21-841580-C      Las Palmas Homeowners Association, Plaintiff(s)  
vs.  
Dyana St. John, Defendant(s)

**November 16, 2022      8:30 AM      Status Check**

**HEARD BY:** Johnson, Eric

**COURTROOM:** RJC Courtroom 12A

**COURT CLERK:** Kathryn Hansen-McDowell

**RECORDER:** Angie Calvillo

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Kerr, Gregory P.	Attorney
	St. John, Dyana A.	Defendant
	Thomas, Timothy P	Attorney

## JOURNAL ENTRIES

- Court noted this was a status check to discuss the bids to get the VA grant going and inquired where the matter stood. Mr. Thomas advised parties talked about having Synergy approved by the VA to complete the work but they have not heard regarding there status; however, Plaintiff has since had the unit mold tested and the result came in positive for both the upstairs until and hers which will require the tenants to vacate the units. Colloquy regarding the mold remediation and repairs. Mr. Kerr advised the HOA was ready to send Synergy in to complete the remediation and repairs but were be stalled by the VA. Court requested counsel arrange a conference call with the VA to work on the matter and ORDERED, status check SET.

12/07/2022 9:00 AM STATUS CHECK: STATUS OF MOLD REMEDIATION AND REPAIRS



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

DYANA ST. JOHN  
P.O. BOX 31134  
LAUGHLIN, NV 89028

DATE: March 6, 2023  
CASE: A-21-841580-C

RE CASE: LAS PALMAS HOMEOWNERS ASSOCIATION vs. DYANA A. ST. JOHN

NOTICE OF APPEAL FILED: March 2, 2023

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER TO SCHEDULE INSPECTION; NOTICE OF ENTRY OF ORDER TO SCHEDULE INSPECTION; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

LAS PALMAS HOMEOWNERS  
ASSOCIATION,

Plaintiff(s),

vs.

DYANA A. ST.JOHN,

Defendant(s),

Case No: A-21-841580-C

Dept No: XX

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 6 day of March 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

March 6, 2023

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: LAS PALMAS HOMEOWNERS ASSOCIATION vs. DYANA A. ST.JOHN  
D.C. CASE: A-21-841580-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed March 3, 2023. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

December 7, 2022

February 1, 2023

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amanda Hampton  
Amanda Hampton, Deputy Clerk