

Electronically Filed  
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Elizabeth A. Brown  
Clerk of Supreme Court

NOAS  
NONA TOBIN, AN INDIVIDUAL  
2664 Olivia Heights Avenue  
Henderson NV 89052  
Phone: (702) 465-2199  
[nonatobin@gmail.com](mailto:nonatobin@gmail.com)  
In Proper Person

DISTRICT COURT  
CLARK COUNTY, NEVADA

RED ROCK FINANCIAL SERVICES,  
Plaintiff,

vs.

NONA TOBIN, AN INDIVIDUAL and as  
Trustee of the GORDON B. HANSEN  
TRUST, dated 8/22/08; REPUBLIC  
SERVICES, INC. a Nevada Corporation;  
WELLS FARGO, N.A.; a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-  
100;  
Defendants.

NONA TOBIN, AN INDIVIDUAL,  
Counter-Claimant,

vs.

RED ROCK FINANCIAL SERVICES,  
Counter-Defendant

NONA TOBIN, AN INDIVIDUAL;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-  
100;

Cross-Defendants

Case No.: A-21-828840-C  
Dept.: 8

Notice of Appeal

1 NOTICE OF APPEAL

2  
3 Notice is hereby given that Nona Tobin, Defendant, Counter-Claimant and Cross-  
4 Claimant in the above-entitled matter, hereby appeals to the Supreme Court of Nevada from the  
5 following:

6 1. the Findings of Fact, Conclusions of Law and Order, issued by Chief Judge Jerry A.  
7 Wiese, and entered in this action on May 30, 2023, with notice of entry filed on July 27, 2023 (**Doc.**  
8 **# 144**) that denied appellant's motion (**Doc #134**) to disqualify the Honorable Judge Jessica K.  
9 Peterson Pursuant to NRS 1.230, NCJC 2.11, NCJC 1.2, 2.2 (appearance of a lack of  
10 impartiality); (NCJC 2.9 (improper ex parte communications); NCJC 2.15 (C)(D) (improper  
11 response to allegations of judicial and lawyer misconduct) and void orders (corrected).

12 2. the Findings of Fact, Conclusions of Law and Orders entered in this action and with notice  
13 of entry filed on March 28, 2023 (**Doc. # 132**) that combined an unjust vexatious litigant restrictive  
14 order vs. the sole claimant for the interpleaded funds that have been unlawfully withheld for 8+ years  
15 with the final distribution order that granted a non-party's rogue motion (**Doc # 93**) for attorney's  
16 fees to be deducted from the interpleaded funds by misapplying the controlling statute (NRS  
17 116.31164(3)(c)(2013) after denying appellant's unopposed motion to reconsider the final judgment  
18 order and denying her unopposed motion (**Doc. # 120**) to strike the rogue filing of the non-party by  
19 granting an unfair February 2, 2023 ex parte exemption to EDCR 2.20(e) to appellant's opponents.

20 3. the Findings of Facts, Conclusions of Law and Orders entered in this action on January 9,  
21 2023 with notice of entry filed on January 10, 2023, (**Doc. # 116**), and corrected on January 16, 2023  
22 solely to correct signature page and attach appellant's opposition to factual misrepresentations, with  
23 notice of entry filed on January 17, 2023, (**Doc. # 118**) that were the final judgment order in the  
24 interpleader action that, outside the court's jurisdiction, granted a non-party's rogue motion for

1 attorney fees, but that were misrepresented in the March 28, 2023 order as “Restrictive Order” and  
2 “Amended Restrictive Order” to cover up that the unwarranted restrictive order was improperly  
3 issued in absentia without notice at an improper ex parte hearing on February 2, 2023.

4 4. the Findings of Facts, Conclusions of Law and Orders entered in this action on and notice  
5 of entry on May 25, 2022 (**Doc. # 89**) that denied appellant’s motion (**Doc. # 75**) to set aside dismissal  
6 orders in this case pursuant to NRCP 60(b)(3) (fraud) and NRCP (d)(3) (fraud on the court).

7 5. the Findings of Facts, Conclusions of Law and Orders entered in this action on and notice  
8 of entry on November 30, 2021 (**Doc. # 70**) that denied appellant’s attempt to take Nationstar’s and  
9 Wells Fargo’s default and amended the September 10, 2021 order to dismiss appellant’s unanswered  
10 cross-claims against Nationstar and Wells Fargo with prejudice.

11 6. the Findings of Facts, Conclusions of Law and Judgment entered in this action on and  
12 notice of entry on September 10, 2021 (**Doc. # 44**) that denied appellant’s motion for summary  
13 judgment (**Doc. #24**) and dismissed with prejudice appellant’s counter-claims (**Doc. #14**) against  
14 Plaintiff Red Rock Financial Services, partnership subsidiary of FirstService Residential (EIN 88-  
15 0358132), former managing agent dba debt collection agent for Sun City Anthem, by granting the  
16 rogue motion to dismiss (**Doc. #28**) of non-party Red Rock Financial Services LLC, a disinterested  
17 entity misrepresented as the Plaintiff and Counter-Defendant for no proper purpose by their shared  
18 attorney.

19 Dated this 22<sup>nd</sup> day of August 2023

20 


21 \_\_\_\_\_  
22 Nona Tobin  
23 2664 Olivia Heights Avenue  
24 Henderson NV 89052  
(702) 465-2199  
nonatobin@gmail.com  
*In Proper Person*

CERTIFICATE OF SERVICE

I, Nona Tobin, hereby certify that, pursuant to NRCP 5(b), on this August 22, 2023, I served via the Clark County electronic filing system a true and correct copy of the Notice of Appeal to all parties listed in the Odyssey eFileNV service contact list in case A-21-828840-C.

A handwritten signature in black ink, appearing to read "nona M.", is positioned above a horizontal line.

Nona Tobin



1 ASTA

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

10 RED ROCK FINANCIAL SERVICES,

11 Plaintiff(s),

12 vs.

13 NONA TOBIN, an individual and as Trustee of the  
14 GORDON B. HANSEN TRUST, dated 8/22/08;  
15 REPUBLIC SERVICES, INC.; WELLS FARGO,  
N.A.; NATIONSTAR MORTGAGE, LLC,

16 Defendant(s),  
17

Case No: A-21-828840-C

Dept No: VIII

18  
19 **CASE APPEAL STATEMENT**

20 1. Appellant(s): Nona Tobin

21 2. Judge: Jerry A. Wiese

22 3. Appellant(s): Nona Tobin

23 Counsel:

24 Nona Tobin  
25 2664 Olivia Heights Ave.  
26 Henderson, NV 89052

27 4. Respondent (s): Red Rock Financial Services

28 Counsel:

Steven B. Scow  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052

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

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

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

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

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

9. Date Commenced in District Court: February 3, 2021

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

Type of Judgment or Order Being Appealed: Judgment

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 79295, 82094, 82234, 82294, 84371, 85251

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

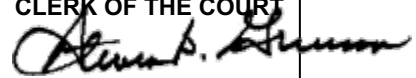
Dated This 24 day of August 2023.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Nona Tobin



ASTA  
NONA TOBIN, AN INDIVIDUAL  
2664 Olivia Heights Avenue  
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DISTRICT COURT  
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RED ROCK FINANCIAL SERVICES,

Plaintiff,

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NONA TOBIN, AN INDIVIDUAL and as  
Trustee of the GORDON B. HANSEN  
TRUST, dated 8/22/08; REPUBLIC  
SERVICES, INC. a Nevada Corporation;  
WELLS FARGO, N.A.; a national banking  
association; NATIONSTAR MORTGAGE,  
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Defendants.

NONA TOBIN, AN INDIVIDUAL,  
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vs.

RED ROCK FINANCIAL SERVICES  
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NONA TOBIN, AN INDIVIDUAL;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-  
100;

Cross-Defendants

Case No.: A-21-828840-C  
Dept.: 8

CASE APPEAL STATEMENT

CASE APPEAL STATEMENT

NRAP 3(f)(2) states, “When the appellant is not represented by counsel, the district court clerk shall complete and sign the case appeal statement.” NRAP 3(g)(2) also states that “An appellant shall take all action necessary to enable the clerk to assemble and forward the documents enumerated in this subdivision.”

Appellant Nona Tobin, proceeding In Proper Person, has completed this Case Appeal Statement and included document numbers to facilitate the district court clerk’s document preparation and collection process.

1. Name of appellant filing this case appeal statement:

Nona Tobin, an Individual

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Jessica K. Peterson issued all orders appealed from, i.e., 3/28/23 (Doc. # 132); 1/9/23 NEO 1/10/23 (Doc. # 116); corrected on 1/16/23, NEO 1/17/23 (Doc. # 118); 5/25/22 (Doc. # 89); 11/30/21 Doc. # 70); and 9/10/21 (Doc. # 44) **except** the 5/30/23 order NEO 7/27/23 (**Doc. # 144**) issued by Chief Judge Jerry A. Wiese that denied appellant’s motion to disqualify Judge Peterson and void the other orders.

3. Identify each appellant and the name and address of counsel for each appellant:

Nona Tobin, an Individual

In Proper Person

2664 Olivia Heights Ave.

Henderson, NV 89052

1 4. Identify each respondent and the name and address of appellate counsel, if known, for  
2 each respondent.

3 Respondents' appellate counsels are unknown. Respondents' trial counsels were:

4 Plaintiff/Counter-Defendant Red Rock Financial Services, partnership subsidiary of  
5 FirstService Residential, Nevada LLC (EIN 88-0358132, NRS 649 license CA10050)  
6 Steven B. Scow (Nevada Bar No. 9906)  
7 KING SCOW KOCH DURHAM, LLC  
8 11500 S. Eastern Ave., Suite 210  
9 Henderson, NV 89052

10 Nationstar Mortgage LLC and Wells Fargo N.A. were represented initially by  
11 Melanie Morgan (Nevada Bar No. 8215)  
12 Donna M. Wittig (Nevada Bar No. 11015)  
13 AKERMAN LLP  
14 1635 Village Center Circle, Suite 200  
15 Las Vegas, Nevada 89134

16 Followed by  
17 Vanessa M. Turley (Nevada Bar No. 14635)  
18 Troutman Pepper Hamilton Sanders LLP  
19 8985 S. Eastern Ave., Suite 200  
20 Las Vegas, NV 89123

21 5. Indicate whether any attorney identified above in response to question 3 or 4 is not  
22 licensed to practice law in Nevada:

23 All are licensed to practice law in Nevada.

24 6. Indicate whether appellant was represented by appointed or retained counsel in the  
district court:

Appellant was represented from 5/18/21 to 11/16/21 by counsel for the purpose of an  
evidentiary hearing that was ordered for 8/19/21, but never conducted. After being forced to  
needlessly incur >\$30,000 in legal fees for this to be the third court that decided a title dispute  
against appellant without the evidentiary hearing required by NRS 40.110, appellant chose to  
return to her pro se status.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Appellant will proceed on appeal in proper person.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

No. Not applicable.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

February 3, 2021 the interpleader action (Doc. # 2) was filed despite the fact that the controlling statute (NRS 116.31164(3)(c)(2013)) required the interpleaded funds (\$57,282.32 excess proceeds from an August 15, 2014 HOA foreclosure sale) were legally mandated to have been distributed in 2014 regardless of Appellant's other claims.

On February 16, 2021, five Defendants were served despite the fact that the Clark County property record for APN 191-13-811-052 showed that four of the five defendants had released their claims by June 3, 2019, and so there were no competing claims in 2021 to warrant an interpleader action, just as there were no competing claims to warrant obstructing Appellant's two prior civil claims for the excess proceeds.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

| Entry/<br>NEOJ<br>Date(s) | Doc #<br>NEO                | Order Description and reasons for appeal  |
|---------------------------|-----------------------------|---|
| 5/30/23/<br>7/27/23       | <u>Doc. #</u><br><u>144</u> | Order Re: Motion ( <u>Doc. #134</u> ) to Disqualify The Honorable Judge Jessica K. Peterson Pursuant to NRS 1.230, NCJC 2.11, NCJC 1.2, 2.2 (appearance of a lack of impartiality); (NCJC 2.9 (improper ex parte communications); NCJC 2.15 (C)(D) (improper response to allegations of judicial and lawyer misconduct) And NRCP 59(a)(1) |

|    |         |  |
|----|---------|--|
| 1  |         | (A) (irregularity in the proceedings) or (B) (misconduct of prevailing party) (C) (surprise) (ex parte vexatious litigant breach order in absentia and refusal to attach opposition to order) and/or Relief from the order pursuant to NRCp 60(b)(1) (mistake – errors of law) NRCp 60(b)(3) (misrepresentation) NRCp 60(d)(3) (fraud on the court)  |
| 2  |         |  |
| 3  |         |  |
| 4  |         | The order did not set aside the orders obtained by fraud on the court, did not address the court’s failure to properly respond to allegations of attorney misconduct obstructing the judicial process, and did not address the improper ex parte hearing on 2/2/23 that was misrepresented as being properly noticed and documented in the court record at which time the actions were unfairly taken against Appellant that were not on the court’s docket and deprived Appellant of due process. |
| 5  |         |  |
| 6  |         |  |
| 7  |         |  |
| 8  |         |  |
| 9  | 3/28/23 | <u>Doc. #</u><br><u>132</u>  |
| 10 |         | 3/28/23 is the final judgment order in a meritless interpleader action that morphed into a vexatious litigant restrictive order vs. the wrong party. It had five orders that misapplied at least these laws and rules: NRS 116.31164(3)(c)(2013), <u>NRS 155.165</u> , EDCR. 2.20(e), NRS 18.010(2), EDCR 7.60(b)(1) & (3), NRCp 12(a)(1)(B), NRCp 12(b)(5), NRCp 12(b)(2), NRCp 12(d)   |
| 11 |         |  |
| 12 |         | 1. Tobin was declared a vexatious litigant for filing “repetitious, rogue harassing and unmeritorious motions”, for which a restrictive order was allegedly entered on 1/9/23 and amended on 1/16/23, such that Tobin now must get the Chief Judge’s pre-filing approval for any civil complaint against any party for any reason or else pay an attorney to represent her.  |
| 13 |         |  |
| 14 |         |  |
| 15 |         |  |
| 16 |         | 2. Tobin’s motion to reconsider the 1/16/23 order and renewed motion to strike a non-party Red Rock LLC’s rogue filings were denied.   |
| 17 |         |  |
| 18 |         | 3. Tobin’s motion to distribute the interpleaded proceeds to her with interest and penalties was denied and the non-party’s motion for attorney’s fees of \$5,165 to be deducted from the \$57,282.32 that belonged to Tobin per EDCR 2.20(e) was granted.   |
| 19 |         |  |
| 20 |         | 4. Tobin’s four motions to withdraw and consolidate her claims were denied, including her motion to withdraw her motion for an order to show cause why written findings of attorney misconduct should not be forwarded to the State Bar.   |
| 21 |         |  |
| 22 |         | 5. Tobin was enjoined from filing any motion or paper into this case except 1) a timely notice of appeal of the denial of the motion to reconsider, 2) an opposition to Red Rock’s Brunzell memo, and 3)   |
| 23 |         |  |
| 24 |         |  |

objection to the amount to be received from the proceed, and those three must be pre-approved by Dept 8.

Reasons for appeal of 3/28/23 order

1. Vexatious litigant order was unwarranted and unjust and how issued was misrepresented. It was issued without notice or good cause in absentia on 2/2/23 (Doc #130), and not on 1/9/23 or 1/16/23 as misrepresented in 3/28/23 order ¶ 21,23 p. 7. The Jordan factors were not met, but were misrepresented as having been met.

Nationstar's unsupported 1/24/23 motion (Doc #122) was inappropriately granted without consideration of appellant's 2/2/23 filed opposition (Doc # 125).

Tobin's filings, i.e., motion for an order to show cause why written findings of attorney misconduct should not be forwarded to the State Bar (Doc # 108) supported by verified documentary evidence (Doc #102, 104, 105, 106, 107), the motion (Doc # 120), to reconsider the 1/16/23 order granting a non-party's rogue motion for fees, two motions to strike a non-party's rogue filings (Doc # 96), (Doc # 120), a motion (Doc # 75), for an evidentiary hearing to set aside orders fraught with factual misrepresentations, were all meritorious and made in good faith. All were supported by verified documentary evidence. None were for improper purposes. The vexatious harassment statute applies more accurately to the misconduct of Tobin's opponents. Applying it to Tobin is a heavy-handed attempt to silence a whistleblower.

Further, there is no administrative system in place to manage pre-filing requests. Tobin submitted a complaint vs. the State Bar on 5/14/23 to request a lift of their draconian gatekeeping requirement for pre-filing approval and has yet to receive an approval or a rejection.

2. The 3/28/23 order misrepresented the 1/16/23 order that granted the non-party's motion for attorney fees as the "Amended Restrictive Order". Then, it erroneously claimed that "by filing the Motion to Reconsider Ms. Tobin specifically violated the Court's specific admonitions to avoid filling further frivolous motions." ¶ 31, p. 8.

The final judgment order is appealed from also because other unfair actions were taken against appellant at an improper, unnoticed ex parte hearing on 2/2/23 (Doc #130), including granting the parties present an unfair exemption to EDCR 2.20(e) to deny Appellant's unopposed motions (Doc. # 120), i.e., motion for reconsideration and motion to strike the rogue filings of the non-party, that were on the

1 court's docket for oral argument on 2/28/23 (Doc. # 121), but that  
2 were denied without notice ex parte on 2/2/23. The court served no  
3 minutes that the 2/2/23 ex parte hearing attended by Red Rock and  
4 Nationstar attorneys ever even happened.

5 On 2/2/23, the only minutes the court served (2/2/23 4:44 P.M)  
6 showed that the court denied Tobin's motions to withdraw and  
7 consolidate her claims. (Doc # 112) that was advanced from the  
8 court's 2/8/23 docket (Doc # 114)

9 Pursuant to EDCR 2.23(b), Tobin filed a proposed order to grant her  
10 unopposed motion to reconsider and motion to strike the non-party's  
11 rogue filings as unopposed on 2/10/23. Tobin found out on 2/15/23  
12 by the court's rejection email that Judge Peterson had unfairly  
13 exempted Red Rock and Nationstar from the EDCR 2.20(e)  
14 requirement of filing a written opposition at an unnoticed ex parte  
15 hearing that at the same time, for no proper purpose and for no just  
16 cause, in her absence, Tobin was declared a vexatious litigant and Red  
17 Rock LLC was declared a party.



20 3. NRS 116.31164(3)(c) (2013) required Red Rock to distribute ALL  
21 proceeds from the 8/15/14 HOA sale "after the sale". There is no legal  
22 authority for deducting attorney fees from the excess proceeds of a  
23 foreclosure sale that were required by law to be distributed nine years  
24 ago. Red Rock LLC had no standing to file into the case and did not  
meet any of the criteria to be a party. Special damages should have  
been awarded to Tobin who has been damaged, harassed and  
obstructed for years while attempting to pursue her legitimate claims  
in good faith. NRS 155.165 is more appropriately applied to  
respondents who have filed meritless objections "to unreasonably  
oppose or frustrate the efforts of an interested person who is acting in  
good faith to enforce his or her rights."

4. The final judgment order is also appealed from due to improper  
handling of allegations of attorney misconduct. The court denied her  
motion to withdraw the MOSC but did not issue an order to show  
cause even though the MOSC was supported by verified documentary

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|----|---------------------|--|
| 1  |                     | evidence and was unrefuted. At the ex parte hearing, Judge Peterson  |
| 2  |                     | refused to take judicial notice of the unopposed verified evidence   |
| 3  |                     | verified complaints to the State Bar vs. attorneys Brittany Wood ( <u>Doc.</u>   |
| 4  |                     | <u># 102</u> ) and Joseph Hong, ( <u>Doc. # 106</u> ) that supported Appellant's   |
| 5  |                     | unopposed motion for an order to show cause ( <u>Doc. # 108</u> ) why  |
| 6  |                     | written findings of attorney misconduct should not be forwarded to   |
| 7  |                     | the State Bar and that were on the court's 2/2/23 docket ( <u>Doc. #109</u> ,  |
| 8  |                     | <u>#110</u> and <u>#111</u> ). The court erred by finding, without the support of  |
| 9  |                     | any facts, evidence or law, that these verified, fully-supported   |
| 10 |                     | complaints were vexatious harassment.  |
| 11 |                     |  |
| 12 |                     | <p>"Ms. Tobin insinuates these attorneys engaged in criminal activity, which is unfounded. The Court finds these requests were inappropriate, legally devoid of merit, and served no purpose other than to harass the attorneys that have been involved in this matter."</p> <p>¶ 48, p.12</p> <p>5. These final restrictions were unfairly applied by refusing to allow NRCF 52(a)(5) or (b) corrections to the inaccuracies in the 3/28/23 order so it remains fraught with false statements mischaracterized as "uncontroverted".</p>   |
| 13 | 1/9/23/<br>1/10/23  | <p><u>Doc. # 116</u></p> <p>Order granted non-party Red Rock LLC's rogue 6/13/22 motion for attorney fees (<u>Doc. # 93</u>) to be deducted from the \$57,282.32 excess proceeds of the sale.</p> <p>This 1/9/23 order was misrepresented in the 3/28/23 order as the "Restrictive Order". ¶ 21, p. 7.</p>   |
| 14 |                     |  |
| 15 |                     |  |
| 16 | 1/16/23/<br>1/17/23 | <p><u>Doc. # 118</u></p> <p>Order corrected the 1/16/23 order signature page that said "No Response" and allowed opposition filed on 1/03/23 to be attached,</p> <p>This 1/16/23 order was misrepresented in the 3/28/23 order as the "Amended Restrictive Order". ¶ 23, p. 7.</p> <p>This is appealed because the Court noted on the signature page that everything Appellant said in the opposition was "legally incorrect and/or contain argument and are not findings and orders made by the court", i.e., factual disputes about party identification, court record, etc. needn't be resolved by evidence or law, but by fiat. Appellant asserts that NRS 18.010 and EDCR 7.60 were inappropriately applied to deny Tobin's 2<sup>nd</sup> amended motion for the interpleaded proceeds plus interests and penalties (<u>Doc. # 90</u> and exhibits <u>Doc. # 91</u>) and instead were incorrectly applied to award attorney fees against sole claimant Tobin based on non-party Red Rock LLC's motion (<u>Doc. #</u></p> |
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|          |                  |  |
|----------|------------------|--|
|          |                  | <p>93) when she has been wrongfully obstructed from claiming her money for nine years by people and entities who have no standing, no interest, and no legal right to oppose her legitimate claims and have forced her to incur nearly \$400,000 needlessly in litigation costs, not to mention seven years of her life.</p> <p>The Court unfairly denied Tobin's (<u>Doc #120</u>) unopposed motion to reconsider this order and motion to strike the rogue filings of the non-party by granting an unfair ex parte exemption to EDCR 2.20(e) on 2/2/23 when those pending motions were scheduled to be heard on 2/28/23. But for that differential application of the court rules, Tobin's 6/27/22 proposed final judgment order (<u>Doc #96</u>) would be unopposed and would replace the defective 3/28/23 order.</p>  |
| 5/25/22  | <u>Doc. # 89</u> | Order denied motion ( <u>Doc. # 75</u> ) to set aside dismissal orders in this case pursuant to NRCP 60(b)(3) (fraud) and NRCP (d)(3) (fraud on the court). Judge Peterson has repeatedly refused to conduct an evidentiary hearing so Tobin can prove her claims by clear and convincing evidence. Neither of the prior two judges conducted an evidentiary hearing either, and so no claims in this dispute have ever been adjudicated based on evidence.  |
| 11/30/22 | <u>Doc. # 70</u> | <p>Granted Nationstar's motion to strike (<u>Doc # 66</u>) Tobin's three-day notices of intent to take its default. (<u>Doc # 61</u>) Order amended the September 10, 2021 (<u>Doc. # 44</u>) order that had been silent on Tobin's cross-claims to dismiss Appellant's unanswered 3/8/21 cross-claims (<u>Doc # 14</u> and <u>Doc #20</u>) against Nationstar with prejudice.</p> <p>Nationstar caused the HOA sale by obstructing Tobin's auction.com sale and then abused the quiet title litigation process to steal Tobin's property without foreclosing and without adjudication by lying about being the beneficiary and then releasing the lien of the deed of trust it was lying about owning to non-party Joel Stokes for \$355,000 quid pro quo two days before the quiet title trial between the Hansen Trust vs. Jimijack Trust because it knew it didn't have standing to foreclose if the HOA sale were voided in its entirety.</p> |
| 9/10/21  | <u>Doc. # 44</u> | Order granted non-party Red Rock Financial Services, LLC's Motion to Dismiss ( <u>Doc. #28</u> ) Tobin's Counterclaims (Interpleader, Racketeering, Unjust Enrichment/Conversion, Fraud and Alter Ego/Lift the Corporate Veil) of and Petition for Sanctions ( <u>Doc. #14</u> ), against the actual Plaintiff Red Rock Financial Services, partnership subsidiary of FirstService Residential (EIN 88-0358132), former managing agent dba debt collection agent for Sun City Anthem on the inapplicable grounds of claims preclusion.   |

|    |  |  |
|----|--|--|
| 1  |  | Matters outside the pleadings were filed, not opposed, and considered or should have been ( <u>Doc # 15</u> , <u>Doc # 18</u> , <u>Doc # 19</u> , <u>Doc # 21</u> ) and NRCP 12(d) required that it be converted to a motion for summary judgment and an NRCP 56 standard.   |
| 2  |  |  |
| 3  |  | Non-party Red Rock LLC did not have standing to file a motion to dismiss claims against a different entity when it has no interest in the proceedings and would suffer no prejudice by the order.  |
| 4  |  |  |
| 5  |  | Steven Scow misrepresented his client Red Rock LLC for the 1 <sup>st</sup> time as the Plaintiff and counter-defendant for no proper purpose, knowing that Red Rock LLC has no interest in the proceedings. The court accepted the rogue motion to dismiss and has erroneously treated motions to correct misidentification of the parties as vexatious and frivolous. The court erroneously declared Red Rock LLC a party and refused to consider the evidence, facts or law that determine the court's jurisdiction and the ways in which a party is identified, e.g., NRCP 4 (Summons and Service), NRCP 10(a)(identified in complaint caption), NRCP 12(b)(2)(personal jurisdiction), NRCP 24 (intervention by right), IAFD (appearance), and its standing is determined by a legal or claimed interest in the proceedings, not by pretending to be the same legal entity. |
| 6  |  |  |
| 7  |  |  |
| 8  |  |  |
| 9  |  |  |
| 10 |  |  |
| 11 |  |  |
| 12 |  |  |
| 13 |  | Order denied Tobin's Motion for Summary Judgment ( <u>Doc. #24</u> ) despite no party refuting any of the allegations in the counter-claims or cross-claims (Doc # 14).  |
| 14 |  |  |

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

There have been two petitions for writs related to this case:

The first petition was 84371: Nona Tobin, Petitioner v. Nevada Commission on Judicial Discipline and The Office of The Bar Counsel of the State Bar of Nevada.

On May 18, 2022, Appellant filed, "Amended Petition For Writs of Mandamus For The Enforcement of the Nevada Judicial and Professional Codes of Conduct", (22-15670) because attorney and judicial misconduct has obstructed an fair, evidence-based adjudication of

1 Appellant's legitimate claims and the Court was requested to mandate the enforcement of the  
2 rules of conduct by the appropriate administrative agencies.

3 On August 11, 2022, the Supreme Court ruled (22-25205) that its "extraordinary and  
4 discretionary" intervention was unwarranted. Therefore, the State Bar Counsel's ad hoc  
5 imposition of a gatekeeping requirement that a victim must first obtain written findings of  
6 attorney misconduct before the Bar Counsel will open a file or begin an investigation of a verified  
7 complaint was allowed to stand regardless of how much verified documentary evidence  
8 supported the complaint and regardless of SCR 104(1)(a).

9 The second petition was 85251: Nona Tobin, Petitioner v. Eighth Judicial District Court,  
10 The Honorable Jessica K. Peterson, Respondent.

11 On August 30, 2022, Appellant filed "Petition For a Writ of Mandamus or Prohibition"  
12 requesting that Respondent be preemptively prohibited from acting outside her jurisdiction,  
13 mandating that a non-party's rogue filings be stricken and the proposed final judgment order be  
14 adopted as unopposed.

15 On September 23, 2022, the petition was denied (22-29372). The court decided that its  
16 "extraordinary and discretionary" intervention was unwarranted as appeal was believed to be a  
17 plain, adequate and speedy remedy. Rehearing and en banc review were requested, but both were  
18 denied without comment.

19 79295, the appeal from the 1<sup>st</sup> action (A-15-720032-C/A-16-730078-C), did not address  
20 Appellant's unheard claim for the excess proceeds at issue in this appeal as Appellant's 1<sup>st</sup> civil  
21 claim for the excess proceeds was dismissed to go to NRS 38.310 mediation. Her attempt to get  
22 her claim reinstated was blocked by opposing counsels' successful creation of the false narrative  
23 that she had not been granted leave to intervene as an individual, and on September 4, 2019, her  
24

1 individual appeal was dismissed (19-37046). On September 10, 2019, (19-37846) her individual  
2 docketing statement was returned unfiled on the erroneous grounds that she was not aggrieved.

3 82294, 82294-COA, 82094 and 82234 are appeals from orders entered on October 8,  
4 2020, November 17, 2020 and December 3, 2020 in case A-19-799890-C. Quoted here is the  
5 excerpt from the 82294 case statement prepared by Appellant's appeal attorney John Thomson.

6 Plaintiff Nona Tobin appeals the order of dismissal with prejudice entered on  
7 12/3/20 that granted Defendant Red Rock Financial Services' motion to dismiss  
8 pursuant to NRCp 12(b)(5) and (6) of Tobin's First Amended Complaint and all  
9 the joinders thereto. Nona Tobin, an individual, filed a complaint for quiet title,  
10 unjust enrichment, and declaratory relief against Red Rock Financial Services and  
11 the other defendants. Tobin's previously unadjudicated unjust enrichment claim  
12 against Red Rock is to obtain the \$57,282.32 undistributed excess proceeds plus six  
13 years interest that Red Rock unlawfully retained by obstructing Tobin's 2014  
14 attempt to claim the proceeds after the disputed 2014 HOA foreclosure sale. Tobin  
15 also had claims for relief of quiet title, declaratory relief and equitable relief/unjust  
16 enrichment against Nationstar Mortgage that has engaged in various actions and  
17 inactions to deprive Tobin of her title rights, cause Tobin damage, should be  
18 judicially estopped from claiming to be the beneficial owner of the disputed Hansen  
19 deed of trust, and has no rights to the undistributed proceeds of the disputed HOA  
20 sale. Tobin claimed quiet title, declaratory relief and equitable relief/unjust  
21 enrichment against Joel Stokes, an individual, who obstructed a fair adjudication of  
22 Tobin's claims in the prior proceedings in Tobin's absence to deprive Tobin of her  
23 rights, to gain quiet title to the subject property by obstructing Tobin's right to be  
24 heard, and, is judicially estopped from claiming to ever have had a valid, admissible  
deed or any other proof of title. Tobin's unjust enrichment claim and against Joel  
and Sandra Stokes for the retention of over \$100,000 in rents collected after the  
disputed HOA sale. Tobin's quiet title and equitable relief claims pursuant to NRS  
40.010 were made against current deedholders Brian and Debora Chiesi, current  
lienholder Quicken Loans, and other defendants who had recorded other claims  
adverse to Tobin's title claim six months after the trial in the prior proceedings,  
ignoring two Lis Pendens were on record regarding the instant case and the appeal  
of the prior case. Instead of hearing the Motion as one for Summary Judgment, the  
Court ruled that the First Amended Complaint did not survive the Motion to  
Dismiss and granted the motion, dismissing the action with prejudice in its entirety.  
This case is currently the subject of two pending appeals in the Supreme Court, case  
82094, appeal of the order, entered on 10/8/20, granting \$3,455 attorney fees and  
costs to Joseph Hong as an EDCR 7.60 (b)(1)and/or (3) sanction, and case 82234,  
appeal of the order entered on 11/17/20 granting Quicken/Chiesi attorney Brittany  
Wood \$8,999 if fees and costs against Tobin for filing a joinder to Red Rock's  
motion to dismiss and a request for judicial notice that Tobin claims was duplicitous  
and unwarranted.

1 On January 5, 2022, after returning to her pro se status, Appellant filed motions to amend  
2 the 82294 opening brief, delay the appeal pending the outcome of the interpleader action and  
3 other requests. (22-00442) to set aside orders obtained by fraudulent means.

4 On June 30, 2022, all orders against Appellant were affirmed (22-20634) primarily on  
5 the erroneous conclusions that 1) appellant had waived her arguments by presenting them for the  
6 first time at the Reply brief, 2) respondents had met their burden of proof, 3) appellant's claims  
7 had been fairly litigated on the merits without obstruction.

8 On 7/21/22, appellant filed a motion for rehearing (22-22950) accompanied by a motion  
9 for an order to show cause why sanctions should not be imposed and to refer to the Attorney  
10 General and a declaration under penalty of perjury (22-22957)

11 On August 10, 2022 the motions were denied (22-25082) and on September 22, 2022 the  
12 petition for rehearing was denied (22-29752), both without explanation.

13 12. Indicate whether this appeal involves child custody or visitation:

14 No

15 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

16 None.

17 Dated this 24th day of August 2023

18  
19  
20 

21 Nona Tobin  
22 2664 Olivia Heights Avenue  
23 Henderson NV 89052  
24 (702) 465-2199  
nonatobin@gmail.com  
In Proper Person

CERTIFICATE OF SERVICE

I, Nona Tobin, hereby certify that, pursuant to NRCP 5(b), on this August 24<sup>th</sup> 2023, I served via the Clark County electronic filing system a true and correct copy of the CASE APPEAL STATEMENT to all parties listed in the Odyssey eFileNV service contact list in case A-21-828840-C.



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Nona Tobin

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-21-828840-C**

**Red Rock Financial Services, Plaintiff(s)**  
**vs.**  
**Nona Tobin, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 8**  
 Judicial Officer: **Peterson, Jessica K.**  
 Filed on: **02/03/2021**  
 Case Number History:  
 Cross-Reference Case Number: **A828840**

**CASE INFORMATION**Case Type: **Other Civil Matters**

Case  
Status: **02/03/2021 Open**








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

Case Number A-21-828840-C  
 Court Department 8  
 Date Assigned 02/09/2021  
 Judicial Officer Peterson, Jessica K.

**PARTY INFORMATION**








|                          |  | <i>Lead Attorneys</i>  |
|--------------------------|--|--|
| <b>Plaintiff</b>         | <b>Red Rock Financial Services</b>                                     | <b>Scow, Steven B.</b><br><i>Retained</i><br>702-833-1100(W)       |
| <b>Defendant</b>         | <b>Gordon B. Hansen Trust</b>  | <b>Simpson, Taylor</b><br><i>Retained</i><br>702-451-2055(W)       |
|                          | <b>Nationstar Mortgage LLC</b>   | <b>Turley, Vanessa Marie</b><br><i>Retained</i><br>470-832-5572(W) |
|                          | <b>Republic Services Inc</b>   |  |
|                          | <b>Tobin, Nona</b>   | <b>Pro Se</b><br>702-465-2199(H)                                   |
|                          | <b>Wells Fargo NA</b>  | <b>Turley, Vanessa Marie</b><br><i>Retained</i><br>470-832-5572(W) |
| <b>Counter Claimant</b>  | <b>Tobin, Nona</b><br>Removed: 09/10/2021<br>Dismissed                 | <b>Pro Se</b><br>702-465-2199(H)                                   |
| <b>Counter Defendant</b> | <b>Red Rock Financial Services</b><br>Removed: 09/10/2021<br>Dismissed | <b>Scow, Steven B.</b><br><i>Retained</i><br>702-833-1100(W)       |
| <b>Cross Claimant</b>    | <b>Tobin, Nona</b><br>Removed: 11/29/2021<br>Dismissed                 | <b>Pro Se</b><br>702-465-2199(H)                                   |
| <b>Cross Defendant</b>   | <b>Nationstar Mortgage LLC</b><br>Removed: 11/29/2021<br>Dismissed     | <b>Turley, Vanessa Marie</b><br><i>Retained</i><br>470-832-5572(W) |
|                          | <b>Wells Fargo NA</b>  | <b>Turley, Vanessa Marie</b>                                       |

**CASE SUMMARY****CASE NO. A-21-828840-C**Removed: 11/29/2021  
Dismissed*Retained*  
470-832-5572(W)**Third Party  
Defendant****Hong, Joseph**Removed: 10/12/2021  
Dismissed**Morgan, Melanie**Removed: 10/12/2021  
Dismissed**Ochoa, David**Removed: 10/12/2021  
Dismissed**Scow, Steven B**Removed: 10/12/2021  
Dismissed**Wight, Brody R**Removed: 10/12/2021  
Dismissed**Wood, Brittany**Removed: 10/12/2021  
Dismissed**Third Party  
Plaintiff****Tobin, Nona**Removed: 10/12/2021  
Dismissed**Pro Se**  
702-465-2199(H)

| DATE       | EVENTS & ORDERS OF THE COURT   | INDEX |
|------------|--|-------|
|            | <b><u>EVENTS</u></b>   |       |
| 02/03/2021 |  Initial Appearance Fee Disclosure<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[1] Initial Appearance Fee Disclosure</i> |       |
| 02/03/2021 |  Complaint in Interpleader<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[2] Complaint for Interpleader (NRCP 22)</i>      |       |
| 02/03/2021 |  Summons Electronically Issued - Service Pending<br>Party: Plaintiff Red Rock Financial Services<br><i>[3] Summons-Civil</i>          |       |
| 02/03/2021 |  Summons Electronically Issued - Service Pending<br>Party: Plaintiff Red Rock Financial Services<br><i>[4] Summons-Civil</i>          |       |
| 02/03/2021 |  Summons Electronically Issued - Service Pending<br>Party: Plaintiff Red Rock Financial Services<br><i>[5] Summons-Civil</i>          |       |
| 02/03/2021 |  Summons Electronically Issued - Service Pending<br>Party: Plaintiff Red Rock Financial Services<br><i>[6] Summons-Civil</i>          |       |
| 02/09/2021 |  Notice of Department Reassignment<br><i>[7] Notice of Department Reassignment</i>  |       |

# CASE SUMMARY

CASE NO. A-21-828840-C

|            |  |
|------------|--|
| 02/17/2021 |  Affidavit of Service<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[8] Affidavit of Service</i>   |
| 02/17/2021 |  Affidavit of Service<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[9] Affidavit of Service</i>   |
| 02/17/2021 |  Affidavit of Service<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[10] Affidavit of Service</i>  |
| 02/17/2021 |  Affidavit of Service<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[11] Affidavit of Service</i>  |
| 02/17/2021 |  Affidavit of Service<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[12] Affidavit of Service</i>  |
| 02/17/2021 |  Disclaimer of Interest<br><i>[13] Disclaimer of Interest of Defendant, Republic Silver State Disposal, Inc., D/B/A Republic Services</i>   |
| 03/08/2021 |  Answer and Counterclaim<br>Filed By: Defendant Tobin, Nona<br><i>[14] Nona Tobin's Answer, Affirmative De Answer and Counter-Claim vs. Red Rock Financial Services, Cross-Claims vs. Nationstar Mortgage LLC and Wells Fargo, N.A., and Motion for Sanctions vs. Red Rock Financial Services and Nationstar Mortgage LLC, and/or Nationstar Mortgage DBA Mr Cooper</i>   |
| 03/15/2021 |  Request for Judicial Notice<br>Filed By: Defendant Tobin, Nona<br><i>[15] Nona Tobin's Request for Judicial Notice of the Complete Official Clark County 2003-2021 Property Records for APN 191-13-811-052</i>   |
| 03/22/2021 |  Initial Appearance Fee Disclosure<br>Filed By: Defendant Tobin, Nona<br><i>[16] Initial Appearance Fee Disclosure for Nona Tobin an Individual</i>   |
| 03/22/2021 |  Third Party Complaint<br>TPP: Defendant Tobin, Nona<br><i>[17] Nona Tobin's Third Party Complaint 1. Abuse of Process 2. Racketeering (NRS 207.360 (9) (18) (29) (30) (35); NRS 207.390, NRS 207.400(1) (2) 3.Fraud NRS 205.330, NRS 205.360, NRS 205.372, NRS 205.377, NRS 205.395, NRS 205.405, NRS 111.175 4. Restitution And Relief Requested Exceeds \$15,000 5. Exemplary and Punitive Damages Pursuant To NRS 42.005, NRS 207.470(1) &amp; (4) 6. Sanctions Pursuant To NRCP 11(B) (1-4); NRCP 3.1, 3.3, 3.4, 3.5(B), 4.1, 4.4, 5.1, 5.2, 8.3, 8.4vs. Steven B. Scow; Brody R. Wight; Joseph Hong; Melanie Morgan; David Ochoa; Brittany Wood</i> |
| 04/04/2021 |  Request for Judicial Notice<br><i>[18] Nona Tobin's Request for Judicial Notice of Relevant Unadjudicated Civil Claims and Administrative Complaints</i>   |
| 04/07/2021 |  Request for Judicial Notice<br>Filed By: Defendant Tobin, Nona   |

# CASE SUMMARY

CASE NO. A-21-828840-C

*[19] Nona Tobin's Request for Judicial Notice of the Nevada Revised Statutes, Nevada Rules of Civil Procedure, Nevada Rules of Professional Conduct and Sun City Anthem Governing Documents Germane To the Instant Action*

04/09/2021



Answer to Complaint

Filed by: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC  
*[20] Wells Fargo, N.A. and Nationstar Mortgage LLC's Answer to Red Rock Financial Services' Complaint for Interpleader (NRCP 22)*

04/09/2021



Request for Judicial Notice

Filed By: Defendant Tobin, Nona  
*[21] Nona Tobin's Request for Judicial Notice of NRCP 16.1 Disclosures and Subpoena Responses from Discovery in Case A-15-720032-C and Disputed Facts in the Court Record*

04/12/2021



Motion for Distribution

Filed By: Defendant Tobin, Nona  
*[22] Nona Tobin's Amended Motion for an Order to Distribute Interpleaded Proceeds with Interest to Sole Claimant Nona Tobin*

04/14/2021



Clerk's Notice of Nonconforming Document

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

04/15/2021



Motion for Summary Judgment

Filed By: Defendant Tobin, Nona  
*[24] Counter-Claimant & Cross-Claimant Nona Tobin's Motion for Summary Judgment vs. Counter-Defendant Red Rock Financial Services and Cross-Defendants Nationstar Mortgage LLC & Wells Fargo, N.A. and Motion for Punitive Damages and Sanctions Pursuant to NRCP 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.401(1) and/or NRS 42.005*

04/16/2021



Clerk's Notice of Hearing

*[25] Notice of Hearing*

04/16/2021



Clerk's Notice of Nonconforming Document and Curative Action

*[26] Clerk's Notice of Curative Action*

04/16/2021



Clerk's Notice of Hearing

*[27] Notice of Hearing*

04/16/2021



Motion to Dismiss

Filed By: Plaintiff Red Rock Financial Services  
*[28] Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions*

04/16/2021



Clerk's Notice of Hearing

*[29] Clerk's Notice of Hearing*

04/26/2021



Opposition to Motion to Dismiss

Filed By: Defendant Tobin, Nona  
*[30] Nona Tobin's Opposition to Red Rock Financial Services's Motion to Dismiss Tobin's Counter-Claims and Motion for Sanctions Pursuant to NRCP 11(b)(1)(2)(3) and/or (4), NRS 18.010(2), NRS 207.40(1), NRS 42.005*

04/26/2021















Opposition to Motion

Filed By: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC  
*[31] Wells Fargo, N.A. and Nationstar Mortgage LLC's Limited Opposition to Defendant*

# CASE SUMMARY

CASE NO. A-21-828840-C

*Nona Tobin's Motion for an Order to Distribute Interpleaded Proceeds*

|            |  |
|------------|--|
| 04/27/2021 |  Joinder to Opposition to Motion<br>Filed by: Plaintiff Red Rock Financial Services<br><i>[32] Red Rock Financial Services, LLC's Joinder to Wells Fargo, N.A. and Nationstar Mortgage LLC's Limited Opposition to Defendant Nona Tobin's Motion for an Order to Distribute Interpleaded Proceeds</i>   |
| 04/29/2021 |  Opposition to Motion For Summary Judgment<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[33] Red Rock Financial Services' Opposition to Nona Tobin's Motion for Summary Judgment</i>  |
| 05/03/2021 |  Joinder To Motion<br>Filed By: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br><i>[34] Wells Fargo, N.A. and Nationstar Mortgage LLC's Joinder to Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions</i>   |
| 05/04/2021 |  Reply to Opposition<br>Filed by: Defendant Tobin, Nona<br><i>[35] Nona Tobin's Reply to Nationstar's 7 Wells Fargo's Opposition to Tobin's Motion to Distribute Proceeds and to Their Untimely Joinder to Red Rock's Motion to Dismiss and Tobin's Reply to Support Tobin's Motion for Summary Judgment Vs. Nationstar &amp; Wells Fargo</i> |
| 05/05/2021 |  Joinder to Opposition to Motion<br>Filed by: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br><i>[36] Wells Fargo, N.A. and Nationstar Mortgage LLC's Joinder to Red Rock Financial Services' Opposition to Nona Tobin's Motion for Summary Judgment</i>   |
| 05/09/2021 |  Reply<br><i>[37] Nona Tobin's Reply to Red Rock's Joinder to Nationstar's Opposition to Tobin Motion to Distribute Proceeds</i>  |
| 05/09/2021 |  Reply<br><i>[38] Nona Tobin's Reply to Red Rock's Opposition to Motion for Summary Judgment and Motion to Amend Third Party Complaint</i>  |
| 05/11/2021 |  Reply in Support<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[39] Red Rock Financial Services, LLC's Reply in Support of Its Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions</i>   |
| 06/22/2021 |  Notice of Appearance<br>Party: Defendant Tobin, Nona<br><i>[40] Notice of Appearance of Counsel</i>  |
| 06/26/2021 |  Stipulation and Order<br><i>[41] Stipulation and Order to Reschedule Evidentiary Hearing</i>   |
| 07/27/2021 |  Notice of Entry of Stipulation and Order<br>Filed By: Defendant Tobin, Nona<br><i>[42] Notice of Entry of Order Granting Joint Stipulation and Order Rescheduling Evidentiary Hearing to August 19 2021</i>  |
| 09/10/2021 |  Order  |

# CASE SUMMARY

CASE NO. A-21-828840-C

*[43] Order & Judgment on Plaintiff Red Rock Financial Services, LLC's and Petition for Sanctions and Defendants/ Counterclaimant Nona Tobin's Motion for Summary Judgment and Motion for Sanctions*

09/10/2021



Notice of Entry of Order

Filed By: Plaintiff Red Rock Financial Services

*[44] Notice of Entry of Order*

09/15/2021



Substitution of Attorney

Filed by: Defendant Tobin, Nona

*[45] Substitution of Attorneys*

10/08/2021



Motion to Reconsider

Filed By: Defendant Tobin, Nona

*[46] Motion for Reconsideration*

10/08/2021



Notice of Voluntary Dismissal Without Prejudice

Filed by: Defendant Tobin, Nona

*[49] Notice of Voluntary Dismissal of Third-Party Claims Without Prejudice*

10/11/2021



Clerk's Notice of Hearing

*[47] Notice of Hearing*

10/12/2021



Transcript of Proceedings

*[48] Transcript of Proceedings Re: All Pending Motion August 19, 2021*

10/12/2021



Notice of Voluntary Dismissal Without Prejudice

Filed by: Defendant Tobin, Nona

*[50] Voluntary Dismissal of Third Party Claims Without Prejudice and Order*

10/13/2021



Notice of Entry of Order

Filed By: Defendant Tobin, Nona

*[51] Notice of Entry of Order*

10/21/2021



Opposition to Motion

Filed By: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC

*[52] Wells Fargo, N.A. and Nationstar Mortgage LLC's Opposition to Nona Tobin's Motion for Reconsideration*

10/22/2021



Opposition to Motion

Filed By: Plaintiff Red Rock Financial Services

*[53] Red Rock Financial Services LLC's Opposition to Motion for Reconsideration of Order Dismissing Nona Tobin's Counterclaim and Petition for Sanctions and Defendant/Counterclaimant Nona Tobin's Motion for Summary Judgement and Motion for Sanctions*

10/29/2021



Reply in Support

Filed By: Defendant Tobin, Nona

*[54] Reply In Support of Motion for Reconsideration*

11/09/2021



Notice of Change of Hearing

*[55] Notice of Change of Hearing*













11/09/2021



Motion for Withdrawal












# CASE SUMMARY

CASE NO. A-21-828840-C

|            |   |
|------------|---|
|            | <p>Filed By: Defendant Tobin, Nona<br/> <i>[56] Motion to Withdraw as Counsel of Record</i></p>   |
| 11/09/2021 | <p> Declaration<br/>           Filed By: Defendant Tobin, Nona<br/> <i>[57] DECLARATION OF NONA TOBIN IN SUPPORT OF MOTION TO RECONSIDER ORDER ENTERED SEPTEMBER 10, 2021 THAT DISMISSED WITH PREJUDICE COUNTER-CLAIM AND PETITION FOR SANCTIONS PURSUANT TO NRCP 11, NRS 18.010(2), and NRS 207.470(1), and NRS 42.005 VS. RED ROCK FINANCIAL SERVICES</i></p>  |
| 11/10/2021 | <p> Ex Parte Application<br/>           Party: Defendant Tobin, Nona<br/> <i>[58] Ex Parte Application for an Order Shortening Time</i></p>  |
| 11/10/2021 | <p> Clerk's Notice of Hearing<br/> <i>[59] Notice of Hearing</i></p>   |
| 11/10/2021 | <p> Notice of Intent to Take Default<br/> <i>[60] Nona Tobin's Three-Day Notice of Intent to Take Default vs. Wells Fargo, N.A. as to Tobin's Cross-Claims Filed on March 8, 2021</i></p>  |
| 11/10/2021 | <p> Notice of Intent to Take Default<br/> <i>[61] Nona Tobin's Three-Day Notice of Intent to Take Default of Nationstar Mortgage LLC and/or Nationstar Mortgage LLC DBA Mr. Cooper as to Tobin's 3/8/21 Cross-Claims for Fraud, Racketeering, and Conversion and/or Unjust Enrichment and 3/8/21 Petition for Sanctions Pursuant to NRCP 11(b)(1)(2)(3) and/or (4), NRS 18.010(2), NRS 207.407(1) and NRS 42.005</i></p> |
| 11/11/2021 | <p> Motion to Withdraw As Counsel<br/>           Filed By: Defendant Nationstar Mortgage LLC<br/> <i>[62] Motion to Withdraw</i></p>   |
| 11/12/2021 | <p> Clerk's Notice of Hearing<br/> <i>[63] Notice of Hearing</i></p>   |
| 11/14/2021 | <p> Declaration<br/>           Filed By: Defendant Tobin, Nona<br/> <i>[64] Declaration of Nona Tobin in Support of Motion for P Sterling Kerr to Withdraw as Counsel to Allow Her Return to Pro Se with No Hearing</i></p>  |
| 11/15/2021 | <p> Clerk's Notice of Hearing<br/> <i>[65] Notice of Hearing</i></p>   |
| 11/15/2021 | <p> Motion to Strike<br/>           Filed By: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br/> <i>[66] Wells Fargo, N.A. and Nationstar Mortgage LLC's Motion to Strike Nona Tobin's Notices of Intent to Default (Hearing Not Requested)</i></p>  |
| 11/15/2021 | <p> Clerk's Notice of Hearing<br/> <i>[67] Notice of Hearing</i></p>   |
| 11/17/2021 | <p> Order to Withdraw as Attorney of Record<br/>           Filed by: Defendant Tobin, Nona<br/> <i>[68] Order to Withdraw as Counsel of Record for Nona Tobin</i></p>  |













# CASE SUMMARY

CASE NO. A-21-828840-C

|            |   |
|------------|---|
| 11/19/2021 |  Notice of Entry of Order<br>Filed By: Defendant Tobin, Nona<br><i>[69] Notice of Entry of Order</i>   |
| 11/30/2021 |  Order<br>Filed By: Defendant Wells Fargo NA<br><i>[70] Order Clarifying Sept. 10th, 2021 Order and Mooting Notice of Default and Motion to Strike</i>   |
| 11/30/2021 |  Order<br><i>[71] Order Denying Nona Tobin's Motion to Reconsider of Order Dismissing Nona Tobin's Counterclaim and Petition for Sanctions and Defendant/Counterclaimant Nona Tobin's Motion for Summary Judgment and Motion for Sanctions</i>   |
| 11/30/2021 |  Notice of Entry of Order<br>Filed By: Defendant Wells Fargo NA<br><i>[72] Notice of Entry of Order Clarifying September 10, 2021 Order And Mooting Notice of Default and Motion to Strike</i>   |
| 11/30/2021 |  Notice of Entry of Order<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[73] Notice of Entry of Order</i>   |
| 12/01/2021 |  Recorders Transcript of Hearing<br><i>[74] Recorders Transcript of Hearing Re: Defendant/ Counterclaimant's Motion for Reconsideration 11/16/21</i>   |
| 12/14/2021 |  Motion<br>Filed By: Defendant Tobin, Nona<br><i>[75] Nona Tobin's Motion for an Evidentiary Hearing to Set Aside Orders and for Sanctions Pursuant to NRCP 60(B)(3) and (D)(3), NRS 18.010(2) and EDCR 7.60 (1) and (3)</i>   |
| 12/14/2021 |  Clerk's Notice of Hearing<br>Party: Defendant Tobin, Nona<br><i>[76] Notice of Hearing</i>  |
| 12/28/2021 |  Opposition and Countermotion<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[77] Red Rock Financial Services LLC's Opposition to Nona Tobin's Motion for an Evidentiary Hearing to Set Aside September 10, 2021 Order and November 30, 2021 Orders Pursuant to NRCP 60(B)(3) (Fraud) and NRCP 60 (B)(3)(Fraud on the Court) and Motion for Attorneys Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS 18.010(2); and, Countermotion for Abuse of Process; aor a Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs</i>   |
| 12/29/2021 |  Notice of Appearance<br>Party: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br><i>[78] Notice of Appearance</i>  |
| 12/29/2021 |  Joinder to Opposition to Motion<br>Filed by: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br><i>[79] Wells Fargo and Nationstar's Joinder to Defendant Red Rock Financial Services LLC's Opposition to Nona Tobin's Motion for an Evidentiary Hearing to Set Aside September 10, 2021 Order and November 30, 2021 Orders Pursuant to NRCP 60 (b)(3) (Fraud) and NRCP 60 (b)(3) (Fraud on the Court) and Motion for Attorneys' Fees and Costs Pursuant to EDCR 7.60 (1) and (3) NRS 18.010 (2); and Countermotion for Abuse of Process; for a Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs</i> |

# CASE SUMMARY

CASE NO. A-21-828840-C

|            |  |
|------------|--|
| 01/10/2022 |  Reply to Opposition<br>Filed by: Defendant Tobin, Nona<br><i>[80] Nona Tobin's Reply to Red Rock Financial Services LLC's Opposition to Nona Tobin's Motion for an Evidentiary Hearing to Set Aside September 10, 2021 Order and November 30, 2021 Orders Pursuant to NRCP 60(b)(3) (Fraud) and NRCP 60(b)(3) (Fraud on the Court) and Motion for Attorneys' Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS 18.010(2); and, Countermotion for Abuse of Process for a Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs</i> |
| 01/10/2022 |  Reply<br><i>[81] NONA TOBIN'S REPLY TO NATIONSTAR'S AND WELLS FARGO'S JOINDER AND COUNTERMOTIONS FOR ATTORNEY FEES AND A VEXATIOUS LITIGANT ORDER</i>  |
| 01/11/2022 |  Notice of Change of Hearing<br><i>[82] Notice of Change of Hearing</i>   |
| 01/14/2022 |  Order Granting Motion<br>Filed By: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br><i>[83] Order Granting Akerman s Motion to Withdraw as Counsel for Wells Fargo, N.A. and Nationstar Mortgage LLC</i>   |
| 01/14/2022 |  Notice of Entry of Order<br>Filed By: Defendant Nationstar Mortgage LLC<br><i>[84] Notice of Entry of Order Granting Akerman s Motion to Withdraw as Counsel for Wells Fargo, N.A. and Nationstar Mortgage LLC</i>   |
| 01/24/2022 |  Recorders Transcript of Hearing<br><i>[85] Recorders Transcript of Hearing Re: 01/19/22</i>  |
| 04/26/2022 |  Notice of Appearance<br>Party: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br><i>[86] Notice of Appearance</i>   |
| 05/17/2022 |  Clerk's Refund Request<br><i>[87]</i>  |
| 05/25/2022 |  Order Denying Motion<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[88] 2022.05.09 Proposed Order Denying Tobin's Motion for Evidentiry Hearing</i>   |
| 05/25/2022 |  Notice of Entry of Order<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[89] Notice of Entry of Order</i>  |
| 05/30/2022 |  Motion<br>Filed By: Defendant Tobin, Nona<br><i>[90] Second Amended Motion for an Order to Distribute Interpleaded Funds with Interest to Sole Claimant Nona Tobin and Motion for Attorney Fees and Costs Pursuant to NRS 18.010 (2) and EDCR 7.60(b)(1) and (3) and Motion to Correct Nunc Pro Tunc Notices of Entry of Orders Entered on November 30, 2021 and May 25, 2022</i>  |
| 05/30/2022 |  Exhibits<br><i>[91] EXHIBITS TO SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR</i>  |

# CASE SUMMARY

CASE NO. A-21-828840-C

7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022

05/31/2022



Clerk's Notice of Hearing

[92] Notice of Hearing

06/13/2022



Opposition and Countermotion

Filed By: Plaintiff Red Rock Financial Services

[93] Red Rock Financial Services LLC's Opposition to Nona Tobin's Second Amended Motion for An Order to Distribute Interpleaded Funds With Interest to Sole Claimant Nona Tobin and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2) and EDCR 7.60(b)(1) and (3) and Motion to Correct Nunc Pro Tunc Notices of Entry of Orders Entered on November 30, 2021 and May 25, 2022; and Renewed Countermotion for Abuse of Process; For a Restrictive Order Against Nona Tobin and for Attorney Fees and Costs

06/21/2022



Reply to Opposition

Filed by: Defendant Tobin, Nona

[94] Reply To Non-Party Red Rock LLC's Opposition To Tobin's Second Amended Motion For An Order To Distribute Interpleaded Funds With Interest To Sole Claimant Nona Tobin and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2) and EDCR 7.60(B)(1) and (3)

06/22/2022



Reply to Opposition

[95] NONA TOBIN'S REPLY TO NON-PARTY OPPOSITION TO MOTION TO CORRECT NOTICES OF ENTRY OF THREE ORDERS

06/27/2022



Opposition and Countermotion

Filed By: Defendant Tobin, Nona

[96] Reponse to Non-Party Red Rock Financial Services, LLC's Countermotion for a Restrictive Vexatious Litigant Order Against Nona Tobin and Motion for Attorney Fees and Costs and Nona Tobins Counter-Motion to Adopt Tobins Proposed Final Judgment Order

06/30/2022



Notice

Filed By: Plaintiff Red Rock Financial Services

[97] Notice of Appellate Decision

08/29/2022



Amended Notice

Filed By: Defendant Tobin, Nona

[98] AMENDED NOTICE OF TOBIN PETITION FOR WRIT OF PROHIBITION AND OR MANDAMUS

09/23/2022



Notice

Filed By: Defendant Tobin, Nona

[99] Notie of the Filing of a NRAP 40 Motion for Rehearing of Petition for a Writ of Prohibition and/or Mandamus

10/05/2022



Motion

[100] Motion for Rehearing Petition for Writ of Prohibition and /or Mandamus

11/28/2022



Notice

[101] NOTICE OF NRAP 40A PETITION FOR EN BANC RECONSIDERATION 85251

12/19/2022















Request for Judicial Notice

Filed By: Defendant Tobin, Nona

[102] Request for Judicial Notice Verified Complaints of Attorney Misconduct filed with the State Bar of Nevada vs. Brittany Wood










# CASE SUMMARY

CASE NO. A-21-828840-C

|            |   |
|------------|---|
| 12/19/2022 |  Motion for Order to Show Cause<br>Filed By: Defendant Tobin, Nona<br><i>[103] MOTION FOR AN ORDER TO SHOW CAUSE</i>   |
| 12/19/2022 |  Request for Judicial Notice<br>Filed By: Defendant Tobin, Nona<br><i>[104] Request for Judicial Notice Verified Complaint of Attorney Misconduct Filed With The State Bar of Nevada Vs. Steven Scow</i>   |
| 12/19/2022 |  Request for Judicial Notice<br>Filed By: Defendant Tobin, Nona<br><i>[105] Request for Judicial Notice Verified Complaints of Attorney Misconduct Filed with the State Bar of Nevada vs. Melanie Morgan, Esq. (SBN 8215), Akerman, LLP; and Wright, Finlay, Zak, LLP, and Draft Alternative Civil Action</i>  |
| 12/19/2022 |  Request for Judicial Notice<br>Filed By: Defendant Tobin, Nona<br><i>[106] Request for Judicial Notice Verified Complaint of Attorney Misconduct Filed With The State Bar of Nevada Vs. Joseph Y. Hong</i>  |
| 12/19/2022 |  Request for Judicial Notice<br><i>[107] Request for Judicial Notice Verified Complaints of Attorney Misconduct Filed With The State Bar of Nevada Vs. David Ochoa, Esq. (SBN 10414) and Adam Clarkson, Esq.</i>   |
| 12/20/2022 |  Motion for Order to Show Cause<br>Filed By: Defendant Tobin, Nona<br><i>[108] Corrected Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not be Forwarded to the State Bar</i>  |
| 12/20/2022 |  Clerk's Notice of Hearing<br><i>[109] Clerk's Notice of Hearing</i>   |
| 12/20/2022 |  Clerk's Notice of Hearing<br><i>[110] Notice of Hearing</i>   |
| 12/20/2022 |  Clerk's Notice of Hearing<br><i>[111] Clerk's Notice of Hearing</i>   |
| 01/03/2023 |  Motion<br>Filed By: Defendant Tobin, Nona<br><i>[112] 1) Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar And 2) Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar and Wells Fargo 3) Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395 And 4) Motion to Adopt Tobin's Proposed Final Judgment Order</i> |
| 01/03/2023 |  Response<br>Filed by: Plaintiff Red Rock Financial Services<br><i>[113] Response to Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar</i>  |
| 01/06/2023 |  Clerk's Notice of Hearing<br>Party: Defendant Tobin, Nona<br><i>[114] Notice of Hearing</i>   |

# CASE SUMMARY

CASE NO. A-21-828840-C

|            |  |
|------------|--|
| 01/09/2023 |  Order<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[115] Order Granting in Part and Denying in Part Nona Tobins's Second Amended Motion for an Order to Distribute Interpleaded Funds with Interest to Sole Claimant Nona Tobin and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2) and EDCR 7.60(b)(1) and (3) and Motoin to Correct Nunc Pro Tunc Notices of Entry of Orders Entered on November 30 2021 and May 25 2022 and Granting in Part Red Rock Financial Services' Countermotion for Abuse of Process; for a Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs</i>                                |
| 01/10/2023 |  Notice of Entry of Order<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[116] Notice of Entry of Order</i>   |
| 01/16/2023 |  Order<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[117] Order Granting in Part and Denying in Part Nona Tobin's Second Amended Motion for an Order to Distribute Interpleaded Funds with Interest to Sole Claimant Nona Tobin and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2) and EDCR 7.60(b)(1) and (3) and Motion to Correct Nunc Pro Tunc Notices of Entry of Orders Entered on November 30 2021 and May 25 2022 and Granting in Part Red Rock Financial Services' Countermotion for Abuse of Process; for a Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs</i>                                 |
| 01/17/2023 |  Notice of Entry of Order<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[118] Notice of Entry of Order</i>   |
| 01/17/2023 |  Opposition to Motion<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[119] Red Rock Financial Services' Response/Opposition to (1) Motion to Withdraw Tobins Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not be Forwarded to the State Bar; (2) Motion to Withdraw Tobins Counter-Claims and Cross-Claims vs. Red Rock, Nationstar and Wells Fargo; (3) Motion to Modify Grounds for Tobins Petitions for Sanctions vs. Red Rock and Nationstar to include NRS 357.0401(a), (b), (i) and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395; and (4) Motion to Adopt Tobins Proposed Final Judgment Order</i> |
| 01/23/2023 |  Motion to Reconsider<br>Filed By: Defendant Tobin, Nona<br><i>[120] Motion to Reconsider 1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings</i>  |
| 01/24/2023 |  Clerk's Notice of Hearing<br><i>[121] Notice of Hearing</i>  |
| 01/24/2023 |  Joinder to Opposition to Motion<br>Filed by: Defendant Wells Fargo NA; Defendant Nationstar Mortgage LLC<br><i>[122] Wells Fargo and Nationstar's Joinder to Red Rock Financial Services' Response//Opposition to (1) Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to The State Bar; (2) Motion to Wlthdraw Tobin's Petitions For Sanctions VS. Red Rock, Nationstar to Include NRS 357.0401(A), (B), (I) and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395; and (4) Motion to Adopt Tobin's Proposed Final Judgment Order</i>   |
| 01/31/2023 |  Reply to Opposition<br>Filed by: Defendant Tobin, Nona<br><i>[123] Tobin's Reply to Red Rock's Opposition to Tobin's Four 1/03/23 Motions to Amend Final</i>   |

# CASE SUMMARY

CASE NO. A-21-828840-C

## Order

02/02/2023



### Declaration

Filed By: Plaintiff Red Rock Financial Services

*[124] Declaration of Steven B. Scow in Support of Attorneys' Fees Awarded to Red Rock Financial Services*

02/02/2023



### Reply to Opposition

Filed by: Defendant Tobin, Nona

*[125] Tobin's Reply to Nationstar's Opposition and Vexatious Litigant Motion*

02/12/2023



### Opposition to Motion

Filed By: Defendant Tobin, Nona

*[126] Tobin Opposition To Scow Declaration ISO Attorney Fees*

02/16/2023



### Memorandum of Costs and Disbursements

Filed By: Plaintiff Red Rock Financial Services

*[127] Red Rock Financial Services' Memorandum of Costs and Disbursements as Supplement to Declaration of Steven B. Scow*

02/20/2023



### Reply to Opposition

Filed by: Defendant Tobin, Nona

*[128] Tobin Reply in Opposition to Red Rock 2/16/23 Memo of Fees and Costs*

03/03/2023



### Court Recorders Invoice for Transcript

*[129] 2/2/2023 recording fee and transcript*

03/03/2023



### Recorders Transcript of Hearing

*[130] Transcript of 02/02/2023 All Pending Motions Hearing*

03/28/2023



### Order Denying Motion

Filed By: Plaintiff Red Rock Financial Services

*[131] Order Declaring Nona Tobin a Vexatious Litigant, Order Denying Defendant Non Tobin's: (1) Motion to Withdraw Tobin's Motion for Order to Show Cause why Written Findings of Attorney Misconduct Should no be Forwarded to the State Bar; (2) Motion to Withdraw Tobin's Counter- Claims and Cross-Claims vs Red Rock, Nationstar and Wells Fargo/ (3) Motion to Modify Grounds for Tobin's Petitions for Sanctions vs Red Rock and Nationstar to Include NRS 357.404(1)(A), and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395 and (4) Motion to Adopt Tobin's Proposed Final Judgment Order and Order Denying Defendant Nona Tobin's: Motion to Reconsider 1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings*

03/28/2023



### Notice of Entry of Order

Filed By: Plaintiff Red Rock Financial Services

*[132] Notice of Entry of Order*

04/26/2023



### Motion to Disqualify Judge

Filed By: Defendant Tobin, Nona

*[133] Motion to Disqualify the Honorable Judge Jessica K. Peterson Pursuant to NRS 1.230, NCJC 2.11, NCJC 1.2, 2.2 (appearance of a lack of impartiality); (NCJC 2.9 (impromptu ex parte communications); NCJC 2.15 (C)(D) (improper response to allegations of judicial and lawyer misconduct)*

04/26/2023















### Motion to Disqualify Judge

*[134] Motion To Disqualify Judge Jessica K. Peterson and void orders (corrected)*

# CASE SUMMARY

CASE NO. A-21-828840-C

|            |   |
|------------|---|
| 04/27/2023 |  Clerk's Notice of Hearing<br><i>[135] Clerk's Notice of Hearing</i>   |
| 05/01/2023 |  Transcript of Proceedings<br><i>[136] Transcript of 7/7/2022 proceedings</i>  |
| 05/03/2023 |  Court Recorders Invoice for Transcript<br><i>[137] Recording fee for 10/14/2021 hearing; CD's for 10/14/2021 &amp; 02/02/2023 hearings; Transcript for 10/14/2021 Hearing</i>   |
| 05/03/2023 |  Recorders Transcript of Hearing<br><i>[138] Transcript of 10/14/2021 Hearing</i>  |
| 05/03/2023 |  Affidavit<br><i>[139] Affidavit of the Honorable Judge Jessica K. Peterson in Response to Defendants' Motion for Recusal of Judge Jessica Peterson</i>  |
| 05/10/2023 |  Opposition<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[140] Red Rock Financial Services LLCs Opposition To Nona Tobins Motion To Disqualify The Honorable Jessica K. Peterson and NRCP 59(A)(1)(A) (Irregularity In The Proceedings) or (B) (Misconduct Of Prevailing Party) (C) (Surprise)(Ex Parte Vexatious Litigant Bench Order In Absentia and Refusal To Attach Opposition To Order) and/or Relief From The Order Pursuant To NRCP 60(B)(1)(Mistake Errors Of Law) NRCP 60(B)(3) (Misrepresentation) NRCP 60(D)(3) (Fraud On The Court)</i>   |
| 05/18/2023 |  Declaration<br>Filed By: Defendant Tobin, Nona<br><i>[141] Nona Tobin Declaration and Reply To Opposition</i>   |
| 05/22/2023 |  Exhibits<br>Filed By: Defendant Tobin, Nona<br><i>[142] Exhibits to Declaration</i>   |
| 05/30/2023 |  Order<br><i>[143] Order Re: Motion To Disqualify The Honorable Judge Jessica K. Peterson Pursuant To NRS 1.230, NCJC 2.11, NCJC 1.2, 2.2 (appearance of a lack of impartiality); (NCJC 2.9 improper ex parte communications); NCJC 2.15 (C)(D)(improper response to allegations of judicial and lawyer misconduct) And NRCP 59(A)(1)(A)(irregularity in the proceedings) or (B)(misconduct of prevailing party)(C)(surprise)(Ex parte vexatious litigant breach order in absentia and refusal to attach opposition to order) And/Or Relief From The Order Pursuant To NRCP 60(B)(1)(mistake -- errors of law) NRCP 60(b)(3)(Misrepresentation) NRCP 60(D) (3)(Fraud On The Court)</i> |
| 07/27/2023 |  Notice of Entry of Order<br>Filed By: Plaintiff Red Rock Financial Services<br><i>[144] Notice of Entry of Order</i>  |
| 08/22/2023 |  Notice of Appeal<br>Filed By: Defendant Tobin, Nona<br><i>[145] Notice of Appeal</i>  |
| 08/24/2023 |  Case Appeal Statement<br>Filed By: Defendant Tobin, Nona<br><i>[146] Case Appeal Statement</i>  |

# CASE SUMMARY

CASE NO. A-21-828840-C

08/24/2023



Case Appeal Statement

*Case Appeal Statement*

## **DISPOSITIONS**

09/10/2021

**Order of Dismissal With Prejudice** (Judicial Officer: Peterson, Jessica K.)

Debtors: Nona Tobin (Counter Claimant)

Creditors: Red Rock Financial Services (Counter Defendant)

Judgment: 09/10/2021, Docketed: 09/13/2021

10/08/2021

**Voluntary Dismissal** (Judicial Officer: Peterson, Jessica K.)

Debtors: Steven B Scow (Third Party Defendant), Brody R Wight (Third Party Defendant), Joseph Hong (Third Party Defendant), Melanie Morgan (Third Party Defendant), David Ochoa (Third Party Defendant), Brittany Wood (Third Party Defendant)

Creditors: Nona Tobin (Third Party Plaintiff)

Judgment: 10/08/2021, Docketed: 10/15/2021

10/12/2021

**Order of Dismissal Without Prejudice** (Judicial Officer: Peterson, Jessica K.)

Debtors: Steven B Scow (Third Party Defendant), Brody R Wight (Third Party Defendant), Joseph Hong (Third Party Defendant), Melanie Morgan (Third Party Defendant), David Ochoa (Third Party Defendant), Brittany Wood (Third Party Defendant)

Creditors: Nona Tobin (Third Party Plaintiff)

Judgment: 10/12/2021, Docketed: 10/13/2021

11/30/2021

**Order of Dismissal With Prejudice** (Judicial Officer: Peterson, Jessica K.)

Debtors: Nona Tobin (Cross Claimant)

Creditors: Wells Fargo NA (Cross Defendant), Nationstar Mortgage LLC (Cross Defendant)

Judgment: 11/30/2021, Docketed: 11/30/2021

## **HEARINGS**

02/09/2021



**Minute Order** (8:15 AM) (Judicial Officer: Kishner, Joanna S.)

Minute Order - No Hearing Held;

Journal Entry Details:

*Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality as the Court could be viewed to have information relating to the circumstances of the matter or one of the parties. Thus, the Court recuses itself from the matter and requests that it be randomly reassigned and all pending hearing dates be reset in accordance with appropriate procedures. CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/02/09/21;*

05/18/2021

**Motion for Summary Judgment** (10:00 AM) (Judicial Officer: Peterson, Jessica K.)

**05/18/2021, 06/21/2021, 08/19/2021**

*Pro Se Counter-Claimant & Cross-Claimant Nona Tobin's Motion for Summary Judgment vs. Counter-Defendant Red Rock Financial Services and Cross-Defendants Nationstar Mortgage LLC & Wells Fargo, N.A. and Motion for Punitive Damages and Sanctions Pursuant to NRCPL 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.401(1) and/or NRS 42.005*

Matter Continued;

Matter Continued;

Denied;

Matter Continued;

Matter Continued;

Denied;

Matter Continued;

Matter Continued;

Denied;

05/18/2021




**Motion for Order** (10:00 AM) (Judicial Officer: Peterson, Jessica K.)

**05/18/2021, 06/21/2021, 08/19/2021**

*Defendant Nona Tobin's Amended Motion for an Order to Distribute Interpleaded Proceeds*





# CASE SUMMARY

CASE NO. A-21-828840-C

|            |  |
|------------|--|
|            | <p><i>with Interest to Sole Claimant Nona Tobin</i></p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p>   |
| 05/18/2021 | <p><b>Motion to Dismiss</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p><b>05/18/2021, 06/21/2021, 08/19/2021</b></p> <p><i>Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions</i></p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p>  |
| 05/18/2021 | <p><b>Joinder</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p><b>05/18/2021, 06/21/2021, 08/19/2021</b></p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p> <p>Matter Continued;</p> <p>Matter Continued;</p> <p>Matter Heard;</p>  |
| 05/18/2021 | <p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Pro Se Counter-Claimant &amp; Cross-Claimant Nona Tobin's Motion for Summary Judgment vs. Counter-Defendant Red Rock Financial Services and Cross-Defendants Nationstar Mortgage LLC &amp; Wells Fargo, N.A. and Motion for Punitive Damages and Sanctions Pursuant to NRCPL 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.401(1) and/or NRS 42.005... Defendant Nona Tobin's Amended Motion for an Order to Distribute Interpleaded Proceeds with Interest to Sole Claimant Nona Tobin... Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions... Joinder Colloquy regarding the parties attending an evidentiary hearing to review numerous notebooks and video evidence submitted to the Court. Parties agree to confer and submit three to five dates to the Court to schedule an evidentiary hearing. COURT ORDERED, matters CONTINUED. CONTINUED TO: 6/2/2021 10:00 AM;</i></p> |
| 06/21/2021 | <p> <b>All Pending Motions</b> (3:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p>Minute Order - No Hearing Held;</p>  |
| 08/19/2021 | <p> <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>John Thomson Esq. present on Blue Jeans on behalf of Nona Tobin. Following arguments by counsel COURT stated findings and ORDERED, Pro Se Counter-Claimant &amp; Cross-Claimant</i></p>   |


# CASE SUMMARY

CASE NO. A-21-828840-C

|            |  |
|------------|--|
|            | <p><i>Nona Tobin's Motion for Summary Judgment vs. Counter-Defendant Red Rock Financial Services and Cross-Defendants Nationstar Mortgage LLC &amp; Wells Fargo, N.A. and Motion for Punitive Damages and Sanctions Pursuant to NRCP 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.401(1) and/or NRS 42.005 DENIED. COURT FURTHER ORDERED, Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions taken UNDER ADVISEMENT.;</i></p>   |
| 09/08/2021 | <p> <b>Minute Order</b> (3:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p>Minute Order - No Hearing Held;<br/>Journal Entry Details:<br/><i>Defendant Tobin filed her third party complaint on March 22, 2021 against Steven B. Scow, Esq.; Brody R. Wright, Esq.; Joseph Hong Esq.; Melanie Morgan, Esq.; David Ochoa, Esq.; and Brittany Wood, Esq. liable. Under NRCP 4(e)(1), the summons and complaint must be served upon a Defendant no later than 120 days after the complaint is filed. 120 days from the date of the complaint passed on July 21, 2021. Defendant has provided no proof of service and had not asked for an extension of time to serve. Therefore, under NRCP 4(e), Defendant is ORDERED TO SHOW CAUSE as to why her third party complaint should not be dismissed under NRCP 4(e)(2). COURT ORDERED, show cause hearing SET. 10/14/202 10:00 AM SHOW CAUSE HEARING CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File &amp; Serve. /rl 9/8/21;</i></p> |
| 10/14/2021 | <p> <b>Show Cause Hearing</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p>Matter Heard;<br/>Journal Entry Details:<br/><i>Following arguments by counsel COURT NOTED it would hear Defendant/Counterclaimant's Motion for Reconsideration in ordinary course.;</i></p>   |
| 11/16/2021 | <p><b>Motion to Reconsider</b> (8:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p><i>Defendant/Counterclaimant's Motion for Reconsideration</i><br/>Denied;</p>   |
| 11/16/2021 | <p><b>Motion to Withdraw as Counsel</b> (8:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p><i>Taylor L. Simpson, Esq.'s Motion to Withdraw as Counsel of Record</i><br/>Granted;</p>  |
| 11/16/2021 | <p> <b>All Pending Motions</b> (8:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p>Matter Heard;<br/>Journal Entry Details:<br/><i>COURT ORDERED Taylor L. Simpson, Esq.'s Motion to Withdraw as Counsel of Record ADVANCED and GRANTED. Following arguments by counsel COURT stated findings and ORDERED, Defendant/Counterclaimant's Motion for Reconsideration DENIED; Mr. Scow to prepare and submit the order.;</i></p>  |
| 12/15/2021 | <p> <b>Motion</b> (3:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p><i>Ex Parte Application for an Order Shortening Time</i><br/>Denied;<br/>Journal Entry Details:<br/><i>A-21-828840-C Red Rock Financial Services, Plaintiff(s) vs. Nona Tobin, Defendant(s) Motion Ex Parte Application for an Order Shortening Time COURT NOTES Nona Tobin's Motion for an Evidentiary Hearing to Set Aside Orders and for Sanctions Pursuant to NRCP 60(B)(3) and (D)(3), NRS 18.010(2) and EDCR 7.60 (1) and (3) is set to be heard 1/18/22 and ORDERS Application for Order Shortening Time DENIED. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File &amp; Serve. 12/29/2021 pc;</i></p>  |
| 12/16/2021 | <p><b>CANCELED Motion to Strike</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p><i>Vacated</i><br/><i>Wells Fargo, N.A. and Nationstar Mortgage LLC's Motion to Strike Nona Tobin's Notices of Intent to Default</i></p>  |
| 12/22/2021 | <p><b>CANCELED Motion for Withdrawal</b> (3:00 AM) (Judicial Officer: Peterson, Jessica K.)</p> <p><i>Vacated</i></p>  |

# CASE SUMMARY

CASE NO. A-21-828840-C

|            |  |
|------------|--|
|            | <i>Motion to Withdraw</i>  |
| 12/22/2021 | <b>CANCELED Status Check</b> (3:00 AM) (Judicial Officer: Peterson, Jessica K.)<br><i>Vacated</i><br><i>Status Check: Filing of Order Denying Defendant/Counterclaimant's Motion for Reconsideration</i>   |
| 01/19/2022 | <b>Motion</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)<br><i>Nona Tobin's Motion for an Evidentiary Hearing to Set Aside Orders and for Sanctions Pursuant to NRCP 60(B)(3) and (D)(3), NRS 18.010(2) and EDCR 7.60 (1) and (3)</i><br>Denied;  |
| 01/19/2022 | <b>Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)<br><i>Red Rock Financial Services LLC's Opposition to Nona Tobin's Motion for an Evidentiary Hearing to Set Aside September 10, 2021 Order and November 30, 2021 Orders Pursuant to NRCP 60(B)(3) (Fraud) and NRCP 60 (B)(3)(Fraud on the Court) and Motion for Attorneys Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS 18.010(2); and, Countermotion for Abuse of Process; aor a Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs</i><br>Denied;  |
| 01/19/2022 |  <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)<br>Matter Heard;<br>Journal Entry Details:<br><i>NONA TOBIN'S MOTION FOR AN EVIDENTIARY HEARING TO SET ASIDE ORDERS AND FOR SANCTIONS PURSUANT TO NRCP 60(B)(3) AND (D)(3), NRS 18.010(2) AND EDCR 7.60 (1) AND (3)...RED ROCK FINANCIAL SERVICES LLC'S OPPOSITION TO NONA TOBIN'S MOTION FOR AN EVIDENTIARY HEARING TO SET ASIDE September 10, 2021 ORDER AND November 30, 2021 ORDERS PURSUANT TO NRCP 60(B)(3) (FRAUD) AND NRCP 60 (B)(3)(FRAUD ON THE COURT) AND MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO EDCR 7.60(1) AND (3), NRS 18.010(2); AND, COUNTERMOTION FOR ABUSE OF PROCESS; AOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS COURT ADMONISHED Deft. regarding improper filings and allegations made by Deft. Arguments by counsel and Deft. COURT STATED It's FINDINGS, and ORDERED, Deft.'s motion DENIED; countermotion not granted. COURT WARNED Deft. if they continue to file improper motions, an Order to Show Cause will be filed to declare them a vexatious litigant. Mr. Scow to prepare the order within 30 days. COURT FURTHER ORDERED, if any comments and/or revisions are not received within 10 days after the order has been circulated, the Court will sign the order. ;</i> |
| 07/07/2022 | <b>Motion</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)<br>Events: 05/30/2022 Motion<br><i>Defendant Nona Tobin's Pro Se Second Amended Motion for an Order to Distribute Interpleaded Funds with Interest to Sole Claimant Nona Tobin and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2) and EDCR 7.60(b)(1) and (3) and Motion to Correct Nunc Pro Tunc Notices of Entry of Orders Entered on November 30, 2021 and May 25, 2022</i><br>Granted in Part;   |
| 07/07/2022 | <b>Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)<br><i>Red Rock Financial Services LLC's Opposition to Nona Tobin's Second Amended Motion for An Order to Distribute Interpleaded Funds With Interest to Sole Claimant Nona Tobin and Motion for Attorney Fees and Costs Pursuant to NRS 18.010(2) and EDCR 7.60(b)(1) and (3) and Motion to Correct Nunc Pro Tunc Notices of Entry of Orders Entered on November 30, 2021 and May 25, 2022; and Renewed Countermotion for Abuse of Process; For a Restrictive Order Against Nona Tobin and for Attorney Fees and Costs</i><br>Granted in Part;   |
| 07/07/2022 | <b>Opposition and Countermotion</b> (10:00 AM) (Judicial Officer: Peterson, Jessica K.)<br><i>Reponse to Non-Party Red Rock Financial Services, LLC s Countermotion for a Restrictive Vexatious Litigant Order Against Nona Tobin and Motion for Attorney Fees and Costs and Nona Tobins Counter-Motion to Adopt Tobins Proposed Final Judgment Order</i><br>Granted in Part;  |

# CASE SUMMARY

CASE NO. A-21-828840-C

07/07/2022



**All Pending Motions** (10:00 AM) (Judicial Officer: Peterson, Jessica K.)

Matter Heard;

Journal Entry Details:

*DEFENDANT NONA TOBIN'S PRO SE SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(B)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON November 30, 2021 AND MAY 25, 2022 RED ROCK FINANCIAL SERVICES LLC'S OPPOSITION TO NONA TOBIN'S SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(B)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON November 30, 2021 AND MAY 25, 2022; AND RENEWED COUNTERMOTION FOR ABUSE OF PROCESS; FOR A RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS REPOSE TO NON-PARTY RED ROCK FINANCIAL SERVICES, LLC S COUNTERMOTION FOR A RESTRICTIVE VEXATIOUS LITIGANT ORDER AGAINST NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS AND NONA TOBIN'S COUNTER-MOTION TO ADOPT TOBIN'S PROPOSED FINAL JUDGMENT ORDER*  
Colloquy regarding the status of the case. Arguments by counsel and parties regarding their respective positions. COURT ORDERED Motion GRANTED IN PART and DENIED IN PART. The Court DIRECTED Mr. Faughnan to prepare the order and include findings of the Court of Appeals.;

02/02/2023

**Motion** (10:00 AM) (Judicial Officer: Peterson, Jessica K.)

*Request for Judicial Notice Verified Complaints of Attorney Misconduct filed with the State Bar of Nevada vs. Brittany Wood*

Denied;

02/02/2023

**Motion** (10:00 AM) (Judicial Officer: Peterson, Jessica K.)

*Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the State Bar Of Nevada vs. Joseph Y. Hong*

Denied;

02/02/2023

**Motion for Order to Show Cause** (10:00 AM) (Judicial Officer: Peterson, Jessica K.)

Events: 12/20/2022 Motion for Order to Show Cause

*Defendant Nona Tobin's Corrected Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not be Forwarded to the State Bar*

Denied;

02/02/2023



**All Pending Motions** (10:00 AM) (Judicial Officer: Peterson, Jessica K.)

Matter Heard;

Journal Entry Details:

*Request for Judicial Notice Verified Complaints of Attorney Misconduct filed with the State Bar of Nevada vs. Brittany Wood...Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the State Bar Of Nevada vs. Joseph Y. Hong...Defendant Nona Tobin's Corrected Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not be Forwarded to the State Bar. Ms. Tobin not present. Following statements by Ms. Turley and Mr. Scow, Court Stated its Findings and ORDERED, Pending Motions Advanced to today (See Separate Minute Orders on 2-2-23) and DENIED. FURTHER COURT ORDERED, Ms. Tobin declared a vexatious litigant and DENIED the motion to reconsider that is being advanced to today. Mr. Scow to prepare the order. ;*

02/02/2023



**Motion** (11:15 AM) (Judicial Officer: Peterson, Jessica K.)

Events: 01/03/2023 Motion

*[112] 1) Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar And 2) Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar and Wells Fargo 3) Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395 And 4) Motion to Adopt Tobin's Proposed Final Judgment Order*

## CASE SUMMARY

CASE NO. A-21-828840-C

Denied;

Journal Entry Details:

*The Court having advanced this hearing to 2.-02-23 and following review of the papers and pleadings on file herein, COURT ORDERED, Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar And 2) Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar and Wells Fargo 3) Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395 And 4) Motion to Adopt Tobin's Proposed Final Judgment Order, DENIED. CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service / tb;*

02/02/2023

**Motion to Reconsider** (11:15 AM) (Judicial Officer: Peterson, Jessica K.)

Events: 01/23/2023 Motion to Reconsider

*Defendant Nona Tobin's Motion to Reconsider 1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings*

Denied;

Journal Entry Details:

*The Court having advanced this hearing to 2.-02-23 and following review of the papers and pleadings on file herein, COURT ORDERED, Defendant Nona Tobin's Motion to Reconsider 1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings, DENIED. CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service / tb;*

05/25/2023

**Motion** (9:30 AM) (Judicial Officer: Wiese, Jerry A.)

*Defendant's Motion to Disqualify the Honorable Judge Jessica K. Peterson Pursuant to NRS 1.230, NCJC 2.11, NCJC 1.2, 2.2 (appearance of a lack of impartiality); (NCJC 2.9 (improper ex parte communications); NCJC 2.15 (C)(D) (improper response to allegations of judicial and lawyer misconduct)*

Under Advisement;

Journal Entry Details:

*Ms. Tobin argued three areas of misconduct for reasoning for disqualification of Judge Peterson, including misrepresentation of facts, engaging in improper communication and refusing to result facts based on evidence. Daniel Scow argued that Ms. Tobin's filings were repetitive and harassing, which is why she was deemed a vexatious litigant. Daniel Scow stated that the case is essentially resolved and would like for it to end. Court NOTED, will look at the pleading filed before making a decision and ORDERED, matter TAKEN UNDER ADVISEMENT.;*

## DATE

## FINANCIAL INFORMATION

**Defendant** Nationstar Mortgage LLC

Total Charges 253.00

Total Payments and Credits 253.00

**Balance Due as of 8/24/2023 0.00****Defendant** Tobin, Nona

Total Charges 866.08

Total Payments and Credits 866.08

**Balance Due as of 8/24/2023 0.00****Plaintiff** Red Rock Financial Services

Total Charges 393.60

Total Payments and Credits 393.60

**Balance Due as of 8/24/2023 0.00**

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

CASE NO: A-21-828840-C  
Department 31

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

(Assigned by Clerk's Office)

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

|   |  |
|---|--|
| Plaintiff(s) (name/address/phone):<br>RED ROCK FINANCIAL SERVICES   | Defendant(s) (name/address/phone):<br>NONA TOBIN, as an individual and as Trustee<br>of the GORDON B. HANSEN TRUST DATED 8/22/08;<br>REPUBLIC SERVICES, INC.;<br>WELLS FARGO, N.A.; NATIONSTAR MORTGAGE, LLC |
| Attorney (name/address/phone):<br>David R. Koch, Steven B. Scow, Brody R. Wight<br>Koch & Scow, LLC; 11500 S. Eastern, Ste. 210,<br>Henderson, NV 89052<br>702-318-5040 | 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><br><b>Landlord/Tenant</b><br><input type="checkbox"/> Unlawful Detainer<br><input type="checkbox"/> Other Landlord/Tenant<br><b>Title to Property</b><br><input type="checkbox"/> Judicial Foreclosure<br><input type="checkbox"/> Other Title to Property<br><b>Other Real Property</b><br><input type="checkbox"/> Condemnation/Eminent Domain<br><input type="checkbox"/> Other Real Property  | <b>Negligence</b><br><input type="checkbox"/> Auto<br><input type="checkbox"/> Premises Liability<br><input type="checkbox"/> Other Negligence<br><b>Malpractice</b><br><input type="checkbox"/> Medical/Dental<br><input type="checkbox"/> Legal<br><input type="checkbox"/> Accounting<br><input type="checkbox"/> Other Malpractice   | <b>Torts</b><br><b>Other Torts</b><br><input type="checkbox"/> Product Liability<br><input type="checkbox"/> Intentional Misconduct<br><input type="checkbox"/> Employment Tort<br><input type="checkbox"/> Insurance Tort<br><input type="checkbox"/> Other Tort  |
| <b>Probate</b><br><b>Probate</b> (select case type and estate value)<br><input type="checkbox"/> Summary Administration<br><input type="checkbox"/> General Administration<br><input type="checkbox"/> Special Administration<br><input type="checkbox"/> Set Aside<br><input type="checkbox"/> Trust/Conservatorship<br><input type="checkbox"/> Other Probate<br><b>Estate Value</b><br><input type="checkbox"/> Over \$200,000<br><input type="checkbox"/> Between \$100,000 and \$200,000<br><input type="checkbox"/> Under \$100,000 or Unknown<br><input type="checkbox"/> Under \$2,500 | <b>Construction Defect &amp; Contract</b><br><b>Construction Defect</b><br><input type="checkbox"/> Chapter 40<br><input type="checkbox"/> Other Construction Defect<br><b>Contract Case</b><br><input type="checkbox"/> Uniform Commercial Code<br><input type="checkbox"/> Building and Construction<br><input type="checkbox"/> Insurance Carrier<br><input type="checkbox"/> Commercial Instrument<br><input type="checkbox"/> Collection of Accounts<br><input type="checkbox"/> Employment Contract<br><input type="checkbox"/> Other Contract | <b>Judicial Review/Appeal</b><br><b>Judicial Review</b><br><input type="checkbox"/> Foreclosure Mediation Case<br><input type="checkbox"/> Petition to Seal Records<br><input type="checkbox"/> Mental Competency<br><b>Nevada State Agency Appeal</b><br><input type="checkbox"/> Department of Motor Vehicle<br><input type="checkbox"/> Worker's Compensation<br><input type="checkbox"/> Other Nevada State Agency<br><b>Appeal Other</b><br><input type="checkbox"/> Appeal from Lower Court<br><input type="checkbox"/> Other Judicial Review/Appeal |
| <b>Civil Writ</b><br><b>Civil Writ</b><br><input type="checkbox"/> Writ of Habeas Corpus<br><input type="checkbox"/> Writ of Mandamus<br><input type="checkbox"/> Writ of Quo Warrant<br><input type="checkbox"/> Writ of Prohibition<br><input type="checkbox"/> Other Civil Writ   |  | <b>Other Civil Filing</b><br><b>Other Civil Filing</b><br><input type="checkbox"/> Compromise of Minor's Claim<br><input type="checkbox"/> Foreign Judgment<br><input checked="" type="checkbox"/> Other Civil Matters   |

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

2/3/2021

Date

  
 Signature of initiating party or representative

See other side for family-related case filings.

*Hansen & Hansen*  
CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA  
-oOo-**

Red Rock Financial Services )  
)  
Plaintiff(s), )  
)  
vs. )  
)  
Nona Tobin, as an individual and as )  
Trustee of the Gordon B. Hansen Trust )  
Dated 8/22/08; Republic Services, Inc., )  
a Nevada corporation; Wells Fargo, N.A., )  
a national banking association; )  
Nationstar Mortgage, LLC, a Delaware )  
company; and DOES 1-100 )  
Defendant(s). )  
\_\_\_\_\_ )

CASE NO.: A-21-828840-C  
DEPT. NO.: 8

**Order Re: Motion to Disqualify  
The Honorable Judge Jessica K.  
Peterson Pursuant to NRS 1.230,  
NCJC 2.11, NCJC 1.2, 2.2  
(appearance of a lack of  
impartiality); (NCJC 2.9  
(improper ex parte  
communications); NCJC 2.15  
(C)(D) (improper response to  
allegations of judicial and lawyer  
misconduct) And NRCP 59(a)(1)  
(A) (irregularity in the  
proceedings) or (B) (misconduct  
of prevailing party) (C) (surprise)  
(ex parte vexatious litigant breach  
order in absentia and refusal to  
attach opposition to order)  
And/Or Relief from the order  
pursuant to NRCP 60(b)(1)  
(mistake – errors of law) NRCP  
60(b)(3) (misrepresentation)  
NRCP 60(d)(3) (fraud on the  
court)**

**INTRODUCTION**

The above-referenced matter came on for hearing before Chief Judge Jerry A. Wiese II, on 5/25/23 at 9:30 a.m. in Courtroom 17A, with regard to Nona Tobin's Motion to Disqualify Judge Peterson.

Nona Tobin, acting in *proper person*, is the Defendant in a civil matter, currently assigned to Judge Jessica K. Peterson, District Court Department 8. Ms. Tobin filed the present Motion on 4/26/23. Judge Peterson filed an Affidavit in response on 5/3/23. Plaintiff filed an Opposition to Ms. Tobin's Motion on 5/10/23. Thereafter, Ms. Tobin filed a "Reply and Supplemental Declaration in Response to Oppositions Filed by Judge Peterson and Red Rock" on 5/18/23, and Exhibits to the Declaration in Support of her Motion on 5/22/23.

1 This Court reviewed Ms. Tobin's pleadings and the Affidavit filed by Judge  
2 Peterson, as well as Plaintiff's Opposition. Although the Court could have decided this  
3 matter on the papers, pursuant to the Administrative Orders of the Court, as well as  
4 EDCR 2.23, the Court determined that should have the opportunity to present oral  
5 argument. Ms. Tobin was present via BlueJeans. Daniel G. Scow was present in person  
6 on behalf of the Plaintiff Red Rock Financial Services.

7 Having reviewed all of the papers and pleadings on file, having heard oral  
8 argument, and having taken the matter under advisement and reaching a  
9 determination on the merits, this Order issues.

### 10 **DECISION AND ORDER**

11 The Court notes that Nevada Revised Statute 1.230 provides the statutory  
12 grounds for disqualifying District Court judges. The statute provides as follows:

13 **NRS 1.230 Grounds for disqualifying judges other than**  
14 **Supreme Court justices or judges of the Court of Appeals.**

15 1. A judge shall not act as such in an action or proceeding when the  
16 judge entertains actual bias or prejudice for or against one of the parties  
17 to the action.

18 2. A judge shall not act as such in an action or proceeding when  
19 implied bias exists in any of the following respects:

20 (a) When the judge is a party to or interested in the action or  
21 proceeding.

22 (b) When the judge is related to either party by consanguinity or  
23 affinity within the third degree.

24 (c) When the judge has been attorney or counsel for either of the  
25 parties in the particular action or proceeding before the court.

26 (d) When the judge is related to an attorney or counselor for either of  
27 the parties by consanguinity or affinity within the third degree. This  
28 paragraph does not apply to the presentation of ex parte or uncontested  
matters, except in fixing fees for an attorney so related to the judge.

3. A judge, upon the judge's own motion, may disqualify himself or  
herself from acting in any matter upon the ground of actual or implied  
bias.

4. A judge or court shall not punish for contempt any person who  
proceeds under the provisions of this chapter for a change of judge in a  
case.

5. This section does not apply to the arrangement of the calendar or  
the regulation of the order of business.

See NRS 1.230

Further, the Revised Nevada Code of Judicial Conduct provides substantive  
grounds for judicial disqualification. Pursuant to NCJC 2.11:

1                   **Rule 2.11. Disqualification.**

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

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

8           (2) The judge knows that the judge, the judge's spouse or domestic  
9           partner, or a person within the third degree of relationship to either of  
10          them, or the spouse or domestic partner of such a person is:

11          (a) a party to the proceeding or an officer, director, general  
12          partner, managing member, or trustee of a party;

13          (b) acting as a lawyer in the proceeding;

14          (c) a person who has more than a de minimis interest that could  
15          be substantially affected by the proceeding; or

16          (d) likely to be a material witness in the proceeding.

17          (3) The judge knows that he or she, individually or as a fiduciary, or  
18          the judge's spouse, domestic partner, parent, or child, or any other  
19          member of the judge's family residing in the judge's household, has an  
20          economic interest in the subject matter in controversy or in a party to the  
21          proceeding.

22          (4) [Reserved.]

23          (5) The judge, while a judge or a judicial candidate, has made a public  
24          statement, other than in a court proceeding, judicial decision, or opinion,  
25          that commits or appears to commit the judge to reach a particular result  
26          or rule in a particular way in the proceeding or controversy.

27          (6) The judge:

28          (a) served as a lawyer in the matter in controversy or was  
associated with a lawyer who participated substantially as a lawyer in the  
matter during such association;

(b) served in governmental employment and in such capacity  
participated personally and substantially as a lawyer or public official  
concerning the proceeding, or has publicly expressed in such capacity an  
opinion concerning the merits of the particular matter in controversy;

(c) was a material witness concerning the matter; or

(d) previously presided as a judge over the matter in another  
court.

(B) A judge shall keep informed about the judge's personal and  
fiduciary economic interests and make a reasonable effort to keep  
informed about the personal economic interests of the judge's spouse or  
domestic partner and minor children residing in the judge's household.

(C) A judge subject to disqualification under this Rule, other than for  
bias or prejudice under paragraph (A)(1), may disclose on the record the  
basis of the judge's disqualification and may ask the parties and their  
lawyers to consider, outside the presence of the judge and court staff,  
court officials and others subject to the judge's direction and control,  
whether to waive disqualification. If, following the disclosure, the parties  
and lawyers agree, without participation by the judge or court staff, court

officials and others subject to the judge's direction and control, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

See NCJC 2.11

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

The burden is on the party asserting the challenge to establish sufficient factual and legal grounds warranting disqualification. *Las Vegas Downtown Redevelopment Agency v. District Court*, 5 P.3d 1059, 1061 (Nev. 2000). A judge has a duty to preside to the conclusion of all proceedings, in the absence of some statute, rule of court, ethical standard, or compelling reason otherwise. *Id.* A judge is presumed to be unbiased. *Millen v. District Court*, 148 P.3d 694, 701 (Nev. 2006). A judge is presumed to be impartial, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. *Yabarra*, 247 P.3d at 272. Additionally, the Court must give substantial weight to a judge's determination that the judge does not voluntarily disqualify themselves, and the judge's decision cannot be overturned in the absence of clear abuse of discretion. *In re Pet. to Recall Dunleavy*, 104 Nev. 784, 769 P.2d 1271, 1274 (Nev. 1988).

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

Moreover, the Nevada Supreme Court held that while generally what a judge learns in his or her official capacity does not result in disqualification, "an opinion

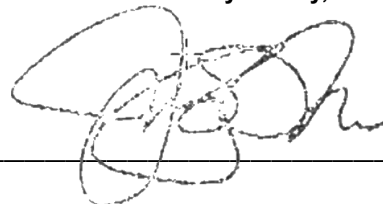
1 formed by a judge on the basis of facts introduced or events occurring in the course of  
2 the current proceedings, or of prior proceedings, constitutes a basis for a bias or  
3 partiality motion where the opinion displays ‘a deep-seated favoritism or antagonism  
4 that would make fair judgment impossible.’ *Kirksey v. State*, 112 Nev. 980, 1007, 923  
5 P.2d 1102, 1119 (Nev. 1996), citing *Liteky v. United States*, 510 U.S. 540, 555, 114 S.Ct.  
6 1147, 1157, 127 L.Ed.2d 474 (1994); see also *Canarelli v. Eighth Judicial Dist. Court*,  
7 138 Nev. Adv. Op. 12, 506 P.3d 334 (2022). However, “remarks of a judge made in the  
8 context of a court proceeding are not considered indicative of improper bias or  
9 prejudice unless they show that the judge has closed his or her mind to the presentation  
10 of all the evidence.” *Cameron v. State*, 968 P.2d 1169, 1171 (Nev. 1998).

11 In considering Ms. Tobin’s Motion, the Court cannot find that Ms. Tobin has  
12 met her burden, in her written pleadings, or in her oral argument to establish any bias  
13 against her. NRS 1.230; *Las Vegas Downtown Redevelopment Agency v. District*  
14 *Court*, 5 P.3d 1059, 1061 (Nev. 2000). This Court acknowledges that it should “liberally  
15 construe the ‘inartful pleadings’ of pro se litigants.” *Eldridge v. Block*, 832 F. 2d 1132  
16 (9th Cir. 1987). However, even in liberally construing Ms. Tobin’s arguments, the  
17 Court cannot find that she has articulated any legitimate or legally cognizable  
18 allegations against Judge Peterson that would implicate proceedings under NRS 1.235.  
19 Similarly, the Court cannot find anything in the record that suggests that Judge  
20 Peterson displays ‘a deep-seated favoritism or antagonism that would make fair  
21 judgment impossible.’ *Kirksey*, 923 P.2d 1107; *Canarelli*, 138 Nev. Adv. Op. 12.

22 Based on an “objective” analysis of the evidence presented, this Court finds that  
23 a reasonable person, knowing all of the facts, would not question Judge Peterson’s  
24 impartiality. *Ybarra v. State*, 247 P.3d 269, 272 (Nev. 2011). Because Ms. Tobin has  
25 failed to establish that Judge Peterson has acted with any bias or prejudice against her,  
26 whether implicit or explicit, her request to disqualify must be denied.

27 Consequently, and good cause appearing, Defendant Nona Tobin’s Motion to  
28 Disqualify Judge Peterson is hereby **DENIED**.

Dated this 30th day of May, 2023



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 5/30/2023

15 David Koch dkoch@kskdllaw.com

16 Steven Scow sscow@kskdllaw.com

17 Andrea Eshenbaugh andrea@kskdllaw.com

18 John Thomson johnwthomson@ymail.com

19 Daniel Scow dscow@kskdllaw.com

20 Carla Llarena carla.llarena@troutman.com

21 Aaron Lancaster aaron.lancaster@troutman.com

22 Nona Tobin nonatobin@gmail.com

23 Paula Lamprea jwtlaw@ymail.com

24 Master Calendaring litigationdocketrequests@troutman.com

25 Tracy Bowling tracy.bowling@troutman.com

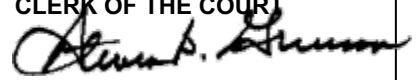
26  
27  
28

1 Troutman OC Court Notices OCCcourtnotices@troutman.com  
2  
3 Andrea Hicks andrea.hicks@troutman.com

4 If indicated below, a copy of the above mentioned filings were also served by mail  
5 via United States Postal Service, postage prepaid, to the parties listed below at their last  
6 known addresses on 5/31/2023

7 Taylor Simpson KerrSimpson Attorneys at Law  
8 Attn: Taylor Simpson, Esq  
9 2900 Horizon Ridge Parkway, Suite 200  
10 Henderson, NV, 89052

11 Vanessa Turley TROUTMAN PEPPER HAMILTON SANDERS LLP  
12 Attn: Vanessa M. Turley, Esq.  
13 8985 S. Eastern Ave., Ste 200  
14 Las Vegas, NV, 89123  
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David R. Koch (Nevada Bar No. 8830)  
Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
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dkoch@kskdllaw.com  
dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;  
Plaintiff,  
vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN  
TRUST DATED 8/22/08; REPUBLIC  
SERVICES, INC. a Nevada corporation;  
WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-  
100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: 8

**NOTICE OF ENTRY OF ORDER**

1 association; NATIONSTAR MORTGAGE,  
2 LLC, a Delaware company; and DOES 1-  
3 100;

4 Cross-Defendants

5 PLEASE TAKE NOTICE that the *Order Re: Motion to Disqualify The Honorable*  
6 *Judge Jessica K. Peterson Pursuant to NRS 1.230, NCJC 2.11, NCJC 1.2, 2.2 (appearance of*  
7 *a lack of impartiality; (NCJC 2.9 (improper ex parte communications); NCJC 2.15 (C)(D)*  
8 *(improper response to allegations of judicial and lawyer misconduct) And NRCP*  
9 *59(a)(1)(A) (irregularity in the proceedings) or (B) (misconduct of prevailing party (C)*  
10 *(surprise) (ex parte vexatious litigant breach order in absentia and refusal to attach*  
11 *opposition to order) And/Or Relief from the order pursuant to NRCP 60(b)(1) (mistake –*  
12 *errors of law) NRCP 60(b)(3) (misrepresentation) NRCP 60(d)(3) (fraud on the court) was*  
13 entered in the above-referenced matter on May 30, 2023, a copy of which is attached  
14 hereto.

15 DATED: July 27, 2023.

KING SCOW KOCH DURHAM, LLC

16 /s/ Steven B. Scow

17 Steven B. Scow, Esq.

18 11500 S. Eastern Ave., Suite 210

19 Henderson, NV 89052

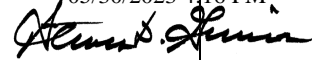
20 Attorney for Red Rock Financial Services

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I certify that on July 27, 2023, I caused the foregoing document entitled: **NOTICE OF ENTRY OF ORDER**, to be electronically filed and served with the Eighth Judicial District Court, County of Clark, State of Nevada EFile system.

Executed on July 27, 2023 at Henderson, Nevada.

/s/ Andrea Eshenbaugh  
King Scow Koch Durham, LLC

  
CLERK OF THE COURT

**DISTRICT COURT  
CLARK COUNTY, NEVADA  
-oOo-**

Red Rock Financial Services )  
)  
Plaintiff(s), )  
)  
vs. )  
)  
Nona Tobin, as an individual and as )  
Trustee of the Gordon B. Hansen Trust )  
Dated 8/22/08; Republic Services, Inc., )  
a Nevada corporation; Wells Fargo, N.A., )  
a national banking association; )  
Nationstar Mortgage, LLC, a Delaware )  
company; and DOES 1-100 )  
Defendant(s). )

CASE NO.: A-21-828840-C  
DEPT. NO.: 8

**Order Re: Motion to Disqualify  
The Honorable Judge Jessica K.  
Peterson Pursuant to NRS 1.230,  
NCJC 2.11, NCJC 1.2, 2.2  
(appearance of a lack of  
impartiality); (NCJC 2.9  
(improper ex parte  
communications); NCJC 2.15  
(C)(D) (improper response to  
allegations of judicial and lawyer  
misconduct) And NRCP 59(a)(1)  
(A) (irregularity in the  
proceedings) or (B) (misconduct  
of prevailing party) (C) (surprise)  
(ex parte vexatious litigant breach  
order in absentia and refusal to  
attach opposition to order)  
And/Or Relief from the order  
pursuant to NRCP 60(b)(1)  
(mistake – errors of law) NRCP  
60(b)(3) (misrepresentation)  
NRCP 60(d)(3) (fraud on the  
court)**

**INTRODUCTION**

The above-referenced matter came on for hearing before Chief Judge Jerry A. Wiese II, on 5/25/23 at 9:30 a.m. in Courtroom 17A, with regard to Nona Tobin's Motion to Disqualify Judge Peterson.

Nona Tobin, acting in *proper person*, is the Defendant in a civil matter, currently assigned to Judge Jessica K. Peterson, District Court Department 8. Ms. Tobin filed the present Motion on 4/26/23. Judge Peterson filed an Affidavit in response on 5/3/23. Plaintiff filed an Opposition to Ms. Tobin's Motion on 5/10/23. Thereafter, Ms. Tobin filed a "Reply and Supplemental Declaration in Response to Oppositions Filed by Judge Peterson and Red Rock" on 5/18/23, and Exhibits to the Declaration in Support of her Motion on 5/22/23.

1 This Court reviewed Ms. Tobin's pleadings and the Affidavit filed by Judge  
2 Peterson, as well as Plaintiff's Opposition. Although the Court could have decided this  
3 matter on the papers, pursuant to the Administrative Orders of the Court, as well as  
4 EDCR 2.23, the Court determined that should have the opportunity to present oral  
5 argument. Ms. Tobin was present via BlueJeans. Daniel G. Scow was present in person  
6 on behalf of the Plaintiff Red Rock Financial Services.

7 Having reviewed all of the papers and pleadings on file, having heard oral  
8 argument, and having taken the matter under advisement and reaching a  
9 determination on the merits, this Order issues.

### 10 **DECISION AND ORDER**

11 The Court notes that Nevada Revised Statute 1.230 provides the statutory  
12 grounds for disqualifying District Court judges. The statute provides as follows:

13 **NRS 1.230 Grounds for disqualifying judges other than**  
14 **Supreme Court justices or judges of the Court of Appeals.**

15 1. A judge shall not act as such in an action or proceeding when the  
16 judge entertains actual bias or prejudice for or against one of the parties  
17 to the action.

18 2. A judge shall not act as such in an action or proceeding when  
19 implied bias exists in any of the following respects:

20 (a) When the judge is a party to or interested in the action or  
21 proceeding.

22 (b) When the judge is related to either party by consanguinity or  
23 affinity within the third degree.

24 (c) When the judge has been attorney or counsel for either of the  
25 parties in the particular action or proceeding before the court.

26 (d) When the judge is related to an attorney or counselor for either of  
27 the parties by consanguinity or affinity within the third degree. This  
28 paragraph does not apply to the presentation of ex parte or uncontested  
matters, except in fixing fees for an attorney so related to the judge.

3. A judge, upon the judge's own motion, may disqualify himself or  
herself from acting in any matter upon the ground of actual or implied  
bias.

4. A judge or court shall not punish for contempt any person who  
proceeds under the provisions of this chapter for a change of judge in a  
case.

5. This section does not apply to the arrangement of the calendar or  
the regulation of the order of business.

See NRS 1.230

Further, the Revised Nevada Code of Judicial Conduct provides substantive  
grounds for judicial disqualification. Pursuant to NCJC 2.11:

1                   **Rule 2.11. Disqualification.**

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

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

8           (2) The judge knows that the judge, the judge's spouse or domestic  
9           partner, or a person within the third degree of relationship to either of  
10          them, or the spouse or domestic partner of such a person is:

11          (a) a party to the proceeding or an officer, director, general  
12          partner, managing member, or trustee of a party;

13          (b) acting as a lawyer in the proceeding;

14          (c) a person who has more than a de minimis interest that could  
15          be substantially affected by the proceeding; or

16          (d) likely to be a material witness in the proceeding.

17          (3) The judge knows that he or she, individually or as a fiduciary, or  
18          the judge's spouse, domestic partner, parent, or child, or any other  
19          member of the judge's family residing in the judge's household, has an  
20          economic interest in the subject matter in controversy or in a party to the  
21          proceeding.

22          (4) [Reserved.]

23          (5) The judge, while a judge or a judicial candidate, has made a public  
24          statement, other than in a court proceeding, judicial decision, or opinion,  
25          that commits or appears to commit the judge to reach a particular result  
26          or rule in a particular way in the proceeding or controversy.

27          (6) The judge:

28          (a) served as a lawyer in the matter in controversy or was  
associated with a lawyer who participated substantially as a lawyer in the  
matter during such association;

(b) served in governmental employment and in such capacity  
participated personally and substantially as a lawyer or public official  
concerning the proceeding, or has publicly expressed in such capacity an  
opinion concerning the merits of the particular matter in controversy;

(c) was a material witness concerning the matter; or

(d) previously presided as a judge over the matter in another  
court.

(B) A judge shall keep informed about the judge's personal and  
fiduciary economic interests and make a reasonable effort to keep  
informed about the personal economic interests of the judge's spouse or  
domestic partner and minor children residing in the judge's household.

(C) A judge subject to disqualification under this Rule, other than for  
bias or prejudice under paragraph (A)(1), may disclose on the record the  
basis of the judge's disqualification and may ask the parties and their  
lawyers to consider, outside the presence of the judge and court staff,  
court officials and others subject to the judge's direction and control,  
whether to waive disqualification. If, following the disclosure, the parties  
and lawyers agree, without participation by the judge or court staff, court

officials and others subject to the judge's direction and control, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

See NCJC 2.11

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

The burden is on the party asserting the challenge to establish sufficient factual and legal grounds warranting disqualification. *Las Vegas Downtown Redevelopment Agency v. District Court*, 5 P.3d 1059, 1061 (Nev. 2000). A judge has a duty to preside to the conclusion of all proceedings, in the absence of some statute, rule of court, ethical standard, or compelling reason otherwise. *Id.* A judge is presumed to be unbiased. *Millen v. District Court*, 148 P.3d 694, 701 (Nev. 2006). A judge is presumed to be impartial, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification. *Yabarra*, 247 P.3d at 272. Additionally, the Court must give substantial weight to a judge's determination that the judge does not voluntarily disqualify themselves, and the judge's decision cannot be overturned in the absence of clear abuse of discretion. *In re Pet. to Recall Dunleavy*, 104 Nev. 784, 769 P.2d 1271, 1274 (Nev. 1988).

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

Moreover, the Nevada Supreme Court held that while generally what a judge learns in his or her official capacity does not result in disqualification, "an opinion

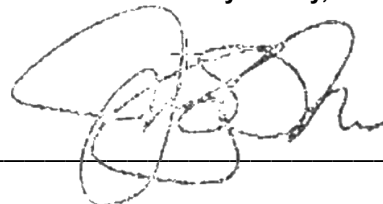
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11 In considering Ms. Tobin’s Motion, the Court cannot find that Ms. Tobin has  
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13 against her. NRS 1.230; *Las Vegas Downtown Redevelopment Agency v. District*  
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22 Based on an “objective” analysis of the evidence presented, this Court finds that  
23 a reasonable person, knowing all of the facts, would not question Judge Peterson’s  
24 impartiality. *Ybarra v. State*, 247 P.3d 269, 272 (Nev. 2011). Because Ms. Tobin has  
25 failed to establish that Judge Peterson has acted with any bias or prejudice against her,  
26 whether implicit or explicit, her request to disqualify must be denied.

27 Consequently, and good cause appearing, Defendant Nona Tobin’s Motion to  
28 Disqualify Judge Peterson is hereby **DENIED**.

Dated this 30th day of May, 2023



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

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9 Nona Tobin, Defendant(s)

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20 Carla Llarena carla.llarena@troutman.com

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22 Nona Tobin nonatobin@gmail.com

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11 Vanessa Turley TROUTMAN PEPPER HAMILTON SANDERS LLP  
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*Attorneys for Plaintiff*  
*Red Rock Financial Services*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;

Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,

Case No.: A-21-828840-C

Dept.: 8

**ORDER DECLARING NONA TOBIN A  
VEXATIOUS LITIGANT,**

**ORDER DENYING DEFENDANT NONA  
TOBIN'S:**

**(1) MOTION TO WITHDRAW TOBIN'S  
MOTION FOR AN ORDER TO SHOW  
CAUSE WHY WRITTEN FINDINGS OF  
ATTORNEY MISCONDUCT SHOULD  
NOT BE FORWARDED TO THE STATE  
BAR;**

**(2) MOTION TO WITHDRAW TOBIN'S  
COUNTER-CLAIMS AND CROSS-  
CLAIMS VS. RED ROCK, NATIONSTAR  
AND WELLS FARGO;**

**(3) MOTION TO MODIFY GROUNDS  
FOR TOBIN'S PETITIONS FOR  
SANCTIONS VS. RED ROCK AND  
NATIONSTAR TO INCLUDE NRS  
357.040(1(A),(B),(I), AND NRS 199.210, NRS  
205.0824 AND NRS 205.0833, AND NRS  
41.1395; AND**

**(4) MOTION TO ADOPT TOBIN'S  
PROPOSED FINAL JUDGMENT ORDER**

**AND,**

1 LLC, a Delaware company; and DOES 1-100;  
2 Cross-Defendants

**ORDER DENYING DEFENDANT NONA  
TOBIN'S:**

**MOTION TO RECONSIDER 1/16/2023  
ORDER AND RENEWED MOTION TO  
STRIKE NON-PARTY RED ROCK  
FINANCIAL SERVICES LLC'S ROGUE  
FILINGS**

Hearing Date: February 2, 2023

3  
4  
5  
6  
7  
8 On February 2, 2023, the following matters, all filed by Defendant/Counterclaimant/Cross-  
9 Claimant Nona Tobin, were set for hearing before this Court at 10:00 a.m.:

- 10
- 11 • *Motion for Order to Show Cause Why Written Findings of Attorney Misconduct Should*  
12 *Not Be Forwarded to the State Bar;*
  - 13 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
14 *State Bar of Nevada vs. Joseph Y. Hong, Esq.;*
  - 15 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
16 *State Bar of Nevada vs. Melanie Morgan, Esq.;*
  - 17 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
18 *State Bar of Nevada vs. David Ochoa, Esq. and Adam Clarkson, Esq.;*
  - 19 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
20 *State Bar of Nevada vs. Steven Scow, Esq.; and*
  - 21 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
22 *State Bar of Nevada vs. Brittany Wood, Esq.*

23 The Court called this case at 10:43 a.m. (after trailing several other cases). Steven B. Scow  
24 appeared on behalf of Plaintiff Red Rock Financial Services ("Red Rock"), and Vanessa Turley  
25 appeared on behalf of Nationstar Mortgage, LLC. The Court attempted to reach Ms. Tobin by  
26 phone, but Ms. Tobin failed to appear at the hearing.

27 In addition to the matters referenced above, several other motions filed by Ms. Tobin were  
28 advanced by the Court to this February 2, 2023 hearing, including the following:

- 1 • *Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings*  
2 *of Attorney Misconduct Should Not Be Forwarded to the State Bar* (initially set for  
3 chambers calendar on February 8, 2023);
- 4 • *Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar*  
5 *and Wells Fargo* (initially set for chambers calendar on February 8, 2023);
- 6 • *Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and*  
7 *Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and*  
8 *NRS 205.0833, and NRS 41.1395* (initially set for chambers calendar on February 8,  
9 2023);
- 10 • *Motion to Adopt Tobin's Proposed Final Judgment Order* (initially set for chambers  
11 calendar on February 8, 2023);
- 12 • *Motion to Reconsider 1/16/23 Order* (initially set for hearing on February 28, 2023); and
- 13 • *Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings*  
14 (initially set for hearing on February 28, 2023).

15  
16 After reviewing and considering the points and authorities submitted, and upon hearing and  
17 considering oral argument of the parties, the Court has determined as follows:

18 **FINDINGS OF FACT**

19 **Procedural History**

20 The Court makes the following findings of fact based upon the evidence presented through  
21 the parties' motions and accompanying declarations and supporting exhibits:

22 1. On January 31, 2017, Tobin, in her capacity as trustee of the Gordon B. Hansen  
23 Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community  
24 Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"),  
25 claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence  
26 owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the  
27 "Property"), which sale occurred on August 15, 2014.

1           2.       On April 17, 2019, the court in that First Action signed an order granting the  
2 HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts  
3 evidence that the HOA properly followed the processes and procedures in foreclosing upon the  
4 Property."

5           3.       Tobin appealed the decision in the First Action, which appeal was denied.

6           4.       On August 8, 2019, Tobin filed another action, District Court Case No. A-19-  
7 799890-C, against Red Rock and others, alleging claims for quiet title, declaratory relief, and  
8 unjust enrichment against Red Rock, again asserting that the foreclosure sale of the Property was  
9 wrongful (the "Second Action").

10          5.       Red Rock filed a motion to dismiss the Second Action with prejudice, which was  
11 granted.

12          6.       Tobin appealed the decision to dismiss the Second Action, which appeal was  
13 pending at the time the instant action was filed. Ultimately, the Court of Appeals affirmed the  
14 decision in the Second Action in an order dated June 30, 2022.

15          7.       After the Second Action was dismissed by the trial court, Red Rock filed a  
16 complaint for interpleader thereby commencing the instant case (the "Third Action").

17          8.       Tobin filed a counterclaim against Red Rock in this Third Action, again alleging  
18 the 2014 foreclosure sale of the Property was wrongful.

19          9.       Red Rock filed a motion to dismiss Tobin's counterclaim in the Third Action, and  
20 this Court granted the same based on *res judicata*/claim preclusion since these very same claims  
21 had been dismissed in both the First Action and Second Action. The Court entered its order on  
22 September 10, 2021. Shortly thereafter, Tobin brought a motion to reconsider the September 10,  
23 2021 dismissal order.

24          10.       Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a  
25 24-page declaration in support of her motion, which essentially raised the same allegations Tobin  
26 had raised previously. On November 16, 2021, the Court held a hearing on Tobin's motion to  
27 reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing  
28 her motion that day or re-scheduling it to allow her as much time as she thought she needed.

1 Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue  
2 her motion unimpeded.

3 11. After hearing argument of the parties and considering all the facts, this Court  
4 denied her motion to reconsider. The Court entered that order on November 30, 2021.

5 12. Undeterred, on December 14, 2021 Tobin filed a motion demanding an evidentiary  
6 hearing to set aside the September 10, 2021 order, and asking yet again that the Property sale from  
7 the summer of 2014 be unwound and that she be awarded fees and costs.

8 13. Red Rock filed an opposition to Tobin's December 14, 2021 motion, and Red Rock  
9 also filed a countermotion to have Tobin deemed a vexatious litigant. On January 19, 2022, the  
10 Court heard the matter and once again denied Tobin's claims except for preserving her right to file  
11 a motion for the exclusive purpose of making a claim for the excess proceeds at issue in this Third  
12 Action (the "Excess Proceeds"), which is the point of the interpleader. During that January 19,  
13 2022 hearing, the Court made it abundantly clear that the Court was troubled by Tobin's repeated  
14 filings. The Court issued a warning to Tobin during the hearing as follows:

15 "The Court is going to warn Ms. Tobin at this juncture that in the event  
16 that she continues to file seriatim motions with this Court, that the Court  
17 will have no other choice but to file an order to show cause to declare her  
18 a vexatious litigant."

19 14. The Court entered its order on May 25, 2022, denying Ms. Tobin's motions and  
20 denying without prejudice Red Rock's request to declare Ms. Tobin a vexatious litigant.

21 15. On May 30, 2022, just five days after issuing its order denying her claims, Tobin  
22 filed an amended motion seeking (i) an order to distribute the Excess Funds, (ii) sanctions for  
23 hundreds of thousands of dollars against Red Rock's counsel, and (iii) corrections to the Court's  
24 prior orders in this case entered on November 30, 2021 and May 25, 2022.

25 16. Responding to Tobin's May 30, 2022 motion, Red Rock did not oppose Tobin's  
26 request to receive the Excess Proceeds (except to offset its legal fees incurred), but Red Rock  
27 opposed the remainder of Tobin's motion, and Red Rock also filed a renewed countermotion to  
28 declare Ms. Tobin a vexatious litigant.

1           17.     On July 7, 2022, the Court held a hearing on Tobin's May 30, 2022 motion.  
2 During the hearing, the Court again admonished Tobin and cautioned her against filing  
3 inappropriate motions as follows:

4                     "Ms. Tobin, I want you to understand very, very clearly. This case is almost  
5 done, and all of your other cases are essentially done. The Court of Appeals  
6 found that the foreclosure was appropriate, and all other actions that you're  
7 claiming stem from the foreclosure and are therefore not appropriate,  
8 because there -- if the foreclosure wasn't wrong, then anything else that was  
9 done as a result of the foreclosure was also not wrong. So I caution you. I  
10 do not want to declare you a vexatious litigant. I think I've been more than  
11 patient and fair. But please do not -- please do not file motions and orders  
12 that do not -- that are frivolous and do not have legal merit to them in the  
13 future."

14           18.     At this same July 7, 2022 hearing, the Court found that Red Rock would be allowed  
15 to recover its attorneys' fees incurred responding to Tobin's last motion and that Red Rock would  
16 *Motion and Brunzell Affidavit* need to file an appropriate. The Court then specifically instructed Tobin that the only filing she  
17 could make in connection with the motion for attorneys' fees was an objection to specific aspects  
18 of the fees requested – Tobin was instructed not to make any other unrelated arguments. Tobin  
19 acknowledged on the record that she understood the Court's instructions.  
20

21           19.     On August 28, 2022, Ms. Tobin filed a writ of mandamus against Department 8  
22 seeking to preclude the Court from taking further action in this case. The writ of mandamus was  
23 denied on November 15, 2022. On November 28, 2022, Ms. Tobin requested a rehearing en banc,  
24 which the Supreme Court of the State of Nevada denied on December 22, 2022.

25           20.     Shortly after the Supreme Court's order denying Ms. Tobin's requests, on  
26 December 28, 2022, Red Rock circulated a proposed order entitled: *Order Granting In Part and*  
27 *Denying In Part Nona Tobin's Second Amended Motion for an Order to Distribute Interpleaded*  
28 *Funds with Interest to Sole Claimant Nona Tobin and Motion For Attorney Fees and Costs*

1 Pursuant to NRS 18.010(2) and EDCR 7.60(B)(1) and (3) Motion To Correct Nunc Pro Tunc  
2 Notices of Entry of Orders Entered On November 30, 2021 and May 25, 2022 and Granting In  
3 Part Red Rock Financial Services' Countermotion for Abuse of Process; For a Vexatious Litigant  
4 Restrictive Order against Nona Tobin and for Attorney Fees and Costs (the "Restrictive Order").

5 21. On January 9, 2023, the Court entered the Restrictive Order.

6 22. The Court finds Notice of Entry of the Restrictive Order was properly entered on  
7 January 10, 2023, and Tobin received a copy as she is registered for electronic service in the  
8 Court's Odyssey filing system. More specifically, Tobin opened the Notice of Entry of the  
9 Restrictive Order on January 10, 2023.

10 23. On January 16, 2023, the Court entered an amendment to the Restrictive Order (the  
11 "Amended Restrictive Order") ~~out of an abundance of caution~~. In this amended order, the Court  
12 acknowledged receipt of Tobin's objections to the Restrictive Order, and denied all of Ms. Tobin's  
13 "proposed changes as they are legally incorrect and/or contain argument from her and are not  
14 Findings or Orders made by the Court."

15 24. The Court finds Notice of Entry of the Amended Restrictive Order was properly  
16 entered on January 17, 2023; Tobin received and opened that filing on January 17, 2023.

17 **Ms. Tobin's Continued Filings**

18 25. On December 19, 2022, before the writ of mandamus had been fully resolved,  
19 Tobin filed her *Motion for an Order to Show Cause why Written Findings of Attorney Misconduct*  
20 *Should Not be Forwarded to the State Bar* against Steven B. Scow, David Ochoa, Adam Clarkson,  
21 Melanie Morgan, Brittany Wood, and Joseph Hong (the "Show Cause Motion").

22 26. Also on December 19, 2022, Tobin filed five separate *Requests for Judicial Notice*  
23 *Verified Complaint of Attorney Misconduct filed with the State Bar of Nevada* against Joseph Y.  
24 Hong, Melanie Morgan, David Ochoa, Adam Clarkson, Steven Scow and Brittany Wood (the  
25 "Requests for Judicial Notice").

26 27. On December 20, 2022, Tobin submitted a corrected version of the Show Cause  
27 Motion.  
28

28. A hearing on the Show Cause Motion and the Requests for Judicial Notice was set for February 2, 2022.

29. On January 3, 2023, Ms. Tobin filed an omnibus four-part motion, including the following: (1) *Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar*, and (2) *Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar and Wells Fargo*, and (3) *Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395*, and (4) *Motion to Adopt Tobin's Proposed Final Judgment Order* (the “Omnibus Motion”).

30. On January 23, 2023, Tobin filed her *Motion to Reconsider the January 16, 2023 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC’s Rogue Filings* (the “Motion to Reconsider”).

31. The Court finds Tobin's prior motions lacked any legal merit or factual basis and that by filing the Motion to Reconsider, Ms. Tobin specifically violated the Court's specific admonitions to avoid filing further frivolous motions.

## **CONCLUSIONS OF LAW**

The Court makes the following conclusions of law based upon its analysis of the relevant legal authorities as they apply to the uncontroverted facts set forth herein.

## Omnibus Motion

32. Pursuant to NRS 47.150, the Court may take judicial notice at the request of a party if supplied with the necessary information. NRS 147.130 allows the Court to take judicial notice of facts generally known within the territorial jurisdiction of the trial court or capable of accurate and ready determination by resorting to sources whose accuracy cannot reasonably be questioned so the fact is not subject to reasonable dispute. NRS 147.140 allows the Court to take judicial notice of specified matters of law.

33. Through the Show Cause Motion and the Requests for Judicial Notice, Tobin requested the Court take judicial notice of attorney misconduct and findings of fact that were

1 forwarded to the State Bar of Nevada. The Court cannot take judicial notice of the facts contained  
2 in the requests for judicial notice because those facts are subject to dispute.

3 34. Tobin's filings requesting judicial notice of attorney misconduct directly violated  
4 the Court's admonitions to avoid filing seriatim motions devoid of legal or factual merit. The  
5 Omnibus Motion to withdraw the Show Cause Motion does not cure the violation.

6 35. The Court finds no legal or factual basis as to Ms. Tobin's other requests in the  
7 Omnibus Motion, and the Omnibus Motion is denied its entirety.

8 **Ms. Tobin's Request for Reconsideration**

9 36. EDCR 2.24 specifically provides that "No motions once heard and disposed of may  
10 be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by  
11 leave of the court granted upon motion therefor, after notice of such motion to the adverse  
12 parties." NRCP 60(b) provides grounds for relief from a final judgment or proceeding for the  
13 following reasons:

- 14 (1) mistake, inadvertence, surprise, or excusable neglect;  
15 (2) newly discovered evidence that, with reasonable diligence, could not  
16 have been discovered in time to move for a new trial under Rule 59(b);  
17 (3) fraud (whether previously called intrinsic or extrinsic),  
18 misrepresentation, or misconduct by an opposing party;  
19 (4) the judgment is void;  
20 (5) the judgment has been satisfied, released, or discharged; it is based on an  
21 earlier judgment that has been reversed or vacated; or applying it prospectively is no  
22 longer equitable; or  
23 (6) any other reason that justifies relief.

24 37. The Motion ~~for~~ to Reconsider was Tobin's request that this Court reconsider its  
25 decisions made in connection with the July 7, 2022 hearing (i.e., the Amended Restrictive Order)  
26 as well as decisions made in prior hearings. Tobin did not seek leave to reconsider these prior  
27 orders nor did she identify the grounds on which she sought reconsideration. Accordingly,  
28 Tobin's requests are improper under both EDCR 2.24(a) and NRCP 60 and are hereby denied.

38. Moreover, the Court has denied Tobin's repeated requests to find that Red Rock is  
not a party to the litigation when Red Rock is the plaintiff who filed the interpleader complaint,  
thereby commencing this action. Tobin provided no legal basis as to why the Court should  
reconsider the prior orders. The Motion to Reconsider is denied.

1                                   **The Court Finds Ms. Tobin Is a Vexatious Litigant**

2           39.       NRS 11(b) provides that every pleading or paper that is signed by a party is not  
3 being presented for an “improper purpose, such as to harass, cause unnecessary delay, or  
4 needlessly increase the cost of litigation,” the claims and legal contentions are “warranted by  
5 existing law or by a nonfrivolous argument” to change the law, and that the factual contentions  
6 have evidentiary support. After notice and a reasonable opportunity to respond, if the court  
7 determines that Rule 11(b) has been violated, the court may impose an appropriate sanction  
8 sufficient to deter repetition of the conduct. NRCP 11(c).

9           40.       When a pro se litigant is involved, “the threat of monetary sanctions or professional  
10 discipline is ineffective to deter abusive litigation practices.” *Jordan v. State ex rel. Dept. of*  
11 *Motor Vehicles*, 121 Nev. 44, 61 (Nev. 2005). A court may impose a permanent restriction on a  
12 litigant’s right to file a lawsuit in a District Court either after a party so moves, or, depending on  
13 the circumstances, *sua sponte*. *Jordan v. State ex rel. Dept. of Motor Vehicles*, 121 Nev. 44, 61  
14 (Nev. 2005).

15           41.       In order to analyze Ms. Tobin’s status as a vexatious litigant, the Court was guided  
16 by the four-factor analysis from *Jordan*: (1) providing notice and opportunity to be heard before  
17 issuance of restrictive order; (2) creating adequate record for appellate review; (3) making  
18 substantive findings as to frivolous or harassing nature of litigant’s actions; and (4) narrowly  
19 drawing the restrictive order to address the specific problem encountered. 121 Nev. 44, 61 (Nev.  
20 2005).

21                                   Tobin Had Adequate Notice and Opportunity to Respond

22           42.       Ms. Tobin has had two opportunities to oppose a restrictive order declaring her  
23 vexatious. On January 10, 2022, Ms. Tobin opposed Red Rock’s counter-motion for abuse of  
24 process and for a vexatious litigant restrictive order. On June 27, 2022, Ms. Tobin again opposed  
25 Red Rock’s renewed counter-motion to declare her a vexatious litigant. Ms. Tobin received the  
26 Amended Restrictive Order on January 17, 2023, yet she filed another motion seeking  
27 reconsideration of the same issues that have been denied on numerous occasions by the District  
28 Court, the Court of Appeals, and the Nevada Supreme Court. Therefore, the Court finds Tobin

1 has been provided multiple notices and opportunities to oppose her being declared a vexatious  
2 litigant.

3 43. Further, Ms. Tobin was placed on notice in January 2022 and July 2022 that if she  
4 continued to file seriatim motions that were devoid of factual and legal merit that she would be  
5 declared a vexatious litigant. In January 2022, Ms. Tobin was admonished that she could file  
6 documents with the Court for the exclusive purpose of making a claim for the Excess Proceeds. In  
7 July 2022, Ms. Tobin was again admonished to limit her filings to oppose only the forthcoming  
8 request for attorneys' fees and to not touch on other issues since her other claims had been  
9 decided. In blatant disregard of the Nevada Rules of Civil Procedure and this Court's prior  
10 admonitions, Ms. Tobin proceeded to file another motion seeking reconsideration of the same  
11 issues that have been denied over and over again by the District Court, the Court of Appeals, and  
12 the Nevada Supreme Court. Thus, Ms. Tobin has had ample opportunity to oppose the restrictive  
13 order declaring her a vexatious litigant.

14 44. The Court also notes that under *Jordan v. State ex rel. Dept. of Motor Vehicles*, 121  
15 Nev. 44, 61 (Nev. 2005), notice and opportunity will be sufficient even if the ~~litigation~~<sup>litigant</sup> does not  
16 attend the hearing on the matter. The Court waited additional time for Tobin at the February 2,  
17 2023 hearing, and the Court tried to call her, but Tobin failed to appear or contact the Court, so  
18 Tobin made the choice not to attend.

19 The Court Created an Adequate Record Showing Tobin is a Vexatious Litigant

20 45. Under the four-part analysis, the second requirement is that a court's restrictive  
21 order against a vexatious litigant must contain a clear record of any cases or documents that the  
22 vexatious litigant has filed. The findings of fact, incorporated herein by reference, demonstrate  
23 Ms. Tobin filed repetitive claims and motions, and a restrictive order is needed to curb her abusive  
24 activity. For instance, Ms. Tobin filed the same claims in the First Action, the Second Action, and  
25 now in this Third Action. Her claims in the Second Action were denied, and the Court of Appeals  
26 upheld the ruling in the Second Action. Notwithstanding these prior rulings, Ms. Tobin made the  
27 same arguments in this Court on multiple motions even after the Court of Appeals issued its  
28 binding opinion.

1           46.       Accordingly, it is necessary to enter an order limiting Ms. Tobin's right to access  
2 the courts to prevent her from filing abusive litigation.

3           Ms. Tobin's Filings Have Been Harassing and Frivolous

4           47.       With regard to the third factor, Ms. Tobin has filed numerous papers that were  
5 frivolous and done with the intent to harass. After Ms. Tobin had been cautioned to exclusively  
6 file a motion to request the Excess Proceeds from the foreclosure sale, Ms. Tobin filed a motion  
7 seeking sanctions against Red Rock's counsel personally for hundreds of thousands of dollars.  
8 This request was denied as inappropriate and devoid of legal merit.

9           48.       After the motion seeking sanctions was denied, Ms. Tobin filed the Show Cause  
10 Motion and Requests for Judicial Notice against six different attorneys representing different  
11 parties in this litany of cases. Ms. Tobin insinuates these attorneys engaged in criminal activity,  
12 which is unfounded. The Court finds these requests were inappropriate, legally devoid of merit,  
13 and served no purpose other than to harass the attorneys that have been involved in this matter.  
14 Tobin's request for judicial notice of these alleged facts "not subject to reasonable dispute" further  
15 demonstrates the frivolous nature of her filings.

16           49.       Ms. Tobin's inability to accept the district court's order in the First Action led her  
17 to file the Second Action, and then she filed the same claims in the Third Action with this Court.  
18 Based on the supposed impropriety she alleged in the First Action, she has continued to seek  
19 reconsideration of this Court's orders from September 2021, November 2021, May 2022,  
20 January 9, 2023, and January 16, 2023. These repetitive filings are abusive litigation tactics that  
21 warrant a restriction on Ms. Tobin's ability to access Nevada District Courts.

22           50.       Ms. Tobin's repetitious, rogue, harassing, and ~~unmeritorious~~ <sup>unmeritorious</sup> motions in this case  
23 provide a sufficient record to support a restrictive order against a vexatious litigant. Therefore, the  
24 Court finds Ms. Tobin satisfies the third factor.

25           The Order is Narrowly Tailored

26           51.       "Constitutional considerations prohibit a complete ban on filings...if the ban  
27 prevents the litigant from proceeding in criminal cases and in original civil actions that sufficiently  
28

1 implicate a fundamental right.” *Jordan v. State ex rel. Dep’t of Motor Vehicles & Pub. Safety*, 121  
2 Nev. 44, 62, 110 P.3d 30, 43 (2005).

3         52.       Here, the Court will issue the following restrictions, which are designed to prevent  
4 Ms. Tobin from filing frivolous claims devoid of legal merit. First, Ms. Tobin is enjoined from  
5 filing any complaint unless such complaint has been first reviewed by the Chief Judge of the  
6 District Court. If, upon review of such complaint, the Chief Judge determines that Ms. Tobin’s  
7 complaint alleges a cognizable, legal claim and is supported by sufficient factual allegations that  
8 have not been addressed and disposed of already, then the Chief Judge shall send Ms. Tobin’s  
9 complaint to the clerk’s office for filing without further review. However, if Ms. Tobin’s  
10 complaint is meritless or fails to allege a cognizable legal claim, Ms. Tobin’s complaint shall be  
11 returned to her unfiled. These procedures shall apply to any complaint, including the complaints  
12 threatened against any attorney with the State Bar of Nevada.

13         53.       Ms. Tobin is further enjoined from filing any other motion, pleading, or paper in  
14 this case except: (1) a timely notice of appeal of the denial of her Motion to Reconsider, (2) an  
15 opposition to Red Rock’s *Brunzell* affidavit in support of legal fees, and (3) an objection to the  
16 amount that Ms. Tobin will receive from the Excess Proceeds. These three filings must first be  
17 submitted to the Department 8 inbox for review prior to filing. Any filing from Ms. Tobin that is  
18 not first sent and screened through the Department 8 inbox will be dismissed and rejected. If any  
19 of Ms. Tobin’s proposed filings present an argument other than the three aforementioned grounds,  
20 then Ms. Tobin’s filing will be returned to her as unfiled. If Ms. Tobin retains counsel, then no  
21 review of her filings will be necessary.

22         54.       As such, the restriction on Ms. Tobin’s ability to file satisfies the fourth factor  
23 under *Jordan*.

24  
25 ///

26  
27 ///

1 **ORDER**

2 Based upon the Court's findings of fact and conclusions of law, and good cause appearing,

3 **IT IS HEREBY ORDERED THAT:**

4 1. Defendant Nona Tobin's Omnibus Motion (i.e., the *(1) Motion to Withdraw Tobin's*  
5 *Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be*  
6 *Forwarded to the State Bar, (2) Motion to Withdraw Tobin's Counter-Claims and Cross-Claims*  
7 *vs. Red Rock, Nationstar and Wells Fargo, (3) Motion to Modify Grounds for Tobin's Petitions for*  
8 *Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS*  
9 *205.0824 and NRS 205.0833, and NRS 41.1395, and (4) Motion to Adopt Tobin's Proposed Final*  
10 *Judgment Order*) is DENIED.

11 2. Defendant Nona Tobin's Motion to Reconsider (i.e., the *Motion to Reconsider*  
12 *1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's*  
13 *Rogue Filings*) is DENIED.

14 3. Defendant Nona Tobin is hereby declared a vexatious litigant and is enjoined from  
15 filing any complaint that has not been first reviewed and approved by the Chief Judge of the  
16 District Court consistent with the procedures outlined in the conclusions of law. Ms. Tobin's  
17 repetitious, rogue, harassing, and unmeritorious motions in this case confirm the necessity of such  
18 an order.

19 4. Defendant Nona Tobin is further enjoined from filing any motion or paper into this  
20 case except: (1) a timely notice of appeal of the denial of her Motion to Reconsider, (2) an  
21 opposition to Red Rock's *Brunzell* affidavit in support of legal fees, and (3) an objection to the  
22 amount that Ms. Tobin will receive from the Excess Proceeds. These three filings must first be  
23 submitted to the Department 8 inbox for review prior to filing. Any filing from Ms. Tobin that is  
24 not first sent and screened by the Department 8 inbox will be dismissed and rejected. If any of  
25 Ms. Tobin's proposed filings presents an argument other than the three aforementioned grounds,  
26 then Ms. Tobin's filling will be returned to her as unfiled.

27 5. The Excess Proceeds from the foreclosure sale of the Property total \$57,282.32,  
28 and per Red Rock's complaint, \$3,500 was withheld as costs, expenses, and fees to commence this

1 action. Red Rock is awarded fees and costs of \$ 5,165.00 <sup>fn1</sup> from the Excess Proceeds, and  
2 the balance of \$ 52,117.32 shall be disbursed to Defendant Nona Tobin no later than thirty (30)  
3 calendar days following the final entry of this order.

4 **IT IS SO ORDERED.** <sup>fn1</sup>

5 Dated this 28th day of March, 2023

6   
7 **DISTRICT COURT JUDGE**

8 **C89 40F 9EF5 3A9D**  
9 **Jessica K. Peterson**  
10 **District Court Judge**

11  
12 Submitted by:

13 By: /s/ Steven B. Scow  
14 Steven B. Scow  
15 *Attorneys for Plaintiff*  
16 *Red Rock Financial Services*

17  
18 <sup>fn1</sup> The Court has read and  
19 reviewed the other Motions and  
20 Oppositions filed by Ms. Tobin  
21 and once again notes that all  
22 statements made by Ms. Tobin  
23 are attempting to relitigate what  
24 this Court and the Supreme Court  
25 and Court of Appeals has already  
26 read and decided. The Court has  
27 reduced the fees and costs  
28 sought for what it perceived as  
duplicative billing and costs not  
related to the final Motion. The  
Court is not awarding costs from  
the inception of the suit as that  
was not asked for or granted in  
the prior Motion.

1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Red Rock Financial Services,  
7 Plaintiff(s)

8 vs.

9 Nona Tobin, Defendant(s)

CASE NO: A-21-828840-C

DEPT. NO. Department 8

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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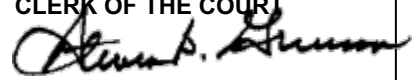
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*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;  
Plaintiff,  
vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN  
TRUST DATED 8/22/08; REPUBLIC  
SERVICES, INC. a Nevada corporation;  
WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-  
100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: 8

**NOTICE OF ENTRY OF ORDER**

association; NATIONSTAR MORTGAGE, LLC, a Delaware company; and DOES 1-100;

Cross-Defendants

PLEASE TAKE NOTICE that the **ORDER DECLARING NONA TOBIN A VEXATIOUS LITIGANT, ORDER DENYING DEFENDANT NONA TOBIN'S: (1) MOTION TO WITHDRAW TOBIN'S MOTION FOR AN ORDER TO SHOW CAUSE WHY WRITTEN FINDINGS OF ATTORNEY MISCONDUCT SHOULD NOT BE FORWARDED TO THE STATE BAR; (2) MOTION TO WITHDRAW TOBIN'S COUNTER-CLAIMS AND CROSSCLAIMS VS. RED ROCK, NATIONSTAR AND WELLS FARGO; (3) MOTION TO MODIFY GROUNDS FOR TOBIN'S PETITIONS FOR SANCTIONS VS. RED ROCK AND NATIONSTAR TO INCLUDE NRS 357.040(1(A),(B),(I), AND NRS 199.210, NRS 205.0824 AND NRS 205.0833, AND NRS 41.1395; AND (4) MOTION TO ADOPT TOBIN'S PROPOSED FINAL JUDGMENT ORDER AND, ORDER DENYING DEFENDANT NONA TOBIN'S: MOTION TO RECONSIDER 1/16/2023 ORDER AND RENEWED MOTION TO STRIKE NON-PARTY RED ROCK FINANCIAL SERVICES LLC'S ROGUE FILINGS** was entered in the above-referenced matter on March 28, 2023, a copy of which is attached hereto.

DATED: March 28, 2023.

**KING SCOW KOCH DURHAM, LLC**

/s/Steven B. Scow

Steven B. Scow, Esq.

11500 S. Eastern Ave., Suite 210

Henderson, NV 89052

*Attorney for Red Rock Financial Services*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I certify that on March 28, 2023, I caused the foregoing document entitled: **NOTICE OF ENTRY OF ORDER**, to be electronically filed and served with the Eighth Judicial District Court, County of Clark, State of Nevada EFile system.

Executed on March 28, 2023 at Henderson, Nevada.

/s/ Andrea Eshenbaugh  
King Scow Koch Durham, LLC

Steven B. Scow (Nevada Bar No. 9906)  
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*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;

Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,

Case No.: A-21-828840-C

Dept.: 8

**ORDER DECLARING NONA TOBIN A  
VEXATIOUS LITIGANT,**

**ORDER DENYING DEFENDANT NONA  
TOBIN'S:**

**(1) MOTION TO WITHDRAW TOBIN'S  
MOTION FOR AN ORDER TO SHOW  
CAUSE WHY WRITTEN FINDINGS OF  
ATTORNEY MISCONDUCT SHOULD  
NOT BE FORWARDED TO THE STATE  
BAR;**

**(2) MOTION TO WITHDRAW TOBIN'S  
COUNTER-CLAIMS AND CROSS-  
CLAIMS VS. RED ROCK, NATIONSTAR  
AND WELLS FARGO;**

**(3) MOTION TO MODIFY GROUNDS  
FOR TOBIN'S PETITIONS FOR  
SANCTIONS VS. RED ROCK AND  
NATIONSTAR TO INCLUDE NRS  
357.040(1(A),(B),(I), AND NRS 199.210, NRS  
205.0824 AND NRS 205.0833, AND NRS  
41.1395; AND**

**(4) MOTION TO ADOPT TOBIN'S  
PROPOSED FINAL JUDGMENT ORDER**

**AND,**

1 LLC, a Delaware company; and DOES 1-100;  
2 Cross-Defendants

**ORDER DENYING DEFENDANT NONA  
TOBIN’S:**

**MOTION TO RECONSIDER 1/16/2023  
ORDER AND RENEWED MOTION TO  
STRIKE NON-PARTY RED ROCK  
FINANCIAL SERVICES LLC’S ROGUE  
FILINGS**

Hearing Date: February 2, 2023

8 On February 2, 2023, the following matters, all filed by Defendant/Counterclaimant/Cross-  
9 Claimant Nona Tobin, were set for hearing before this Court at 10:00 a.m.:

- 10 • *Motion for Order to Show Cause Why Written Findings of Attorney Misconduct Should*  
11 *Not Be Forwarded to the State Bar;*
- 12 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
13 *State Bar of Nevada vs. Joseph Y. Hong, Esq.;*
- 14 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
15 *State Bar of Nevada vs. Melanie Morgan, Esq.;*
- 16 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
17 *State Bar of Nevada vs. David Ochoa, Esq. and Adam Clarkson, Esq.;*
- 18 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
19 *State Bar of Nevada vs. Steven Scow, Esq.; and*
- 20 • *Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the*  
21 *State Bar of Nevada vs. Brittany Wood, Esq.*

22 The Court called this case at 10:43 a.m. (after trailing several other cases). Steven B. Scow  
23 appeared on behalf of Plaintiff Red Rock Financial Services (“Red Rock”), and Vanessa Turley  
24 appeared on behalf of Nationstar Mortgage, LLC. The Court attempted to reach Ms. Tobin by  
25 phone, but Ms. Tobin failed to appear at the hearing.

26 In addition to the matters referenced above, several other motions filed by Ms. Tobin were  
27 advanced by the Court to this February 2, 2023 hearing, including the following:  
28

- 1 • *Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings*  
2 *of Attorney Misconduct Should Not Be Forwarded to the State Bar* (initially set for  
3 chambers calendar on February 8, 2023);
- 4 • *Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar*  
5 *and Wells Fargo* (initially set for chambers calendar on February 8, 2023);
- 6 • *Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and*  
7 *Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and*  
8 *NRS 205.0833, and NRS 41.1395* (initially set for chambers calendar on February 8,  
9 2023);
- 10 • *Motion to Adopt Tobin's Proposed Final Judgment Order* (initially set for chambers  
11 calendar on February 8, 2023);
- 12 • *Motion to Reconsider 1/16/23 Order* (initially set for hearing on February 28, 2023); and
- 13 • *Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings*  
14 (initially set for hearing on February 28, 2023).

15  
16 After reviewing and considering the points and authorities submitted, and upon hearing and  
17 considering oral argument of the parties, the Court has determined as follows:

18 **FINDINGS OF FACT**

19 **Procedural History**

20 The Court makes the following findings of fact based upon the evidence presented through  
21 the parties' motions and accompanying declarations and supporting exhibits:

22 1. On January 31, 2017, Tobin, in her capacity as trustee of the Gordon B. Hansen  
23 Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community  
24 Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"),  
25 claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence  
26 owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the  
27 "Property"), which sale occurred on August 15, 2014.

1           2.       On April 17, 2019, the court in that First Action signed an order granting the  
2 HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts  
3 evidence that the HOA properly followed the processes and procedures in foreclosing upon the  
4 Property."

5           3.       Tobin appealed the decision in the First Action, which appeal was denied.

6           4.       On August 8, 2019, Tobin filed another action, District Court Case No. A-19-  
7 799890-C, against Red Rock and others, alleging claims for quiet title, declaratory relief, and  
8 unjust enrichment against Red Rock, again asserting that the foreclosure sale of the Property was  
9 wrongful (the "Second Action").

10          5.       Red Rock filed a motion to dismiss the Second Action with prejudice, which was  
11 granted.

12          6.       Tobin appealed the decision to dismiss the Second Action, which appeal was  
13 pending at the time the instant action was filed. Ultimately, the Court of Appeals affirmed the  
14 decision in the Second Action in an order dated June 30, 2022.

15          7.       After the Second Action was dismissed by the trial court, Red Rock filed a  
16 complaint for interpleader thereby commencing the instant case (the "Third Action").

17          8.       Tobin filed a counterclaim against Red Rock in this Third Action, again alleging  
18 the 2014 foreclosure sale of the Property was wrongful.

19          9.       Red Rock filed a motion to dismiss Tobin's counterclaim in the Third Action, and  
20 this Court granted the same based on *res judicata*/claim preclusion since these very same claims  
21 had been dismissed in both the First Action and Second Action. The Court entered its order on  
22 September 10, 2021. Shortly thereafter, Tobin brought a motion to reconsider the September 10,  
23 2021 dismissal order.

24          10.       Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a  
25 24-page declaration in support of her motion, which essentially raised the same allegations Tobin  
26 had raised previously. On November 16, 2021, the Court held a hearing on Tobin's motion to  
27 reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing  
28 her motion that day or re-scheduling it to allow her as much time as she thought she needed.

1 Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue  
2 her motion unimpeded.

3 11. After hearing argument of the parties and considering all the facts, this Court  
4 denied her motion to reconsider. The Court entered that order on November 30, 2021.

5 12. Undeterred, on December 14, 2021 Tobin filed a motion demanding an evidentiary  
6 hearing to set aside the September 10, 2021 order, and asking yet again that the Property sale from  
7 the summer of 2014 be unwound and that she be awarded fees and costs.

8 13. Red Rock filed an opposition to Tobin's December 14, 2021 motion, and Red Rock  
9 also filed a countermotion to have Tobin deemed a vexatious litigant. On January 19, 2022, the  
10 Court heard the matter and once again denied Tobin's claims except for preserving her right to file  
11 a motion for the exclusive purpose of making a claim for the excess proceeds at issue in this Third  
12 Action (the "Excess Proceeds"), which is the point of the interpleader. During that January 19,  
13 2022 hearing, the Court made it abundantly clear that the Court was troubled by Tobin's repeated  
14 filings. The Court issued a warning to Tobin during the hearing as follows:

15 "The Court is going to warn Ms. Tobin at this juncture that in the event  
16 that she continues to file seriatim motions with this Court, that the Court  
17 will have no other choice but to file an order to show cause to declare her  
18 a vexatious litigant."

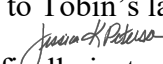
19 14. The Court entered its order on May 25, 2022, denying Ms. Tobin's motions and  
20 denying without prejudice Red Rock's request to declare Ms. Tobin a vexatious litigant.

21 15. On May 30, 2022, just five days after issuing its order denying her claims, Tobin  
22 filed an amended motion seeking (i) an order to distribute the Excess Funds, (ii) sanctions for  
23 hundreds of thousands of dollars against Red Rock's counsel, and (iii) corrections to the Court's  
24 prior orders in this case entered on November 30, 2021 and May 25, 2022.

25 16. Responding to Tobin's May 30, 2022 motion, Red Rock did not oppose Tobin's  
26 request to receive the Excess Proceeds (except to offset its legal fees incurred), but Red Rock  
27 opposed the remainder of Tobin's motion, and Red Rock also filed a renewed countermotion to  
28 declare Ms. Tobin a vexatious litigant.

1           17.     On July 7, 2022, the Court held a hearing on Tobin’s May 30, 2022 motion.  
2 During the hearing, the Court again admonished Tobin and cautioned her against filing  
3 inappropriate motions as follows:

4                   “Ms. Tobin, I want you to understand very, very clearly. This case is almost  
5 done, and all of your other cases are essentially done. The Court of Appeals  
6 found that the foreclosure was appropriate, and all other actions that you're  
7 claiming stem from the foreclosure and are therefore not appropriate,  
8 because there -- if the foreclosure wasn't wrong, then anything else that was  
9 done as a result of the foreclosure was also not wrong. So I caution you. I  
10 do not want to declare you a vexatious litigant. I think I've been more than  
11 patient and fair. But please do not -- please do not file motions and orders  
12 that do not -- that are frivolous and do not have legal merit to them in the  
13 future.”

14           18.     At this same July 7, 2022 hearing, the Court found that Red Rock would be allowed  
15 to recover its attorneys’ fees incurred responding to Tobin’s last motion and that Red Rock would  
16                   Motion and Brunzell Affidavit   
17 need to file an appropriate. The Court then specifically instructed Tobin that the only filing she  
18 could make in connection with the motion for attorneys’ fees was an objection to specific aspects  
19 of the fees requested – Tobin was instructed not to make any other unrelated arguments. Tobin  
20 acknowledged on the record that she understood the Court’s instructions.

21           19.     On August 28, 2022, Ms. Tobin filed a writ of mandamus against Department 8  
22 seeking to preclude the Court from taking further action in this case. The writ of mandamus was  
23 denied on November 15, 2022. On November 28, 2022, Ms. Tobin requested a rehearing en banc,  
24 which the Supreme Court of the State of Nevada denied on December 22, 2022.

25           20.     Shortly after the Supreme Court’s order denying Ms. Tobin’s requests, on  
26 December 28, 2022, Red Rock circulated a proposed order entitled: *Order Granting In Part and*  
27 *Denying In Part Nona Tobin’s Second Amended Motion for an Order to Distribute Interpleaded*  
28 *Funds with Interest to Sole Claimant Nona Tobin and Motion For Attorney Fees and Costs*

1 Pursuant to NRS 18.010(2) and EDCR 7.60(B)(1) and (3) Motion To Correct Nunc Pro Tunc  
2 Notices of Entry of Orders Entered On November 30, 2021 and May 25, 2022 and Granting In  
3 Part Red Rock Financial Services' Countermotion for Abuse of Process; For a Vexatious Litigant  
4 Restrictive Order against Nona Tobin and for Attorney Fees and Costs (the "Restrictive Order").

5 21. On January 9, 2023, the Court entered the Restrictive Order.

6 22. The Court finds Notice of Entry of the Restrictive Order was properly entered on  
7 January 10, 2023, and Tobin received a copy as she is registered for electronic service in the  
8 Court's Odyssey filing system. More specifically, Tobin opened the Notice of Entry of the  
9 Restrictive Order on January 10, 2023.

10 23. On January 16, 2023, the Court entered an amendment to the Restrictive Order (the  
11 "Amended Restrictive Order") ~~out of an abundance of caution~~. In this amended order, the Court  
12 acknowledged receipt of Tobin's objections to the Restrictive Order, and denied all of Ms. Tobin's  
13 "proposed changes as they are legally incorrect and/or contain argument from her and are not  
14 Findings or Orders made by the Court."

15 24. The Court finds Notice of Entry of the Amended Restrictive Order was properly  
16 entered on January 17, 2023; Tobin received and opened that filing on January 17, 2023.

17 **Ms. Tobin's Continued Filings**

18 25. On December 19, 2022, before the writ of mandamus had been fully resolved,  
19 Tobin filed her *Motion for an Order to Show Cause why Written Findings of Attorney Misconduct*  
20 *Should Not be Forwarded to the State Bar* against Steven B. Scow, David Ochoa, Adam Clarkson,  
21 Melanie Morgan, Brittany Wood, and Joseph Hong (the "Show Cause Motion").

22 26. Also on December 19, 2022, Tobin filed five separate *Requests for Judicial Notice*  
23 *Verified Complaint of Attorney Misconduct filed with the State Bar of Nevada* against Joseph Y.  
24 Hong, Melanie Morgan, David Ochoa, Adam Clarkson, Steven Scow and Brittany Wood (the  
25 "Requests for Judicial Notice").

26 27. On December 20, 2022, Tobin submitted a corrected version of the Show Cause  
27 Motion.  
28

28. A hearing on the Show Cause Motion and the Requests for Judicial Notice was set for February 2, 2022.

29. On January 3, 2023, Ms. Tobin filed an omnibus four-part motion, including the following: (1) *Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar*, and (2) *Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar and Wells Fargo*, and (3) *Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395*, and (4) *Motion to Adopt Tobin's Proposed Final Judgment Order* (the “Omnibus Motion”).

30. On January 23, 2023, Tobin filed her *Motion to Reconsider the January 16, 2023 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC’s Rogue Filings* (the “Motion to Reconsider”).

31. The Court finds Tobin's prior motions lacked any legal merit or factual basis and that by filing the Motion to Reconsider, Ms. Tobin specifically violated the Court's specific admonitions to avoid filing further frivolous motions.

## CONCLUSIONS OF LAW

The Court makes the following conclusions of law based upon its analysis of the relevant legal authorities as they apply to the uncontroverted facts set forth herein.

## Omnibus Motion

32. Pursuant to NRS 47.150, the Court may take judicial notice at the request of a party if supplied with the necessary information. NRS 147.130 allows the Court to take judicial notice of facts generally known within the territorial jurisdiction of the trial court or capable of accurate and ready determination by resorting to sources whose accuracy cannot reasonably be questioned so the fact is not subject to reasonable dispute. NRS 147.140 allows the Court to take judicial notice of specified matters of law.

33. Through the Show Cause Motion and the Requests for Judicial Notice, Tobin requested the Court take judicial notice of attorney misconduct and findings of fact that were

1 forwarded to the State Bar of Nevada. The Court cannot take judicial notice of the facts contained  
2 in the requests for judicial notice because those facts are subject to dispute.

3 34. Tobin's filings requesting judicial notice of attorney misconduct directly violated  
4 the Court's admonitions to avoid filing seriatim motions devoid of legal or factual merit. The  
5 Omnibus Motion to withdraw the Show Cause Motion does not cure the violation.

6 35. The Court finds no legal or factual basis as to Ms. Tobin's other requests in the  
7 Omnibus Motion, and the Omnibus Motion is denied its entirety.

8 **Ms. Tobin's Request for Reconsideration**

9 36. EDCR 2.24 specifically provides that "No motions once heard and disposed of may  
10 be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by  
11 leave of the court granted upon motion therefor, after notice of such motion to the adverse  
12 parties." NRCP 60(b) provides grounds for relief from a final judgment or proceeding for the  
13 following reasons:

- 14 (1) mistake, inadvertence, surprise, or excusable neglect;  
15 (2) newly discovered evidence that, with reasonable diligence, could not  
16 have been discovered in time to move for a new trial under Rule 59(b);  
17 (3) fraud (whether previously called intrinsic or extrinsic),  
18 misrepresentation, or misconduct by an opposing party;  
19 (4) the judgment is void;  
20 (5) the judgment has been satisfied, released, or discharged; it is based on an  
21 earlier judgment that has been reversed or vacated; or applying it prospectively is no  
22 longer equitable; or  
23 (6) any other reason that justifies relief.

24 37. The Motion ~~for~~ to Reconsider was Tobin's request that this Court reconsider its  
25 decisions made in connection with the July 7, 2022 hearing (i.e., the Amended Restrictive Order)  
26 as well as decisions made in prior hearings. Tobin did not seek leave to reconsider these prior  
27 orders nor did she identify the grounds on which she sought reconsideration. Accordingly,  
28 Tobin's requests are improper under both EDCR 2.24(a) and NRCP 60 and are hereby denied.

38. Moreover, the Court has denied Tobin's repeated requests to find that Red Rock is  
not a party to the litigation when Red Rock is the plaintiff who filed the interpleader complaint,  
thereby commencing this action. Tobin provided no legal basis as to why the Court should  
reconsider the prior orders. The Motion to Reconsider is denied.

1                                   **The Court Finds Ms. Tobin Is a Vexatious Litigant**

2           39.     NRS 11(b) provides that every pleading or paper that is signed by a party is not  
3 being presented for an “improper purpose, such as to harass, cause unnecessary delay, or  
4 needlessly increase the cost of litigation,” the claims and legal contentions are “warranted by  
5 existing law or by a nonfrivolous argument” to change the law, and that the factual contentions  
6 have evidentiary support. After notice and a reasonable opportunity to respond, if the court  
7 determines that Rule 11(b) has been violated, the court may impose an appropriate sanction  
8 sufficient to deter repetition of the conduct. NRCP 11(c).

9           40.     When a pro se litigant is involved, “the threat of monetary sanctions or professional  
10 discipline is ineffective to deter abusive litigation practices.” *Jordan v. State ex rel. Dept. of*  
11 *Motor Vehicles*, 121 Nev. 44, 61 (Nev. 2005). A court may impose a permanent restriction on a  
12 litigant’s right to file a lawsuit in a District Court either after a party so moves, or, depending on  
13 the circumstances, *sua sponte*. *Jordan v. State ex rel. Dept. of Motor Vehicles*, 121 Nev. 44, 61  
14 (Nev. 2005).

15           41.     In order to analyze Ms. Tobin’s status as a vexatious litigant, the Court was guided  
16 by the four-factor analysis from *Jordan*: (1) providing notice and opportunity to be heard before  
17 issuance of restrictive order; (2) creating adequate record for appellate review; (3) making  
18 substantive findings as to frivolous or harassing nature of litigant’s actions; and (4) narrowly  
19 drawing the restrictive order to address the specific problem encountered. 121 Nev. 44, 61 (Nev.  
20 2005).

21                                   Tobin Had Adequate Notice and Opportunity to Respond

22           42.     Ms. Tobin has had two opportunities to oppose a restrictive order declaring her  
23 vexatious. On January 10, 2022, Ms. Tobin opposed Red Rock’s counter-motion for abuse of  
24 process and for a vexatious litigant restrictive order. On June 27, 2022, Ms. Tobin again opposed  
25 Red Rock’s renewed counter-motion to declare her a vexatious litigant. Ms. Tobin received the  
26 Amended Restrictive Order on January 17, 2023, yet she filed another motion seeking  
27 reconsideration of the same issues that have been denied on numerous occasions by the District  
28 Court, the Court of Appeals, and the Nevada Supreme Court. Therefore, the Court finds Tobin

1 has been provided multiple notices and opportunities to oppose her being declared a vexatious  
2 litigant.

3 43. Further, Ms. Tobin was placed on notice in January 2022 and July 2022 that if she  
4 continued to file seriatim motions that were devoid of factual and legal merit that she would be  
5 declared a vexatious litigant. In January 2022, Ms. Tobin was admonished that she could file  
6 documents with the Court for the exclusive purpose of making a claim for the Excess Proceeds. In  
7 July 2022, Ms. Tobin was again admonished to limit her filings to oppose only the forthcoming  
8 request for attorneys' fees and to not touch on other issues since her other claims had been  
9 decided. In blatant disregard of the Nevada Rules of Civil Procedure and this Court's prior  
10 admonitions, Ms. Tobin proceeded to file another motion seeking reconsideration of the same  
11 issues that have been denied over and over again by the District Court, the Court of Appeals, and  
12 the Nevada Supreme Court. Thus, Ms. Tobin has had ample opportunity to oppose the restrictive  
13 order declaring her a vexatious litigant.

14 44. The Court also notes that under *Jordan v. State ex rel. Dept. of Motor Vehicles*, 121  
15 Nev. 44, 61 (Nev. 2005), notice and opportunity will be sufficient even if the ~~litigation~~<sup>litigant</sup> does not  
16 attend the hearing on the matter. The Court waited additional time for Tobin at the February 2,  
17 2023 hearing, and the Court tried to call her, but Tobin failed to appear or contact the Court, so  
18 Tobin made the choice not to attend.

19 The Court Created an Adequate Record Showing Tobin is a Vexatious Litigant

20 45. Under the four-part analysis, the second requirement is that a court's restrictive  
21 order against a vexatious litigant must contain a clear record of any cases or documents that the  
22 vexatious litigant has filed. The findings of fact, incorporated herein by reference, demonstrate  
23 Ms. Tobin filed repetitive claims and motions, and a restrictive order is needed to curb her abusive  
24 activity. For instance, Ms. Tobin filed the same claims in the First Action, the Second Action, and  
25 now in this Third Action. Her claims in the Second Action were denied, and the Court of Appeals  
26 upheld the ruling in the Second Action. Notwithstanding these prior rulings, Ms. Tobin made the  
27 same arguments in this Court on multiple motions even after the Court of Appeals issued its  
28 binding opinion.

1           46.       Accordingly, it is necessary to enter an order limiting Ms. Tobin's right to access  
2 the courts to prevent her from filing abusive litigation.

3           Ms. Tobin's Filings Have Been Harassing and Frivolous

4           47.       With regard to the third factor, Ms. Tobin has filed numerous papers that were  
5 frivolous and done with the intent to harass. After Ms. Tobin had been cautioned to exclusively  
6 file a motion to request the Excess Proceeds from the foreclosure sale, Ms. Tobin filed a motion  
7 seeking sanctions against Red Rock's counsel personally for hundreds of thousands of dollars.  
8 This request was denied as inappropriate and devoid of legal merit.

9           48.       After the motion seeking sanctions was denied, Ms. Tobin filed the Show Cause  
10 Motion and Requests for Judicial Notice against six different attorneys representing different  
11 parties in this litany of cases. Ms. Tobin insinuates these attorneys engaged in criminal activity,  
12 which is unfounded. The Court finds these requests were inappropriate, legally devoid of merit,  
13 and served no purpose other than to harass the attorneys that have been involved in this matter.  
14 Tobin's request for judicial notice of these alleged facts "not subject to reasonable dispute" further  
15 demonstrates the frivolous nature of her filings.

16           49.       Ms. Tobin's inability to accept the district court's order in the First Action led her  
17 to file the Second Action, and then she filed the same claims in the Third Action with this Court.  
18 Based on the supposed impropriety she alleged in the First Action, she has continued to seek  
19 reconsideration of this Court's orders from September 2021, November 2021, May 2022,  
20 January 9, 2023, and January 16, 2023. These repetitive filings are abusive litigation tactics that  
21 warrant a restriction on Ms. Tobin's ability to access Nevada District Courts.

22           50.       Ms. Tobin's repetitious, rogue, harassing, and ~~unmeritorious~~ <sup>unmeritorious</sup> motions in this case  
23 provide a sufficient record to support a restrictive order against a vexatious litigant. Therefore, the  
24 Court finds Ms. Tobin satisfies the third factor.

25           The Order is Narrowly Tailored

26           51.       "Constitutional considerations prohibit a complete ban on filings...if the ban  
27 prevents the litigant from proceeding in criminal cases and in original civil actions that sufficiently  
28

1 implicate a fundamental right.” *Jordan v. State ex rel. Dep’t of Motor Vehicles & Pub. Safety*, 121  
2 Nev. 44, 62, 110 P.3d 30, 43 (2005).

3         52.       Here, the Court will issue the following restrictions, which are designed to prevent  
4 Ms. Tobin from filing frivolous claims devoid of legal merit. First, Ms. Tobin is enjoined from  
5 filing any complaint unless such complaint has been first reviewed by the Chief Judge of the  
6 District Court. If, upon review of such complaint, the Chief Judge determines that Ms. Tobin’s  
7 complaint alleges a cognizable, legal claim and is supported by sufficient factual allegations that  
8 have not been addressed and disposed of already, then the Chief Judge shall send Ms. Tobin’s  
9 complaint to the clerk’s office for filing without further review. However, if Ms. Tobin’s  
10 complaint is meritless or fails to allege a cognizable legal claim, Ms. Tobin’s complaint shall be  
11 returned to her unfiled. These procedures shall apply to any complaint, including the complaints  
12 threatened against any attorney with the State Bar of Nevada.

13         53.       Ms. Tobin is further enjoined from filing any other motion, pleading, or paper in  
14 this case except: (1) a timely notice of appeal of the denial of her Motion to Reconsider, (2) an  
15 opposition to Red Rock’s *Brunzell* affidavit in support of legal fees, and (3) an objection to the  
16 amount that Ms. Tobin will receive from the Excess Proceeds. These three filings must first be  
17 submitted to the Department 8 inbox for review prior to filing. Any filing from Ms. Tobin that is  
18 not first sent and screened through the Department 8 inbox will be dismissed and rejected. If any  
19 of Ms. Tobin’s proposed filings present an argument other than the three aforementioned grounds,  
20 then Ms. Tobin’s filing will be returned to her as unfiled. If Ms. Tobin retains counsel, then no  
21 review of her filings will be necessary.

22         54.       As such, the restriction on Ms. Tobin’s ability to file satisfies the fourth factor  
23 under *Jordan*.

24  
25 ///

26  
27 ///

1 **ORDER**

2 Based upon the Court's findings of fact and conclusions of law, and good cause appearing,

3 **IT IS HEREBY ORDERED THAT:**

4 1. Defendant Nona Tobin's Omnibus Motion (i.e., the *(1) Motion to Withdraw Tobin's*  
5 *Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be*  
6 *Forwarded to the State Bar, (2) Motion to Withdraw Tobin's Counter-Claims and Cross-Claims*  
7 *vs. Red Rock, Nationstar and Wells Fargo, (3) Motion to Modify Grounds for Tobin's Petitions for*  
8 *Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS*  
9 *205.0824 and NRS 205.0833, and NRS 41.1395, and (4) Motion to Adopt Tobin's Proposed Final*  
10 *Judgment Order*) is DENIED.

11 2. Defendant Nona Tobin's Motion to Reconsider (i.e., the *Motion to Reconsider*  
12 *1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's*  
13 *Rogue Filings*) is DENIED.

14 3. Defendant Nona Tobin is hereby declared a vexatious litigant and is enjoined from  
15 filing any complaint that has not been first reviewed and approved by the Chief Judge of the  
16 District Court consistent with the procedures outlined in the conclusions of law. Ms. Tobin's  
17 repetitious, rogue, harassing, and unmeritorious motions in this case confirm the necessity of such  
18 an order.

19 4. Defendant Nona Tobin is further enjoined from filing any motion or paper into this  
20 case except: (1) a timely notice of appeal of the denial of her Motion to Reconsider, (2) an  
21 opposition to Red Rock's *Brunzell* affidavit in support of legal fees, and (3) an objection to the  
22 amount that Ms. Tobin will receive from the Excess Proceeds. These three filings must first be  
23 submitted to the Department 8 inbox for review prior to filing. Any filing from Ms. Tobin that is  
24 not first sent and screened by the Department 8 inbox will be dismissed and rejected. If any of  
25 Ms. Tobin's proposed filings presents an argument other than the three aforementioned grounds,  
26 then Ms. Tobin's filling will be returned to her as unfiled.

27 5. The Excess Proceeds from the foreclosure sale of the Property total \$57,282.32,  
28 and per Red Rock's complaint, \$3,500 was withheld as costs, expenses, and fees to commence this

1 action. Red Rock is awarded fees and costs of \$ 5,165.00 <sup>fn1</sup> from the Excess Proceeds, and  
2 the balance of \$ 52,117.32 shall be disbursed to Defendant Nona Tobin no later than thirty (30)  
3 calendar days following the final entry of this order.

4 **IT IS SO ORDERED.** <sup>fn1</sup>

5 Dated this 28th day of March, 2023

6 

7 **DISTRICT COURT JUDGE**

8 **C89 40F 9EF5 3A9D**  
9 **Jessica K. Peterson**  
District Court Judge

10  
11  
12 Submitted by:

13 By: /s/ Steven B. Scow  
14 Steven B. Scow  
15 *Attorneys for Plaintiff*  
*Red Rock Financial Services*

16  
17  
18 <sup>fn1</sup> The Court has read and  
19 reviewed the other Motions and  
20 Oppositions filed by Ms. Tobin  
21 and once again notes that all  
22 statements made by Ms. Tobin  
23 are attempting to relitigate what  
24 this Court and the Supreme Court  
25 and Court of Appeals has already  
26 read and decided. The Court has  
27 reduced the fees and costs  
28 sought for what it perceived as  
duplicative billing and costs not  
related to the final Motion. The  
Court is not awarding costs from  
the inception of the suit as that  
was not asked for or granted in  
the prior Motion.

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 3/28/2023

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20 Carla Llarena carla.llarena@troutman.com

21 Daniel Scow dscow@kskdllaw.com

22 Nona Tobin nonatobin@gmail.com

23 Paula Lamprea jwtlaw@ymail.com

24 Vanessa Turley vanessa.turley@troutman.com

25 Master Calendaring litigationdocketrequests@troutman.com

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|---------------------------|--|
| Tracy Bowling             | <a href="mailto:tracy.bowling@troutman.com">tracy.bowling@troutman.com</a>     |
| Troutman OC Court Notices | <a href="mailto:OCCcourtnotices@troutman.com">OCCcourtnotices@troutman.com</a> |

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Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
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dkoch@kskdllaw.com  
dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: 8

**ORDER GRANTING IN PART AND  
DENYING IN PART NONA TOBIN'S  
SECOND AMENDED MOTION FOR AN  
ORDER TO DISTRIBUTE  
INTERPLEADED FUNDS WITH  
INTEREST TO SOLE CLAIMANT NONA  
TOBIN AND MOTION FOR ATTORNEY  
FEES AND COSTS PURSUANT TO NRS  
18.010(2) AND EDCR 7.60(b)(1) AND (3)  
AND MOTION TO CORRECT NUNC PRO  
TUNC NOTICES OF ENTRY OF ORDERS  
ENTERED ON NOVEMBER 30, 2021 AND  
MAY 25, 2022**

**AND**

**GRANTING IN PART RED ROCK  
FINANCIAL SERVICES'  
COUNTERMOTION FOR ABUSE OF  
PROCESS; FOR A VEXATIOUS  
LITIGANT RESTRICTIVE ORDER  
AGAINST NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS**

Hearing Date: July 7, 2022

1 association; NATIONSTAR MORTGAGE,  
2 LLC, a Delaware company; and DOES 1-100;

3 Cross-Defendants

4 On July 7, 2022, Nona Tobin's SECOND AMENDED MOTION FOR AN ORDER TO  
5 DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA  
6 TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2)  
7 AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES  
8 OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 (the  
9 "Motion") came on for hearing in this Court. The Court also heard Red Rock Financial Services'  
10 Opposition and COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS  
11 LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES  
12 AND COSTS. After reviewing and considering the points and authorities submitted, and upon  
13 hearing and considering oral argument of counsel, the Court has determined as follows:

14 **FINDINGS OF FACT**

15 The Court makes the following findings of fact based upon the evidence presented through  
16 the parties' motions and accompanying declarations and supporting exhibits:

17 1. On January 31, 2017, Tobin, in her capacity as the trustee of the Gordon B. Hansen  
18 Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community  
19 Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"),  
20 claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence  
21 owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the  
22 "Property"), which sale occurred on August 15, 2014.

23 2. On April 17, 2019, the court in that First Action signed an order granting the  
24 HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts  
25 evidence that the HOA properly followed the processes and procedures in foreclosing upon the  
26 Property."

27 3. Tobin appealed the decision in the First Action, which appeal was denied.  
28

1           4.       On August 8, 2019, Tobin filed another action against Red Rock alleging claims for  
2 quiet title, declaratory relief, and unjust enrichment against Red Rock, again claiming that the  
3 foreclosure sale was wrongful (the “Second Action”).

4           5.       Red Rock filed a motion to dismiss the Second Action with prejudice, which was  
5 granted.

6           6.       Tobin appealed the decision to dismiss the Second Action, which appeal was  
7 pending at the time the instant action was filed.

8           7.       After the Second Action was dismissed, Red Rock filed a complaint for  
9 interpleader thereby commencing this action (the “Third Action”).

10          8.       Tobin filed a counterclaim against Red Rock in this Third Action, again alleging  
11 the 2014 foreclosure sale was wrongful.

12          9.       Red Rock filed a motion to dismiss Tobin’s counterclaim in the Third Action, and  
13 this Court granted the same based on *res judicata* since these very same claims had been  
14 dismissed in both the First Action and Second Action. The Court entered its Order on September  
15 10, 2021. Tobin then brought a motion to reconsider the Order granting the motion to dismiss.

16          10.      Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a  
17 24-page declaration in support of her motion, which essentially raised the same allegations Tobin  
18 had raised previously. On November 16, 2021, the Court held a hearing on Tobin’s motion to  
19 reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing  
20 her motion that day or re-scheduling it to allow her as much time as she thought she needed.  
21 Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue  
22 her motion unimpeded.

23          11.      After hearing argument of the parties and considering all the facts, this Court  
24 denied her motion to reconsider. The Court entered that Order on November 30, 2021.

25          12.      Undeterred, Tobin brought another motion, asking yet again that the Property sale  
26 be unwound and that she be awarded fees and costs due.

27          13.      Red Rock filed an opposition and a countermotion to have Tobin deemed a  
28 vexatious litigant. On January 19, 2022, the Court heard the matter and once again denied Tobin’s

1 claims except for preserving her right to file a motion for the exclusive purpose of making a claim  
2 for the excess proceeds (the “Excess Proceeds”). In that hearing the Court made it abundantly  
3 clear that it was troubled by Tobin’s repeated filings and admonished her that “if Ms. Tobin  
4 continues to file seriatim motions with this Court that are devoid of legal merit, then the Court will  
5 have no other choice but to issue an order to show cause why Ms. Tobin should not be declared a  
6 vexatious litigant.” The Court entered its order on May 25, 2022.

7 14. Red Rock did not oppose any party’s request for the Excess Proceeds except to  
8 claim attorneys’ fees and costs.

9 15. Despite the Court’s limitation and instruction regarding what relief Tobin could  
10 seek from the Court, Tobin filed the instant Motion days after the May 25, 2022 order, and Tobin  
11 is once again seeking to hold Red Rock, and attorney Steven Scow personally liable for attorney  
12 fees and costs, interest on the Excess Proceeds, and Tobin is also seeking to correct prior orders  
13 entered by the District Court. These claims were previously denied, and Tobin provides no legal  
14 basis to support her Motion. Her claims are devoid of any legal merit and are the type of claims  
15 that this Court admonished her against bringing.

16 16. On June 30, 2022, a week before the hearing on the Motion, the Court of Appeals  
17 of the State of Nevada entered an Order of Affirmance in Case No. 82294-COA where it affirmed  
18 the decision to dismiss the Second Action with prejudice on the grounds of claim preclusion.

19 17. Red Rock filed a Notice of Appellate Decision the same day to notify the Court and  
20 all parties that the decision had been entered.

21 18. At the time of hearing, Tobin confirmed on the record that she reviewed the Order  
22 of Affirmance. Nonetheless, Tobin argued her Motion in seeking over thousands and thousands of  
23 dollars from Red Rock and its counsel, personally.

24 19. The Court finds Tobin’s Motion lacked merit, especially in light of the Order of  
25 Affirmance.

#### 26 **CONCLUSIONS OF LAW**

27 The Court makes the following conclusions of law based upon its analysis of the relevant  
28 legal authorities as they apply to the uncontroverted facts set forth herein.



**Subject:** Re: Proposed Order  
**Date:** Wednesday, December 28, 2022 at 8:23:46 AM Pacific Standard Time  
**From:** Andrea W. Eshenbaugh  
**To:** Nona Tobin  
**CC:** Steven B. Scow  
**Attachments:** PastedGraphic-2.png, image001.png, 2022.07.07 Transcript of Hearing.pdf

Ms. Tobin,

Attached is a copy of the hearing transcript Mr. Scow requested I forward to you. If you have any problems opening the attachment, please let me know.



**Andrea W. Eshenbaugh** - Legal Assistant

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107  
andrea@kskdllaw.com

---

**From:** Steven B. Scow <sscow@kskdllaw.com>  
**Date:** Friday, December 23, 2022 at 2:16 PM  
**To:** Nona Tobin <nonatobin@gmail.com>  
**Cc:** Andrea W. Eshenbaugh <andrea@kskdllaw.com>  
**Subject:** Proposed Order

Good afternoon, Ms. Tobin:

Following up on the hearing held several months ago on your motion filed on May 30, 2022, attached please find a proposed order incorporating the court's findings/rulings from the July 7th hearing. (And I apologize for the delay but, among other things, it took a couple of months to get the transcript.)

Please let me know if you approve of the form of the order, and if so, please sign and date to indicate your approval. We will plan to submit the order to the court on January 3, 2023.

Thank you, and happy holidays.

**Steve Scow**

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107 | M: (702) 606-6057  
[sscow@kskdllaw.com](mailto:sscow@kskdllaw.com)



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 1/9/2023

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19 Daniel Scow dscow@kskdllaw.com

20 Nona Tobin nonatobin@gmail.com

21 Carla Llarena carla.llarena@troutman.com

22 Aaron Lancaster aaron.lancaster@troutman.com

23 Paula Lamprea jwtlaw@ymail.com

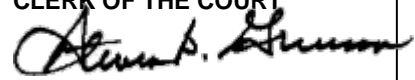
24 Vanessa Turley vanessa.turley@troutman.com

25 Master Calendaring litigationdocketrequests@troutman.com

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Steven B. Scow (Nevada Bar No. 9906)  
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dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;  
Plaintiff,  
vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN  
TRUST DATED 8/22/08; REPUBLIC  
SERVICES, INC. a Nevada corporation;  
WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-  
100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: 8

**NOTICE OF ENTRY OF ORDER**

1 association; NATIONSTAR MORTGAGE,  
2 LLC, a Delaware company; and DOES 1-  
3 100;

4 Cross-Defendants

5 PLEASE TAKE NOTICE that the **ORDER GRANTING IN PART AND DENYING**  
6 **IN PART NONA TOBIN'S SECOND AMENDED MOTION FOR AN ORDER TO**  
7 **DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT**  
8 **NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO**  
9 **NRS 18.010(2) AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC**  
10 **PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021**  
11 **AND MAY 25, 2022 and GRANTING IN PART RED ROCK FINANCIAL SERVICES'**  
12 **COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS LITIGANT**  
13 **RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND**  
14 **COSTS** was entered in the above-referenced matter on January 9, 2023, a copy of which is  
15 attached hereto.

16 DATED: January 10, 2023.

**KING SCOW KOCH DURHAM, LLC**

17 /s/Steven B. Scow

18 Steven B. Scow, Esq.

19 11500 S. Eastern Ave., Suite 210

20 Henderson, NV 89052

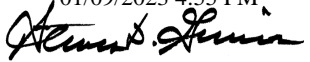
21 *Attorney for Red Rock Financial Services*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I certify that on January 10, 2023, I caused the foregoing document entitled: **NOTICE OF ENTRY OF ORDER**, to be electronically filed and served with the Eighth Judicial District Court, County of Clark, State of Nevada EFile system.

Executed on January 10, 2023 at Henderson, Nevada.

/s/ Andrea Eshenbaugh  
King Scow Koch Durham, LLC

  
CLERK OF THE COURT

David R. Koch (Nevada Bar No. 8830)  
Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
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*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: 8

**ORDER GRANTING IN PART AND  
DENYING IN PART NONA TOBIN'S  
SECOND AMENDED MOTION FOR AN  
ORDER TO DISTRIBUTE  
INTERPLEADED FUNDS WITH  
INTEREST TO SOLE CLAIMANT NONA  
TOBIN AND MOTION FOR ATTORNEY  
FEES AND COSTS PURSUANT TO NRS  
18.010(2) AND EDCR 7.60(b)(1) AND (3)  
AND MOTION TO CORRECT NUNC PRO  
TUNC NOTICES OF ENTRY OF ORDERS  
ENTERED ON NOVEMBER 30, 2021 AND  
MAY 25, 2022**

**AND**

**GRANTING IN PART RED ROCK  
FINANCIAL SERVICES'  
COUNTERMOTION FOR ABUSE OF  
PROCESS; FOR A VEXATIOUS  
LITIGANT RESTRICTIVE ORDER  
AGAINST NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS**

Hearing Date: July 7, 2022

1 association; NATIONSTAR MORTGAGE,  
2 LLC, a Delaware company; and DOES 1-100;

3 Cross-Defendants

4 On July 7, 2022, Nona Tobin's SECOND AMENDED MOTION FOR AN ORDER TO  
5 DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA  
6 TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2)  
7 AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES  
8 OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 (the  
9 "Motion") came on for hearing in this Court. The Court also heard Red Rock Financial Services'  
10 Opposition and COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS  
11 LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES  
12 AND COSTS. After reviewing and considering the points and authorities submitted, and upon  
13 hearing and considering oral argument of counsel, the Court has determined as follows:

14 **FINDINGS OF FACT**

15 The Court makes the following findings of fact based upon the evidence presented through  
16 the parties' motions and accompanying declarations and supporting exhibits:

17 1. On January 31, 2017, Tobin, in her capacity as the trustee of the Gordon B. Hansen  
18 Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community  
19 Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"),  
20 claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence  
21 owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the  
22 "Property"), which sale occurred on August 15, 2014.

23 2. On April 17, 2019, the court in that First Action signed an order granting the  
24 HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts  
25 evidence that the HOA properly followed the processes and procedures in foreclosing upon the  
26 Property."

27 3. Tobin appealed the decision in the First Action, which appeal was denied.  
28

1           4.       On August 8, 2019, Tobin filed another action against Red Rock alleging claims for  
2 quiet title, declaratory relief, and unjust enrichment against Red Rock, again claiming that the  
3 foreclosure sale was wrongful (the “Second Action”).

4           5.       Red Rock filed a motion to dismiss the Second Action with prejudice, which was  
5 granted.

6           6.       Tobin appealed the decision to dismiss the Second Action, which appeal was  
7 pending at the time the instant action was filed.

8           7.       After the Second Action was dismissed, Red Rock filed a complaint for  
9 interpleader thereby commencing this action (the “Third Action”).

10          8.       Tobin filed a counterclaim against Red Rock in this Third Action, again alleging  
11 the 2014 foreclosure sale was wrongful.

12          9.       Red Rock filed a motion to dismiss Tobin’s counterclaim in the Third Action, and  
13 this Court granted the same based on *res judicata* since these very same claims had been  
14 dismissed in both the First Action and Second Action. The Court entered its Order on September  
15 10, 2021. Tobin then brought a motion to reconsider the Order granting the motion to dismiss.

16          10.      Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a  
17 24-page declaration in support of her motion, which essentially raised the same allegations Tobin  
18 had raised previously. On November 16, 2021, the Court held a hearing on Tobin’s motion to  
19 reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing  
20 her motion that day or re-scheduling it to allow her as much time as she thought she needed.  
21 Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue  
22 her motion unimpeded.

23          11.      After hearing argument of the parties and considering all the facts, this Court  
24 denied her motion to reconsider. The Court entered that Order on November 30, 2021.

25          12.      Undeterred, Tobin brought another motion, asking yet again that the Property sale  
26 be unwound and that she be awarded fees and costs due.

27          13.      Red Rock filed an opposition and a countermotion to have Tobin deemed a  
28 vexatious litigant. On January 19, 2022, the Court heard the matter and once again denied Tobin’s

1 claims except for preserving her right to file a motion for the exclusive purpose of making a claim  
2 for the excess proceeds (the “Excess Proceeds”). In that hearing the Court made it abundantly  
3 clear that it was troubled by Tobin’s repeated filings and admonished her that “if Ms. Tobin  
4 continues to file seriatim motions with this Court that are devoid of legal merit, then the Court will  
5 have no other choice but to issue an order to show cause why Ms. Tobin should not be declared a  
6 vexatious litigant.” The Court entered its order on May 25, 2022.

7 14. Red Rock did not oppose any party’s request for the Excess Proceeds except to  
8 claim attorneys’ fees and costs.

9 15. Despite the Court’s limitation and instruction regarding what relief Tobin could  
10 seek from the Court, Tobin filed the instant Motion days after the May 25, 2022 order, and Tobin  
11 is once again seeking to hold Red Rock, and attorney Steven Scow personally liable for attorney  
12 fees and costs, interest on the Excess Proceeds, and Tobin is also seeking to correct prior orders  
13 entered by the District Court. These claims were previously denied, and Tobin provides no legal  
14 basis to support her Motion. Her claims are devoid of any legal merit and are the type of claims  
15 that this Court admonished her against bringing.

16 16. On June 30, 2022, a week before the hearing on the Motion, the Court of Appeals  
17 of the State of Nevada entered an Order of Affirmance in Case No. 82294-COA where it affirmed  
18 the decision to dismiss the Second Action with prejudice on the grounds of claim preclusion.

19 17. Red Rock filed a Notice of Appellate Decision the same day to notify the Court and  
20 all parties that the decision had been entered.

21 18. At the time of hearing, Tobin confirmed on the record that she reviewed the Order  
22 of Affirmance. Nonetheless, Tobin argued her Motion in seeking over thousands and thousands of  
23 dollars from Red Rock and its counsel, personally.

24 19. The Court finds Tobin’s Motion lacked merit, especially in light of the Order of  
25 Affirmance.

#### 26 **CONCLUSIONS OF LAW**

27 The Court makes the following conclusions of law based upon its analysis of the relevant  
28 legal authorities as they apply to the uncontroverted facts set forth herein.



**Subject:** Re: Proposed Order  
**Date:** Wednesday, December 28, 2022 at 8:23:46 AM Pacific Standard Time  
**From:** Andrea W. Eshenbaugh  
**To:** Nona Tobin  
**CC:** Steven B. Scow  
**Attachments:** PastedGraphic-2.png, image001.png, 2022.07.07 Transcript of Hearing.pdf

Ms. Tobin,

Attached is a copy of the hearing transcript Mr. Scow requested I forward to you. If you have any problems opening the attachment, please let me know.



**Andrea W. Eshenbaugh** - Legal Assistant

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107  
andrea@kskdllaw.com

---

**From:** Steven B. Scow <sscow@kskdllaw.com>  
**Date:** Friday, December 23, 2022 at 2:16 PM  
**To:** Nona Tobin <nonatobin@gmail.com>  
**Cc:** Andrea W. Eshenbaugh <andrea@kskdllaw.com>  
**Subject:** Proposed Order

Good afternoon, Ms. Tobin:

Following up on the hearing held several months ago on your motion filed on May 30, 2022, attached please find a proposed order incorporating the court's findings/rulings from the July 7th hearing. (And I apologize for the delay but, among other things, it took a couple of months to get the transcript.)

Please let me know if you approve of the form of the order, and if so, please sign and date to indicate your approval. We will plan to submit the order to the court on January 3, 2023.

Thank you, and happy holidays.

**Steve Scow**

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107 | M: (702) 606-6057  
[sscow@kskdllaw.com](mailto:sscow@kskdllaw.com)



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 1/9/2023

15 David Koch dkoch@kskdllaw.com

16 Steven Scow sscow@kskdllaw.com

17 Andrea Eshenbaugh andrea@kskdllaw.com

18 John Thomson johnwthomson@ymail.com

19 Daniel Scow dscow@kskdllaw.com

20 Nona Tobin nonatobin@gmail.com

21 Carla Llarena carla.llarena@troutman.com

22 Aaron Lancaster aaron.lancaster@troutman.com

23 Paula Lamprea jwtlaw@ymail.com

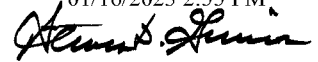
24 Vanessa Turley vanessa.turley@troutman.com

25 Master Calendaring litigationdocketrequests@troutman.com

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|---------------------------|--|
| Kerry Faughnan            | <a href="mailto:kerry.faughnan@gmail.com">kerry.faughnan@gmail.com</a>         |
| Tracy Bowling             | <a href="mailto:tracy.bowling@troutman.com">tracy.bowling@troutman.com</a>     |
| Troutman OC Court Notices | <a href="mailto:OCCcourtnotices@troutman.com">OCCcourtnotices@troutman.com</a> |

  
CLERK OF THE COURT

David R. Koch (Nevada Bar No. 8830)  
Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
KING SCOW KOCH DURHAM, LLC  
11500 S. Eastern Ave., Suite 210  
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dkoch@kskdllaw.com  
dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;  
  
Plaintiff,

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: 8

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ENTERED ON NOVEMBER 30, 2021 AND  
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**AND**

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Hearing Date: July 7, 2022

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14 **FINDINGS OF FACT**

15 The Court makes the following findings of fact based upon the evidence presented through  
16 the parties' motions and accompanying declarations and supporting exhibits:

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7 pending at the time the instant action was filed.

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19 reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing  
20 her motion that day or re-scheduling it to allow her as much time as she thought she needed.  
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6 vexatious litigant.” The Court entered its order on May 25, 2022.

7 14. Red Rock did not oppose any party’s request for the Excess Proceeds except to  
8 claim attorneys’ fees and costs.

9 15. Despite the Court’s limitation and instruction regarding what relief Tobin could  
10 seek from the Court, Tobin filed the instant Motion days after the May 25, 2022 order, and Tobin  
11 is once again seeking to hold Red Rock, and attorney Steven Scow personally liable for attorney  
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13 entered by the District Court. These claims were previously denied, and Tobin provides no legal  
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18 the decision to dismiss the Second Action with prejudice on the grounds of claim preclusion.

19 17. Red Rock filed a Notice of Appellate Decision the same day to notify the Court and  
20 all parties that the decision had been entered.

21 18. At the time of hearing, Tobin confirmed on the record that she reviewed the Order  
22 of Affirmance. Nonetheless, Tobin argued her Motion in seeking over thousands and thousands of  
23 dollars from Red Rock and its counsel, personally.

24 19. The Court finds Tobin’s Motion lacked merit, especially in light of the Order of  
25 Affirmance.

#### 26 **CONCLUSIONS OF LAW**

27 The Court makes the following conclusions of law based upon its analysis of the relevant  
28 legal authorities as they apply to the uncontroverted facts set forth herein.

REPLACEMENT SIGNATURE PAGE FOLLOWS

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS ~~180.010~~ <sup>18.010</sup> and EDCR 7.60, Red Rock is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

**ORDER**

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**

1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees.

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution.

IT IS SO ORDERED.

Dated this 16th day of January, 2023



DISTRICT COURT JUDGE

D4A 028 2051 5619  
Jessica K. Peterson  
District Court Judge

Submitted by:

Approved as to Form and Content:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

Dated this \_\_\_\_ day of \_\_\_\_

~~NO RESPONSE~~

The Court notes that the original Order that was signed included an e-mail indicating that there had been no response from Ms. Tobin. As the Order comported with the Court's Findings and Order, the Court signed it. The Court has now received and reviewed Ms. Tobin's comments and therefore deletes the "no response" language on the signature pg. but denies all of Ms. Tobin's proposed changes as they are legally incorrect and/or contain argument from her and are not Findings or Orders made by the Court.

**Subject:** Re: Proposed Order  
**Date:** Wednesday, December 28, 2022 at 8:23:46 AM Pacific Standard Time  
**From:** Andrea W. Eshenbaugh  
**To:** Nona Tobin  
**CC:** Steven B. Scow  
**Attachments:** PastedGraphic-2.png, image001.png, 2022.07.07 Transcript of Hearing.pdf

Ms. Tobin,

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**Andrea W. Eshenbaugh - Legal Assistant**

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107  
andrea@kskdllaw.com

---

**From:** Steven B. Scow <sscow@kskdllaw.com>  
**Date:** Friday, December 23, 2022 at 2:16 PM  
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Good afternoon, Ms. Tobin:

Following up on the hearing held several months ago on your motion filed on May 30, 2022, attached please find a proposed order incorporating the court's findings/rulings from the July 7th hearing. (And I apologize for the delay but, among other things, it took a couple of months to get the transcript.)

Please let me know if you approve of the form of the order, and if so, please sign and date to indicate your approval. We will plan to submit the order to the court on January 3, 2023.

Thank you, and happy holidays.

**Steve Scow**

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107 | M: (702) 606-6057  
[sscow@kskdllaw.com](mailto:sscow@kskdllaw.com)

**CORRECTED SIGNATURE PAGE**

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS 180.010 and EDCR 7.60, Red Rock is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

**ORDER**

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**

1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees.

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution.

IT IS SO ORDERED.

---

**DISTRICT COURT JUDGE**

Approved as to Form and Content:

Dated this \_\_\_\_ day of \_\_\_\_\_

Refused to sign. See attached for objections to order's failure to accurately state the facts.

Nona Tobin

Submitted by:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

---

Wells Fargo, N.A.

---

Nationstar Mortgage, LLC

David R. Koch (Nevada Bar No. 8830)  
 Steven B. Scow (Nevada Bar No. 9906)  
 Daniel G. Scow (Nevada Bar No. 14614)  
 KING SCOW KOCH DURHAM, LLC  
 11500 S. Eastern Ave., Suite 210  
 Henderson, NV 89052  
 Telephone: (702) 833-1100  
 Facsimile: (702) 833-1107  
 dkoch@kskdllaw.com  
 dscow@kskdllaw.com

*Attorneys for Plaintiff  
 Red Rock Financial Services*

**This draft obfuscates that this is no ordinary interpleader case where a neutral, disinterested party sues parties with competing interests in the funds, and then those parties litigate over funds deposited with the court over who the funds actually belong to. This is a case of conversion**

**On 8/28/14, Red Rock gave Steven Scow the excess proceeds check to remit to the court for interpleader. No funds were given to Scow in trust. No explanation was given for how, or on what authority or for what purpose, a 2014 check made out to the court was converted into Scow's "attorney trust account".**

**See additional notes attached to the final page.**

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, ~~LLC~~;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
 Trustee of the GORDON B. HANSEN TRUST  
 DATED 8/22/08; REPUBLIC SERVICES,  
 INC. a Nevada corporation; WELLS FARGO,  
 N.A., a national banking association;  
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 Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
 Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, ~~LLC~~;  
 Counter-Defendant.

NONA TOBIN, as an individual;  
 Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
 Dept.: VIII

**ORDER GRANTING IN PART AND  
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 SECOND AMENDED MOTION FOR AN  
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 TOBIN AND MOTION FOR ATTORNEY  
 FEES AND COSTS PURSUANT TO NRS  
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 ENTERED ON NOVEMBER 30, 2021 AND  
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**AND**

**NON-PARTY  
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 FINANCIAL SERVICES' LLC'S  
 COUNTERMOTION FOR ABUSE OF  
 PROCESS; FOR A VEXATIOUS  
 LITIGANT RESTRICTIVE ORDER  
 AGAINST NONA TOBIN AND FOR  
 ATTORNEY FEES AND COSTS**

**AND DENYING TOBIN'S MOTIONS TO  
 STRIKE NON-PARTY FILINGS AND TO  
 GRANT PROPOSED FINAL ORDER AS  
 UNOPPOSED**

association; NATIONSTAR MORTGAGE, LLC, a Delaware company; and DOES 1-100;

Cross-Defendants

On July 7, 2022, Nona Tobin's SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 (the "Motion") came on for hearing in this Court. The Court also heard Red Rock Financial Services' LLC'S Opposition and COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS. After reviewing and considering the points and authorities submitted, and upon hearing and considering oral argument of counsel, the Court has determined as follows:

### **FINDINGS OF FACT**

The Court makes the following findings of fact based upon the evidence presented through the parties' motions and accompanying declarations and supporting exhibits:

#### **both in her individual capacity and**

1. On January 31, 2017, Tobin, in her capacity as the trustee of the Gordon B. Hansen Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"), claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the "Property"), which sale occurred on August 15, 2014. **& wrongfully kept the excess proceeds**

2. On April 17, 2019, the court in that First Action signed an order granting the HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts evidence that the HOA properly followed the processes and procedures in foreclosing upon the Property." **order relied on Red Rock's falsified records & accounts & Tobin's evidence was stricken. 1st court failed to conduct the evidentiary hearing required by NRS 40.110**

3. Tobin appealed the decision in the First Action, which appeal was denied. **Tobin's individual appeal was unfairly dismissed.**

4. On August 8, 2019, Tobin filed another action against Red Rock alleging claims for quiet title, declaratory relief, and unjust enrichment against Red Rock, again claiming that the foreclosure sale was wrongful (the “Second Action”).

5. Red Rock filed a motion to dismiss the Second Action with prejudice, which was granted. **improper dismissed Tobin's 2nd claim for proceeds**

6. Tobin appealed the decision to dismiss the Second Action, which appeal was pending at the time the instant action was filed. **filed 3rd action, opposed Tobin's 3rd claim for proceeds**

7. After the Second Action was dismissed, Red Rock filed a complaint for interpleader thereby commencing this action (the “Third Action”).

8. Tobin filed a counterclaim against Red Rock in this Third Action, again alleging the 2014 foreclosure sale was wrongful.

9. Red Rock filed a motion to dismiss Tobin’s counterclaim in the Third Action, and this Court granted the same based on *res judicata* since these very same claims had been dismissed in both the First Action and Second Action. The Court entered its Order on September 10, 2021. Tobin then brought a motion to reconsider the Order granting the motion to dismiss.

10. Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a 24-page declaration in support of her motion, which essentially raised the same allegations Tobin had raised previously. On November 16, 2021, the Court held a hearing on Tobin's motion to reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing her motion that day or re-scheduling it to allow her as much time as she thought she needed. Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue her motion unimpeded.

11. After hearing argument of the parties and considering all the facts, this Court denied her motion to reconsider. The Court entered that Order on November 30, 2021.

12. Undeterred, Tobin brought another motion, asking yet again that the Property sale **motion for evidentiary hearing to set aside orders per NRCp 60(d)(3)** be unwound and that she be awarded fees and costs due.

13. Red Rock filed an opposition and a countermotion to have Tobin deemed a vexatious litigant. On January 19, 2022, the Court heard the matter and once again denied Tobin's

1 claims except for preserving her right to file a motion for the exclusive purpose of making a claim  
2 for the excess proceeds (the “Excess Proceeds”). In that hearing the Court made it abundantly  
3 clear that it was troubled by Tobin’s repeated filings and admonished her that “if Ms. Tobin  
4 continues to file seriatim motions with this Court that are devoid of legal merit, then the Court will  
5 have no other choice but to issue an order to show cause why Ms. Tobin should not be declared a  
6 vexatious litigant.” The Court entered its order on May 25, 2022.

7 14. Red Rock did not oppose any party’s request for the Excess Proceeds except to  
8 claim attorneys’ fees and costs. **non-party filed both in 3rd action**

9 15. Despite the Court’s limitation and instruction regarding what relief Tobin could  
10 seek from the Court, Tobin filed the instant Motion days after the May 25, 2022 order, and Tobin  
11 is once again seeking to hold Red Rock, and attorney Steven Scow personally liable for attorney  
12 fees and costs, interest on the Excess Proceeds, and Tobin is also seeking to correct prior orders  
13 entered by the District Court. These claims were previously denied, and Tobin provides no legal  
14 basis to support her Motion. Her claims are devoid of any legal merit and are the type of claims  
15 that this Court admonished her against bringing.

16 16. On June 30, 2022, a week before the hearing on the Motion, the Court of Appeals  
17 of the State of Nevada entered an Order of Affirmance in Case No. 82294-COA where it affirmed  
18 the decision to dismiss the Second Action with prejudice on the grounds of claim preclusion.

19 17. Red Rock filed a Notice of Appellate Decision the same day to notify the Court and  
20 all parties that the decision had been entered.

21 18. At the time of hearing, Tobin confirmed on the record that she reviewed the Order  
22 of Affirmance. Nonetheless, Tobin argued her Motion in seeking over thousands and thousands of  
23 dollars from Red Rock and its counsel, personally.

24 19. The Court finds Tobin’s Motion lacked merit, especially in light of the Order of  
25 Affirmance.

## 26 **CONCLUSIONS OF LAW**

27 The Court makes the following conclusions of law based upon its analysis of the relevant  
28 legal authorities as they apply to the uncontroverted facts set forth herein.

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock<sup>?</sup> to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS 180.010 and EDCR 7.60, Red Rock is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

## ORDER

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**

1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees.

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. **non-party LLC's** Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' **non-party LLC's** fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution.

IT IS SO ORDERED.

DISTRICT COURT JUDGE

Submitted by:

Approved as to Form and Content:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

Dated this \_\_\_\_\_ day of \_\_\_\_\_

**Refuse to sign. Grants motion of a non-party. Does not deny Tobin's motion to strike all filings of non-party or 6/27/22 motion to adopt proposed final order. Misstates the record and the facts.**

Nona Tobin

Findings of fact are inaccurate on the draft final order prepared by Steven Scow and given to Tobin for review on 12/23/22

1. Tobin filed in both capacities as an individual and as a trustee and for the excess proceeds and for quiet title because Red Rock sold the property without notice or authority after unlawfully rejecting assessments that cured the default.
2. The court order, dated 4/17/19, relied 100% on the false evidence produced by Red Rock and Nationstar and given to the court in place of the HOA's official records (HOA Board minutes and compliance records) and the Ombudsman's compliance records. On 12/19/22, I filed requests for judicial notice of the complaints that I filed with the State Bar regarding the falsification of records and accounts that Red Rock and the HOA attorneys gave to the court that resulted in this erroneous ruling. In fact, there is no verified evidence that supports the statement that the HOA properly followed the processes and procedures in foreclosing on the property. All of the verified evidence was suppressed by opposing counsels creating the false narrative that I was not granted leave to intervene.
3. Tobin's individual appeal was unfairly dismissed by NRAP 3A as her opponents' false narrative that she was not granted leave to intervene and not the real party in interest succeeded. The Hansen Trust appeal failed because Tobin's evidence was all suppressed and Red Rock's and Nationstar's was all false and falsified.
4. Tobin was forced to file 2nd action for quiet title to beat statute of limitation deadline after being forced out of the 1<sup>st</sup> action and not being allowed to defend her 3/28/17 deed. 2nd civil action for excess proceeds necessary because Scow refused to interplead them as instructed.
5. Red Rock would suffer no prejudice if Tobin got quiet title. Motion to dismiss 2<sup>nd</sup> action claim for excess proceeds was harassment. There was no other claimant and the HOA had been paid in full.
6. Dismissing the claim for excess proceeds was nonsense. Scow still had my money. Red Rock didn't possess the excess proceeds after Scow somehow converted them to his own account.
7. Scow filed interpleader 7 years after law required and after his client told him to. He filed it during the appeal of his unwarranted motion to dismiss her 2nd civil claim for the proceeds.
8. Fraud, Racketeering, Conversion & petition for sanctions were for the cover-up, the presenting false evidence to conceal that wrongful foreclosure & retention of excess proceeds were a corrupt business model that damaged many victims including the courts.
9. A Non-party filed the motion to dismiss. Also, they're new claims that could not have been brought before. There was no quiet title claim in the 3rd action. Tobin's intent is for the court to sanction corrupt enterprises.
10. non-party Red Rock LLC opposed it. DECL reiterated court record & showed no party had answered my 3/8/21 claims & petition for sanctions so EDCR 2.20 (e) applies, and showed that this is the 3rd court that is deciding without an evidentiary hearing. This is disingenuous. My repeated motions for an evidentiary hearing have been denied. This case cannot be fairly adjudicated if the court refuses to look at the evidence that the 1st action was unfair because there was no evidentiary hearing so the court relied solely on Red Rock's falsified records to give quiet title to Jimjack who didn't have an admissible deed & Nationstar who was lying about being the beneficiary.

11. also issued a 2nd order to rule that all Tobin's claims vs. Nationstar were precluded despite NRCP 12(a)(1)(B)
12. 12/14/21 motion for an evidentiary hearing to set aside order per NRCP 60(b)(3) and(d)(3). No. motion is for petition for sanctions to not be precluded. Sanction is to compensate for damages from lying to the court that obstructed a fair adjudication of my quiet title claim.
13. Non-party Red Rock LLC filed the opposition and countermotion. My claims are not devoid of legal merit. I am a whistleblower who cites substantial legal authority makes all declarations under penalty of perjury, & backs up claims with verified evidence.
14. Red Rock filed opposition in 2nd action and non-party Red Rock LLC filed in 3rd actions. Red Rock filed the successful motion to dismiss my claim for the excess proceeds in 2nd action for claims preclusion and failure to join the HOA as a necessary party.
15. Red Rock gave Scow a check to remit to court on 8/28/14. He converted that somehow to be in an account under his control. No one gave him permission to hold those funds for 8 years. "Tobin is also seeking to correct prior orders entered by the District Court. These claims were previously denied, and Tobin provides no legal basis to support her Motion"
16. this dismissed my claim for the excess proceeds as well.
17. and was filing a petition for rehearing.
18. n/a
19. n/a
20. If Red Rock did not oppose on 4/27/21, then the non-party did, and Red Rock didn't request fees, the non-party requested fees.
21. I moved the court to strike all rogue non-party filings & to grant my claims as unopposed EDCR 2.20(e).
22. Special damages are not appropriate as this is ruling that my request to strike non-party filings or pay interest on money unlawfully withheld from me for over 8 years was harassing Red Rock. Red Rock gave Scow a check to give the court
23. On 8/28/14. Scow did not ever give the check to the court and said he somehow got the money in his attorney trust account. Non-party LLC filed the motion for fees.



Nona Tobin <nonatobin@gmail.com>

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**Re: Nona Tobin's response was erroneously omitted from A-21-828840-C order entered on 1/9/23 with NEO 1/10/23**

1 message

---

**Nona Tobin** <nonatobin@gmail.com>

Tue, Jan 10, 2023 at 12:51 PM

To: "Steven B. Scow" <sscow@kskdllaw.com>

Cc: "DC8Inbox@clarkcountycourts.us" <DC8Inbox@clarkcountycourts.us>, "Andrea W. Eshenbaugh" <andrea@kskdllaw.com>, "vanessa.turley@troutman.com" <vanessa.turley@troutman.com>, "Trujillo, Athena" <TrujilloA@clarkcountycourts.us>

I'm sorry if I did it incorrectly. I met the extremely strict deadline you imposed. I filed the corrections to your draft order as exhibit 2 to the four motions included in my 1/03/23 filing (attached to the earlier email exchange; cover page below).

On 1/03/23 you filed a response that included a reference to my 1/03/23 motions which I interpreted as meaning you had read my opposition to your draft (exhibit 2) and my proposed alternative (exhibit 3).

Despite this unfortunate misunderstanding, I still want my opposition to be clearly articulated in the record as an attachment to an amended order. If this is the final order, then I am forced to appeal.

Also, does this action mean that the decision on my 1/03/23 motions scheduled for the court to make in chambers on 2/8/23 has actually already been made?

Thank you.



MOT  
NONA TOBIN, AN INDIVIDUAL  
2664 Olivia Heights Avenue  
Henderson NV 89052  
Phone: (702) 465-2199  
nonatobin@gmail.com  
In Proper Person

DISTRICT COURT  
CLARK COUNTY, NEVADA

RED ROCK FINANCIAL SERVICES,

Plaintiff,

vs.

NONA TOBIN, AN INDIVIDUAL and as  
Trustee of the GORDON B. HANSEN TRUST,  
dated 8/22/08; REPUBLIC SERVICES, INC. a  
Nevada Corporation; WELLS FARGO, N.A.; a  
national banking association; NATIONSTAR  
MORTGAGE, LLC, a Delaware company; and  
DOES 1-100;

Defendants.

NONA TOBIN, AN INDIVIDUAL,  
Counter-Claimant,

vs.

RED ROCK FINANCIAL SERVICES  
Counter-Defendant

NONA TOBIN, AN INDIVIDUAL;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-100;

Cross-Defendants

Case No.: A-21-828840-C  
Dept.: 8

**HEARING NOT REQUESTED**

- 1) Motion To Withdraw Tobin's Motion  
For An Order To Show Cause Why  
Written Findings Of Attorney  
Misconduct Should Not Be Forwarded  
To The State Bar

And

- 2) Motion To Withdraw Tobin's  
Counter-Claims And Cross-Claims vs.  
Red Rock, Nationstar And Wells  
Fargo

And

- 3) Motion To Modify Grounds For  
Tobin's Petitions For Sanctions vs.  
Red Rock and Nationstar To Include  
NRS 357.040(1(a),(b),(i), and NRS  
199.210, NRS 205.0824 and NRS  
205.0833, and NRS 41.1395

And

- 4) Motion To Adopt Tobin's Proposed  
Final Judgment Order

Red Rock Financial Services ("Red Rock") hereby responds to Defendant /  
Counterclaimant *Nona Tobin's Motion for An Order to Show Cause why Written Findings of  
Attorney Misconduct Should Not be Forwarded to the State Bar* (the "Motion").

As reflected in the docket earlier today, Ms. Tobin has filed a request to withdraw  
the Motion. Red Rock has no opposition to this withdrawal, but out of an abundance of  
caution, Red Rock notes for the Court that the Motion has no basis in law or in fact and  
should not have been filed in the first place.

DATED: January 3, 2023.

**KING SCOW KOCH DURHAM, LLC**

/s/ Steven B. Scow  
Steven B. Scow, Esq.  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052  
*Attorney for Red Rock Financial Services*

Nona Tobin  
(702) 465-2199

On Tue, Jan 10, 2023 at 11:24 AM Steven B. Scow <sscow@kskdllaw.com> wrote:

Ms. Tobin - I never received a response, other than your email on 12/23/2022 where you stated the following (see below in red):

"Did you get the transcript? I ordered it on the day of the hearing but never got it. Could you send it to me please?"

We then sent you a copy of the transcript and didn't hear anything further, which is why we noted "No Response" by your signature line -  
we will not be submitting anything on your behalf, and we noted for the court in our submittal that you may be submitting your own  
proposed order.

Thanks.

**Steve Scow**

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107 | M: (702) 606-6057  
sscow@kskdllaw.com

KING SCOW  
KOCH DURHAM

On Jan 10, 2023, at 10:55 AM, Nona Tobin <nonatobin@gmail.com> wrote:

Don't you think it's a little disingenuous to say "no response" where my signature should be given that I did respond by  
filing the corrections to the order Steven Scow drafted below at 2:23 AM on 1/03/23. This was an amazingly quick  
turnaround for my response, since Steven Scow took over five months to give me his draft of the 7/7/22 order, and he  
gave it to me on 12/23/22 at 2 PM and told me I had only the week over Christmas and New Year's to respond.

Please note that the other parties, Nationstar and Wells Fargo, were not given a review copy to sign off on.

Please put "Refused to sign. See attached" on my signature line on the order, and attach this email to the amended order and notice of entry so my objections are properly noted with the order in the court record.

Thank you.

<image.png>

<image.png>

<image.png>

<image.png>

<image.png>

<image.png>

**Nona Tobin**  
**(702) 465-2199**

<230103 Nona Tobin's motions to withdraw and consolidate claims.pdf>

**Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Motion - MOT (CIV), Envelope Number: 11080645**

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Tue, Jan 3, 2023 at 2:24 AM

**Notification of Service**

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs.  
Nona Tobin, Defendant(s)  
Envelope Number: 11080645

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/3/2023 2:23 AM PST   |
| Filing Type         | Motion - MOT (CIV)   |
| Filing Description  | Nona Tobin's motions to withdraw and consolidate claims  |
| Filed By            | NONA TOBIN   |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwtlaw@ymail.com)</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> <p>Vanessa Turley (vanessa.turley@troutman.com)</p> |

Carla Llarena (carla.llarena@troutman.com)

Master Calendaring (litigationdocketrequests@troutman.com)

Tracy Bowling (tracy.bowling@troutman.com)

Troutman OC Court Notices (OCCcourtnotices@troutman.com)

Other Service Contacts not associated with a party on the case:

Aaron Lancaster (aaron.lancaster@troutman.com)

| Document Details                 |                                   |
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# Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Response - RSPN (CIV), Envelope Number: 11087357

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Tue, Jan 3, 2023 at 4:31 PM



## Notification of Service

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs.  
Nona Tobin, Defendant(s)  
Envelope Number: 11087357

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/3/2023 4:30 PM PST   |
| Filing Type         | Response - RSPN (CIV)  |
| Filing Description  | Response to Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar   |
| Filed By            | David Koch   |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwtlaw@ymail.com)</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> |

|  |  |
|--|--|
|  | <p>Vanessa Turley (vanessa.turley@troutman.com)</p> <p>Carla Llarena (carla.llarena@troutman.com)</p> <p>Master Calendaring (litigationdocketrequests@troutman.com)</p> <p>Tracy Bowling (tracy.bowling@troutman.com)</p> <p>Troutman OC Court Notices (OCCcourtnotices@troutman.com)</p> <p>Other Service Contacts not associated with a party on the case:</p> <p>Aaron Lancaster (aaron.lancaster@troutman.com)</p> |
|--|--|

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# Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Clerk's Notice of Hearing - CNOC (CIV), Envelope Number: 11110006

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Fri, Jan 6, 2023 at 2:21 PM



## Notification of Service

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs.  
Nona Tobin, Defendant(s)  
Envelope Number: 11110006

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/6/2023 2:20 PM PST   |
| Filing Type         | Clerk's Notice of Hearing - CNOC (CIV)   |
| Filing Description  | Notice of Hearing  |
| Filed By            | Kadira Beckom  |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwtlaw@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> <p>Vanessa Turley (vanessa.turley@troutman.com)</p> |

Carla Llarena (carla.llarena@troutman.com)

Master Calendaring (litigationdocketrequests@troutman.com)

Tracy Bowling (tracy.bowling@troutman.com)

Troutman OC Court Notices (OCCcourtnotices@troutman.com)

Other Service Contacts not associated with a party on the case:

Aaron Lancaster (aaron.lancaster@troutman.com)

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# Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Notice of Entry of Order - NEOJ (CIV), Envelope Number: 11123331

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Tue, Jan 10, 2023 at 8:41 AM



## Notification of Service

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  
Envelope Number: 11123331

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/10/2023 8:40 AM PST  |
| Filing Type         | Notice of Entry of Order - NEOJ (CIV)  |
| Filing Description  | Notice of Entry of Order   |
| Filed By            | David Koch   |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwtlaw@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> <p>Vanessa Turley (vanessa.turley@troutman.com)</p> |

Master Calendaring (litigationdocketrequests@troutman.com)

Tracy Bowling (tracy.bowling@troutman.com)

Troutman OC Court Notices (OCCcourtnotices@troutman.com)

Carla Llarena (carla.llarena@troutman.com)

Other Service Contacts not associated with a party on the case:

Aaron Lancaster (aaron.lancaster@troutman.com)

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Nona Tobin <nonatobin@gmail.com>

---

**Nona Tobin's response was erroneously omitted from A-21-828840-C order entered on 1/9/23 with NEO 1/10/23**

1 message

---

**Nona Tobin** <nonatobin@gmail.com>

Tue, Jan 10, 2023 at 10:55 AM

To: "Steven B. Scow" <sscow@kskdllaw.com>, DC8Inbox@clarkcountycourts.us

Cc: andrea@kskdllaw.com, vanessa.turley@troutman.com

Don't you think it's a little disingenuous to say "no response" where my signature should be given that I did respond by filing the corrections to the order Steven Scow drafted below at 2:23 AM on 1/03/23. This was an amazingly quick turnaround for my response, since Steven Scow took over five months to give me his draft of the 7/7/22 order, and he gave it to me on 12/23/22 at 2 PM and told me I had only the week over Christmas and New Year's to respond.

Please note that the other parties, Nationstar and Wells Fargo, were not given a review copy to sign off on.

Please put "Refused to sign. See attached" on my signature line on the order, and attach this email to the amended order and notice of entry so my objections are properly noted with the order in the court record.

Thank you.

David R. Koch (Nevada Bar No. 8830)  
Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
KING SCOW KOCH DURHAM, LLC  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052  
Telephone: (702) 833-1100  
Facsimile: (702) 833-1107  
dkoch@kskdllaw.com  
dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

This draft obfuscates that this is no ordinary interpleader case where a neutral, disinterested party sues parties with competing interests in the funds, and then those parties litigate over funds deposited with the court over who the funds actually belong to. This is a case of conversion

On 8/28/14, Red Rock gave Steven Scow the excess proceeds check to remit to the court for interpleader. No funds were given to Scow in trust. No explanation was given for how, or on what authority or for what purpose, a 2014 check made out to the court was converted into Scow's "attorney trust account".

See additional notes attached to the final page.

## DISTRICT COURT

### CLARK COUNTY, NEVADA

RED ROCK FINANCIAL SERVICES, ~~LLC~~;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, ~~LLC~~;  
Counter-Defendant.

NONA TOBIN, as an individual;

Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: VIII

**ORDER GRANTING IN PART AND  
DENYING IN PART NONA TOBIN'S  
SECOND AMENDED MOTION FOR AN  
ORDER TO DISTRIBUTE  
INTERPLEADED FUNDS WITH  
INTEREST TO SOLE CLAIMANT NONA  
TOBIN AND MOTION FOR ATTORNEY  
FEES AND COSTS PURSUANT TO NRS  
18.010(2) AND EDCR 7.60(b)(1) AND (3)  
AND MOTION TO CORRECT NUNC PRO  
TUNC NOTICES OF ENTRY OF ORDERS  
ENTERED ON NOVEMBER 30, 2021 AND  
MAY 25, 2022**

**AND**

**NON-PARTY  
GRANTING IN PART RED ROCK  
FINANCIAL SERVICES' LLC'S  
COUNTERMOTION FOR ABUSE OF  
PROCESS; FOR A VEXATIOUS  
LITIGANT RESTRICTIVE ORDER  
AGAINST NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS  
AND DENYING TOBIN'S MOTIONS TO  
STRIKE NON-PARTY FILINGS AND TO  
GRANT PROPOSED FINAL ORDER AS  
UNOPPOSED**

association; NATIONSTAR MORTGAGE, LLC, a Delaware company; and DOES 1-100;

## Cross-Defendants

On July 7, 2022, Nona Tobin's SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 (the "Motion") came on for hearing in this Court. The Court also heard Red Rock Financial Services' LLC'S Opposition and COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS. After reviewing and considering the points and authorities submitted, and upon hearing and considering oral argument of counsel, the Court has determined as follows:

### FINDINGS OF FACT

The Court makes the following findings of fact based upon the evidence presented through the parties' motions and accompanying declarations and supporting exhibits:

**both in her individual capacity and**  
1. On January 31, 2017, Tobin, in her capacity as the trustee of the Gordon B. Hansen Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"), claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the "Property"), which sale occurred on August 15, 2014. **&wrongfully kept the excess proceeds**

2. On April 17, 2019, the court in that First Action signed an order granting the HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts evidence that the HOA properly followed the processes and procedures in foreclosing upon the Property." **order relied on Red Rock's falsified records & accounts & Tobin's evidence was stricken. 1st court failed to conduct the evidentiary hearing required by NRS 40.110**

3. Tobin appealed the decision in the First Action, which appeal was denied. **Tobin's individual appeal was unfairly dismissed.**

4. On August 8, 2019, Tobin filed another action against Red Rock alleging claims for quiet title, declaratory relief, and unjust enrichment against Red Rock, again claiming that the foreclosure sale was wrongful (the “Second Action”).

5. Red Rock filed a motion to dismiss the Second Action with prejudice, which was granted. **improper dismissed Tobin's 2nd claim for proceeds**

6. Tobin appealed the decision to dismiss the Second Action, which appeal was pending at the time the instant action was filed. **filed 3rd action, opposed Tobin's 3rd claim for proceeds**

7. After the Second Action was dismissed, Red Rock filed a complaint for interpleader thereby commencing this action (the “Third Action”).

8. Tobin filed a counterclaim against Red Rock in this Third Action, again alleging the 2014 foreclosure sale was wrongful.

9. Red Rock filed a motion to dismiss Tobin's counterclaim in the Third Action, and this Court granted the same based on *res judicata* since these very same claims had been dismissed in both the First Action and Second Action. The Court entered its Order on September 10, 2021. Tobin then brought a motion to reconsider the Order granting the motion to dismiss.

10. Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a 24-page declaration in support of her motion, which essentially raised the same allegations Tobin had raised previously. On November 16, 2021, the Court held a hearing on Tobin's motion to reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing her motion that day or re-scheduling it to allow her as much time as she thought she needed. Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue her motion unimpeded.

11. After hearing argument of the parties and considering all the facts, this Court denied her motion to reconsider. The Court entered that Order on November 30, 2021.

12. Undeterred, Tobin brought another motion, asking yet again that the Property sale **motion for evidentiary hearing to set aside orders per NRCP 60(d)(3)** be unwound and that she be awarded fees and costs due.

13. Red Rock filed an opposition and a counter motion to have Tobin deemed a vexatious litigant. On January 19, 2022, the Court heard the matter and once again denied Tobin's

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock<sup>?</sup> did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock<sup>?</sup> to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS 180.010 and EDCR 7.60, Red Rock **non-party LLC's** is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock<sup>?</sup> shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

### **ORDER**

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**

1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees. **non-party LLC's**

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution. **non-party LLC's**

IT IS SO ORDERED.

### **DISTRICT COURT JUDGE**

Submitted by:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

Approved as to Form and Content:

Dated this       day of

**Refuse to sign. Grants motion of a non-party.  
Does not deny Tobin's motion to strike all  
filings of non-party or 6/27/22 motion to adopt  
proposed final order. Misstates the record and  
the facts.**

Nona Tobin

Findings of fact are inaccurate on the draft final order prepared by Steven Scow and given to Tobin for review on 12/23/22

1. Tobin filed in both capacities as an individual and as a trustee and for the excess proceeds and for quiet for quiet title because Red Rock sold the property without notice or authority after unlawfully rejecting assessments that cured the default.
2. The court order, dated 4/17/19, relied 100% on the false evidence produced by Red Rock and Nationstar and given to the court in place of the HOA's official records (HOA Board minutes and compliance records) and the Ombudsman's compliance records. On 12/19/22, I filed requests for judicial notice of the complaints that I filed with the State Bar regarding the falsification of records and accounts that Red Rock and the HOA attorneys gave to the court that resulted in this erroneous ruling. In fact, there is no verified evidence that supports the statement that the HOA properly followed the processes and procedures in foreclosing on the property. All of the verified evidence was suppressed by opposing counsels creating the false narrative that I was not granted leave to intervene.
3. Tobin's individual appeal was unfairly dismissed by NRAP 3A as her opponents' false narrative that she was not granted leave to intervene and not the real party in interest succeeded. The Hansen Trust appeal failed because Tobin's evidence was all suppressed and Red Rock's and Nationstar's was all false and falsified.
4. Tobin was forced to file 2nd action for quiet title to beat statute of limitation deadline after being forced out of the 1<sup>st</sup> action and not being allowed to defend her 3/28/17 deed. 2nd civil action for excess proceeds necessary because Scow refused to interplead them as instructed.
5. Red Rock would suffer no prejudice if Tobin got quiet title. Motion to dismiss 2<sup>nd</sup> action claim for excess proceeds was harassment. There was no other claimant and the HOA had been paid in full.
6. Dismissing the claim for excess proceeds was nonsense. Scow still had my money. Red Rock didn't possess the excess proceeds after Scow somehow converted them to his own account.
7. Scow filed interpleader 7 years after law required and after his client told him to. He filed it during the appeal of his unwarranted motion to dismiss her 2nd civil claim for the proceeds.
8. Fraud, Racketeering, Conversion & petition for sanctions were for the cover-up, the presenting false evidence to conceal that wrongful foreclosure & retention of excess proceeds were a corrupt business model that damaged many victims including the courts.
9. A Non-party filed the motion to dismiss. Also, they're new claims that could not have been brought before. There was no quiet title claim in the 3rd action. Tobin's intent is for the court to sanction corrupt enterprises.
10. non-party Red Rock LLC opposed it. DECL reiterated court record & showed no party had answered my 3/8/21 claims & petition for sanctions so EDCR 2.20 (c) applies, and showed that this is the 3rd court that is deciding without an evidentiary hearing. This is disingenuous. My repeated motions for an evidentiary hearing have been denied. This case cannot be fairly adjudicated if the court refuses to look at the evidence that the 1st action was unfair because there was no evidentiary hearing so the court relied solely on Red Rock's falsified records to give quiet title to JimiJack who didn't have an admissible deed & Nationstar who was lying about being the beneficiary.

11. also issued a 2nd order to rule that all Tobin's claims vs. Nationstar were precluded despite NRCP 12(a)(1)(B)
12. 12/14/21 motion for an evidentiary hearing to set aside order per NRCP 60(b)(3) and(d)(3). No. motion is for petition for sanctions to not be precluded. Sanction is to compensate for damages from lying to the court that obstructed a fair adjudication of my quiet title claim.
13. Non-party Red Rock LLC filed the opposition and countermotion. My claims are not devoid of legal merit. I am a whistleblower who cites substantial legal authority makes all declarations under penalty of perjury, & backs up claims with verified evidence.
14. Red Rock filed opposition in 2nd action and non-party Red Rock LLC filed in 3rd actions. Red Rock filed the successful motion to dismiss my claim for the excess proceeds in 2nd action for claims preclusion and failure to join the HOA as a necessary party.
15. Red Rock gave Scow a check to remit to court on 8/28/14. He converted that somehow to be in an account under his control. No one gave him permission to hold those funds for 8 years. "Tobin is also seeking to correct prior orders entered by the District Court. These claims were previously denied, and Tobin provides no legal basis to support her Motion"
16. this dismissed my claim for the excess proceeds as well.
17. and was filing a petition for rehearing.
18. n/a
19. n/a
20. If Red Rock did not oppose on 4/27/21, then the non-party did, and Red Rock didn't request fees, the non-party requested fees.
21. I moved the court to strike all rogue non-party filings & to grant my claims as unopposed EDCR 2.20(c).
22. Special damages are not appropriate as this is ruling that my request to strike non-party filings or pay interest on money unlawfully withheld from me for over 8 years was harassing Red Rock. Red Rock gave Scow a check to give the court
23. On 8/28/14. Scow did not ever give the check to the court and said he somehow got the money in his attorney trust account. Non-party LLC filed the motion for fees.

**Nona Tobin**  
**(702) 465-2199**

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 Red Rock Financial Services,  
7 Plaintiff(s)

8 vs.

9 Nona Tobin, Defendant(s)

CASE NO: A-21-828840-C

DEPT. NO. Department 8

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 1/16/2023

16 David Koch

dkoch@kskdllaw.com

17 Steven Scow

sscow@kskdllaw.com

18 Andrea Eshenbaugh

andrea@kskdllaw.com

19 John Thomson

johnwthomson@ymail.com

20 Daniel Scow

dscow@kskdllaw.com

21 Nona Tobin

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22 Kerry Faughnan

kerry.faughnan@gmail.com

23 Carla Llarena

carla.llarena@troutman.com

24 Aaron Lancaster

aaron.lancaster@troutman.com

25 Paula Lamprea

jwtlaw@ymail.com

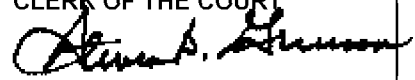
26 Vanessa Turley

vanessa.turley@troutman.com

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|                           |                                       |
|---------------------------|---------------------------------------|
| Master Calendaring        | litigationdocketrequests@troutman.com |
| Tracy Bowling             | tracy.bowling@troutman.com            |
| Troutman OC Court Notices | OCCcourtnotices@troutman.com          |



David R. Koch (Nevada Bar No. 8830)  
Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
KING SCOW KOCH DURHAM, LLC  
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dkoch@kskdllaw.com  
dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;  
Plaintiff,  
vs.

Case No.: A-21-828840-C  
Dept.: 8

**NOTICE OF ENTRY OF ORDER**

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN  
TRUST DATED 8/22/08; REPUBLIC  
SERVICES, INC. a Nevada corporation;  
WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-  
100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

1 association; NATIONSTAR MORTGAGE,  
2 LLC, a Delaware company; and DOES 1-  
3 100;

4 Cross-Defendants

5 PLEASE TAKE NOTICE that the *ORDER GRANTING IN PART AND DENYING*  
6 *IN PART NONA TOBIN'S SECOND AMENDED MOTION FOR AN ORDER TO*  
7 *DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT*  
8 *NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO*  
9 *NRS 18.010(2) AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC*  
10 *PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021*  
11 *AND MAY 25, 2022 and GRANTING IN PART RED ROCK FINANCIAL SERVICES'*  
12 *COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS LITIGANT*  
13 *RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND*  
14 *COSTS* was entered in the above-referenced matter on January 16, 2023, a copy of which  
15 is attached hereto.

16 DATED: January 17, 2023.

KING SCOW KOCH DURHAM, LLC

17 /s/Steven B. Scow

18 Steven B. Scow, Esq.

19 11500 S. Eastern Ave., Suite 210

20 Henderson, NV 89052

21 *Attorney for Red Rock Financial Services*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I certify that on January 17, 2023, I caused the foregoing document entitled: **NOTICE OF ENTRY OF ORDER**, to be electronically filed and served with the Eighth Judicial District Court, County of Clark, State of Nevada EFile system.

Executed on January 17, 2023 at Henderson, Nevada.

/s/ Andrea Eshenbaugh  
King Scow Koch Durham, LLC

David R. Koch (Nevada Bar No. 8830)  
Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
KING SCOW KOCH DURHAM, LLC  
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dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;  
  
Plaintiff,

Case No.: A-21-828840-C  
Dept.: 8

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

**ORDER GRANTING IN PART AND  
DENYING IN PART NONA TOBIN'S  
SECOND AMENDED MOTION FOR AN  
ORDER TO DISTRIBUTE  
INTERPLEADED FUNDS WITH  
INTEREST TO SOLE CLAIMANT NONA  
TOBIN AND MOTION FOR ATTORNEY  
FEES AND COSTS PURSUANT TO NRS  
18.010(2) AND EDCR 7.60(b)(1) AND (3)  
AND MOTION TO CORRECT NUNC PRO  
TUNC NOTICES OF ENTRY OF ORDERS  
ENTERED ON NOVEMBER 30, 2021 AND  
MAY 25, 2022**

**AND**

**GRANTING IN PART RED ROCK  
FINANCIAL SERVICES'  
COUNTERMOTION FOR ABUSE OF  
PROCESS; FOR A VEXATIOUS  
LITIGANT RESTRICTIVE ORDER  
AGAINST NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS**

Hearing Date: July 7, 2022

1 association; NATIONSTAR MORTGAGE,  
2 LLC, a Delaware company; and DOES 1-100;

3 Cross-Defendants

4 On July 7, 2022, Nona Tobin's SECOND AMENDED MOTION FOR AN ORDER TO  
5 DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA  
6 TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2)  
7 AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES  
8 OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 (the  
9 "Motion") came on for hearing in this Court. The Court also heard Red Rock Financial Services'  
10 Opposition and COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS  
11 LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES  
12 AND COSTS. After reviewing and considering the points and authorities submitted, and upon  
13 hearing and considering oral argument of counsel, the Court has determined as follows:

14 **FINDINGS OF FACT**

15 The Court makes the following findings of fact based upon the evidence presented through  
16 the parties' motions and accompanying declarations and supporting exhibits:

17 1. On January 31, 2017, Tobin, in her capacity as the trustee of the Gordon B. Hansen  
18 Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community  
19 Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"),  
20 claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence  
21 owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the  
22 "Property"), which sale occurred on August 15, 2014.

23 2. On April 17, 2019, the court in that First Action signed an order granting the  
24 HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts  
25 evidence that the HOA properly followed the processes and procedures in foreclosing upon the  
26 Property."

27 3. Tobin appealed the decision in the First Action, which appeal was denied.  
28

1           4.       On August 8, 2019, Tobin filed another action against Red Rock alleging claims for  
2 quiet title, declaratory relief, and unjust enrichment against Red Rock, again claiming that the  
3 foreclosure sale was wrongful (the “Second Action”).

4           5.       Red Rock filed a motion to dismiss the Second Action with prejudice, which was  
5 granted.

6           6.       Tobin appealed the decision to dismiss the Second Action, which appeal was  
7 pending at the time the instant action was filed.

8           7.       After the Second Action was dismissed, Red Rock filed a complaint for  
9 interpleader thereby commencing this action (the “Third Action”).

10          8.       Tobin filed a counterclaim against Red Rock in this Third Action, again alleging  
11 the 2014 foreclosure sale was wrongful.

12          9.       Red Rock filed a motion to dismiss Tobin’s counterclaim in the Third Action, and  
13 this Court granted the same based on *res judicata* since these very same claims had been  
14 dismissed in both the First Action and Second Action. The Court entered its Order on September  
15 10, 2021. Tobin then brought a motion to reconsider the Order granting the motion to dismiss.

16          10.      Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a  
17 24-page declaration in support of her motion, which essentially raised the same allegations Tobin  
18 had raised previously. On November 16, 2021, the Court held a hearing on Tobin’s motion to  
19 reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing  
20 her motion that day or re-scheduling it to allow her as much time as she thought she needed.  
21 Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue  
22 her motion unimpeded.

23          11.      After hearing argument of the parties and considering all the facts, this Court  
24 denied her motion to reconsider. The Court entered that Order on November 30, 2021.

25          12.      Undeterred, Tobin brought another motion, asking yet again that the Property sale  
26 be unwound and that she be awarded fees and costs due.

27          13.      Red Rock filed an opposition and a countermotion to have Tobin deemed a  
28 vexatious litigant. On January 19, 2022, the Court heard the matter and once again denied Tobin’s

1 claims except for preserving her right to file a motion for the exclusive purpose of making a claim  
2 for the excess proceeds (the “Excess Proceeds”). In that hearing the Court made it abundantly  
3 clear that it was troubled by Tobin’s repeated filings and admonished her that “if Ms. Tobin  
4 continues to file seriatim motions with this Court that are devoid of legal merit, then the Court will  
5 have no other choice but to issue an order to show cause why Ms. Tobin should not be declared a  
6 vexatious litigant.” The Court entered its order on May 25, 2022.

7 14. Red Rock did not oppose any party’s request for the Excess Proceeds except to  
8 claim attorneys’ fees and costs.

9 15. Despite the Court’s limitation and instruction regarding what relief Tobin could  
10 seek from the Court, Tobin filed the instant Motion days after the May 25, 2022 order, and Tobin  
11 is once again seeking to hold Red Rock, and attorney Steven Scow personally liable for attorney  
12 fees and costs, interest on the Excess Proceeds, and Tobin is also seeking to correct prior orders  
13 entered by the District Court. These claims were previously denied, and Tobin provides no legal  
14 basis to support her Motion. Her claims are devoid of any legal merit and are the type of claims  
15 that this Court admonished her against bringing.

16 16. On June 30, 2022, a week before the hearing on the Motion, the Court of Appeals  
17 of the State of Nevada entered an Order of Affirmance in Case No. 82294-COA where it affirmed  
18 the decision to dismiss the Second Action with prejudice on the grounds of claim preclusion.

19 17. Red Rock filed a Notice of Appellate Decision the same day to notify the Court and  
20 all parties that the decision had been entered.

21 18. At the time of hearing, Tobin confirmed on the record that she reviewed the Order  
22 of Affirmance. Nonetheless, Tobin argued her Motion in seeking over thousands and thousands of  
23 dollars from Red Rock and its counsel, personally.

24 19. The Court finds Tobin’s Motion lacked merit, especially in light of the Order of  
25 Affirmance.

#### 26 **CONCLUSIONS OF LAW**

27 The Court makes the following conclusions of law based upon its analysis of the relevant  
28 legal authorities as they apply to the uncontroverted facts set forth herein.

REPLACEMENT SIGNATURE PAGE FOLLOWS

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS ~~180.010~~ <sup>18.010</sup> and EDCR 7.60, Red Rock is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

**ORDER**

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**


1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees.

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution.

IT IS SO ORDERED.

Dated this 16th day of January, 2023



DISTRICT COURT JUDGE

D4A 028 2051 5619

Jessica K. Peterson  
District Court Judge

Submitted by:

Approved as to Form and Content:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

Dated this \_\_\_\_ day of \_\_\_\_

~~NO RESPONSE~~

The Court notes that the original Order that was signed included an e-mail indicating that there had been no response from Ms. Tobin. As the Order comported with the Court's Findings and Order, the Court signed it. The Court has now received and reviewed Ms. Tobin's comments and therefore deletes the "no response" language on the signature pg. but denies all of Ms. Tobin's proposed changes as they are legally incorrect and/or contain argument from her and are not Findings or Orders made by the Court.

**Subject:** Re: Proposed Order  
**Date:** Wednesday, December 28, 2022 at 8:23:46 AM Pacific Standard Time  
**From:** Andrea W. Eshenbaugh  
**To:** Nona Tobin  
**CC:** Steven B. Scow  
**Attachments:** PastedGraphic-2.png, image001.png, 2022.07.07 Transcript of Hearing.pdf

Ms. Tobin,

Attached is a copy of the hearing transcript Mr. Scow requested I forward to you. If you have any problems opening the attachment, please let me know.



**Andrea W. Eshenbaugh - Legal Assistant**

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107  
andrea@kskdllaw.com

---

**From:** Steven B. Scow <sscow@kskdllaw.com>  
**Date:** Friday, December 23, 2022 at 2:16 PM  
**To:** Nona Tobin <nonatobin@gmail.com>  
**Cc:** Andrea W. Eshenbaugh <andrea@kskdllaw.com>  
**Subject:** Proposed Order

Good afternoon, Ms. Tobin:

Following up on the hearing held several months ago on your motion filed on May 30, 2022, attached please find a proposed order incorporating the court's findings/rulings from the July 7th hearing. (And I apologize for the delay but, among other things, it took a couple of months to get the transcript.)

Please let me know if you approve of the form of the order, and if so, please sign and date to indicate your approval. We will plan to submit the order to the court on January 3, 2023.

Thank you, and happy holidays.

**Steve Scow**

King Scow Koch Durham LLC  
11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052  
T: (702) 833-1100 | F: (702) 833-1107 | M: (702) 606-6057  
[sscow@kskdllaw.com](mailto:sscow@kskdllaw.com)

**CORRECTED SIGNATURE PAGE**

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS 180.010 and EDCR 7.60, Red Rock is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

**ORDER**

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**

1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees.

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution.

IT IS SO ORDERED.

---

**DISTRICT COURT JUDGE**

Approved as to Form and Content:

Dated this \_\_\_\_ day of \_\_\_\_\_

Refused to sign. See attached for objections to order's failure to accurately state the facts.

Nona Tobin

Submitted by:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

---

Wells Fargo, N.A.

---

Nationstar Mortgage, LLC

David R. Koch (Nevada Bar No. 8830)  
 Steven B. Scow (Nevada Bar No. 9906)  
 Daniel G. Scow (Nevada Bar No. 14614)  
 KING SCOW KOCH DURHAM, LLC  
 11500 S. Eastern Ave., Suite 210  
 Henderson, NV 89052  
 Telephone: (702) 833-1100  
 Facsimile: (702) 833-1107  
 dkoch@kskdllaw.com  
 dscow@kskdllaw.com

*Attorneys for Plaintiff  
 Red Rock Financial Services*

**This draft obfuscates that this is no ordinary interpleader case where a neutral, disinterested party sues parties with competing interests in the funds, and then those parties litigate over funds deposited with the court over who the funds actually belong to. This is a case of conversion**

**On 8/28/14, Red Rock gave Steven Scow the excess proceeds check to remit to the court for interpleader. No funds were given to Scow in trust. No explanation was given for how, or on what authority or for what purpose, a 2014 check made out to the court was converted into Scow's "attorney trust account".**

**See additional notes attached to the final page.**

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
 Trustee of the GORDON B. HANSEN TRUST  
 DATED 8/22/08; REPUBLIC SERVICES,  
 INC. a Nevada corporation; WELLS FARGO,  
 N.A., a national banking association;  
 NATIONSTAR MORTGAGE, LLC, a  
 Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
 Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
 Counter-Defendant.

NONA TOBIN, as an individual;  
 Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
 Dept.: VIII

**ORDER GRANTING IN PART AND  
 DENYING IN PART NONA TOBIN'S  
 SECOND AMENDED MOTION FOR AN  
 ORDER TO DISTRIBUTE  
 INTERPLEADED FUNDS WITH  
 INTEREST TO SOLE CLAIMANT NONA  
 TOBIN AND MOTION FOR ATTORNEY  
 FEES AND COSTS PURSUANT TO NRS  
 18.010(2) AND EDCR 7.60(b)(1) AND (3)  
 AND MOTION TO CORRECT NUNC PRO  
 TUNC NOTICES OF ENTRY OF ORDERS  
 ENTERED ON NOVEMBER 30, 2021 AND  
 MAY 25, 2022**

**AND**

**NON-PARTY  
 GRANTING IN PART RED ROCK  
 FINANCIAL SERVICES' LLC'S  
 COUNTERMOTION FOR ABUSE OF  
 PROCESS; FOR A VEXATIOUS  
 LITIGANT RESTRICTIVE ORDER  
 AGAINST NONA TOBIN AND FOR  
 ATTORNEY FEES AND COSTS**

**AND DENYING TOBIN'S MOTIONS TO  
 STRIKE NON-PARTY FILINGS AND TO  
 GRANT PROPOSED FINAL ORDER AS  
 UNOPPOSED**

association; NATIONSTAR MORTGAGE, LLC, a Delaware company; and DOES 1-100;

Cross-Defendants

On July 7, 2022, Nona Tobin's SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 (the "Motion") came on for hearing in this Court. The Court also heard Red Rock Financial Services' LLC'S Opposition and COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS. After reviewing and considering the points and authorities submitted, and upon hearing and considering oral argument of counsel, the Court has determined as follows:

### **FINDINGS OF FACT**

The Court makes the following findings of fact based upon the evidence presented through the parties' motions and accompanying declarations and supporting exhibits:

#### **both in her individual capacity and**

1. On January 31, 2017, Tobin, in her capacity as the trustee of the Gordon B. Hansen Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"), claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the "Property"), which sale occurred on August 15, 2014. **& wrongfully kept the excess proceeds**

2. On April 17, 2019, the court in that First Action signed an order granting the HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts evidence that the HOA properly followed the processes and procedures in foreclosing upon the Property." **order relied on Red Rock's falsified records & accounts & Tobin's evidence was stricken. 1st court failed to conduct the evidentiary hearing required by NRS 40.110**

3. Tobin appealed the decision in the First Action, which appeal was denied. **Tobin's individual appeal was unfairly dismissed.**

4. On August 8, 2019, Tobin filed another action against Red Rock alleging claims for quiet title, declaratory relief, and unjust enrichment against Red Rock, again claiming that the foreclosure sale was wrongful (the “Second Action”).

5. Red Rock filed a motion to dismiss the Second Action with prejudice, which was granted. **improper dismissed Tobin's 2nd claim for proceeds**

6. Tobin appealed the decision to dismiss the Second Action, which appeal was pending at the time the instant action was filed. **filed 3rd action, opposed Tobin's 3rd claim for proceeds**

7. After the Second Action was dismissed, Red Rock filed a complaint for interpleader thereby commencing this action (the “Third Action”).

8. Tobin filed a counterclaim against Red Rock in this Third Action, again alleging the 2014 foreclosure sale was wrongful.

9. Red Rock filed a motion to dismiss Tobin’s counterclaim in the Third Action, and this Court granted the same based on *res judicata* since these very same claims had been dismissed in both the First Action and Second Action. The Court entered its Order on September 10, 2021. Tobin then brought a motion to reconsider the Order granting the motion to dismiss.

10. Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a 24-page declaration in support of her motion, which essentially raised the same allegations Tobin had raised previously. On November 16, 2021, the Court held a hearing on Tobin's motion to reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing her motion that day or re-scheduling it to allow her as much time as she thought she needed. Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue her motion unimpeded.

11. After hearing argument of the parties and considering all the facts, this Court denied her motion to reconsider. The Court entered that Order on November 30, 2021.

12. Undeterred, Tobin brought another motion, asking yet again that the Property sale **motion for evidentiary hearing to set aside orders per NRCp 60(d)(3)** be unwound and that she be awarded fees and costs due.

13. Red Rock filed an opposition and a countermotion to have Tobin deemed a vexatious litigant. On January 19, 2022, the Court heard the matter and once again denied Tobin's

1 claims except for preserving her right to file a motion for the exclusive purpose of making a claim  
2 for the excess proceeds (the “Excess Proceeds”). In that hearing the Court made it abundantly  
3 clear that it was troubled by Tobin’s repeated filings and admonished her that “if Ms. Tobin  
4 continues to file seriatim motions with this Court that are devoid of legal merit, then the Court will  
5 have no other choice but to issue an order to show cause why Ms. Tobin should not be declared a  
6 vexatious litigant.” The Court entered its order on May 25, 2022.

7 14. Red Rock did not oppose any party’s request for the Excess Proceeds except to  
8 claim attorneys’ fees and costs. **non-party filed both in 3rd action**

9 15. Despite the Court’s limitation and instruction regarding what relief Tobin could  
10 seek from the Court, Tobin filed the instant Motion days after the May 25, 2022 order, and Tobin  
11 is once again seeking to hold Red Rock, and attorney Steven Scow personally liable for attorney  
12 fees and costs, interest on the Excess Proceeds, and Tobin is also seeking to correct prior orders  
13 entered by the District Court. These claims were previously denied, and Tobin provides no legal  
14 basis to support her Motion. Her claims are devoid of any legal merit and are the type of claims  
15 that this Court admonished her against bringing.

16 16. On June 30, 2022, a week before the hearing on the Motion, the Court of Appeals  
17 of the State of Nevada entered an Order of Affirmance in Case No. 82294-COA where it affirmed  
18 the decision to dismiss the Second Action with prejudice on the grounds of claim preclusion.

19 17. Red Rock filed a Notice of Appellate Decision the same day to notify the Court and  
20 all parties that the decision had been entered.

21 18. At the time of hearing, Tobin confirmed on the record that she reviewed the Order  
22 of Affirmance. Nonetheless, Tobin argued her Motion in seeking over thousands and thousands of  
23 dollars from Red Rock and its counsel, personally.

24 19. The Court finds Tobin’s Motion lacked merit, especially in light of the Order of  
25 Affirmance.

### 26 **CONCLUSIONS OF LAW**

27 The Court makes the following conclusions of law based upon its analysis of the relevant  
28 legal authorities as they apply to the uncontroverted facts set forth herein.

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock<sup>?</sup> to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS 180.010 and EDCR 7.60, Red Rock is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

## ORDER

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**

1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees.

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. **non-party LLC's** Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' **non-party LLC's** fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution.

IT IS SO ORDERED.

DISTRICT COURT JUDGE

Submitted by:

Approved as to Form and Content:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

Dated this \_\_\_\_\_ day of \_\_\_\_\_

**Refuse to sign. Grants motion of a non-party. Does not deny Tobin's motion to strike all filings of non-party or 6/27/22 motion to adopt proposed final order. Misstates the record and the facts.**

Nona Tobin

Findings of fact are inaccurate on the draft final order prepared by Steven Scow and given to Tobin for review on 12/23/22

1. Tobin filed in both capacities as an individual and as a trustee and for the excess proceeds and for quiet for quiet title because Red Rock sold the property without notice or authority after unlawfully rejecting assessments that cured the default.
2. The court order, dated 4/17/19, relied 100% on the false evidence produced by Red Rock and Nationstar and given to the court in place of the HOA's official records (HOA Board minutes and compliance records) and the Ombudsman's compliance records. On 12/19/22, I filed requests for judicial notice of the complaints that I filed with the State Bar regarding the falsification of records and accounts that Red Rock and the HOA attorneys gave to the court that resulted in this erroneous ruling. In fact, there is no verified evidence that supports the statement that the HOA properly followed the processes and procedures in foreclosing on the property. All of the verified evidence was suppressed by opposing counsels creating the false narrative that I was not granted leave to intervene.
3. Tobin's individual appeal was unfairly dismissed by NRAP 3A as her opponents' false narrative that she was not granted leave to intervene and not the real party in interest succeeded. The Hansen Trust appeal failed because Tobin's evidence was all suppressed and Red Rock's and Nationstar's was all false and falsified.
4. Tobin was forced to file 2nd action for quiet title to beat statute of limitation deadline after being forced out of the 1<sup>st</sup> action and not being allowed to defend her 3/28/17 deed. 2nd civil action for excess proceeds necessary because Scow refused to interplead them as instructed.
5. Red Rock would suffer no prejudice if Tobin got quiet title. Motion to dismiss 2<sup>nd</sup> action claim for excess proceeds was harassment. There was no other claimant and the HOA had been paid in full.
6. Dismissing the claim for excess proceeds was nonsense. Scow still had my money. Red Rock didn't possess the excess proceeds after Scow somehow converted them to his own account.
7. Scow filed interpleader 7 years after law required and after his client told him to. He filed it during the appeal of his unwarranted motion to dismiss her 2nd civil claim for the proceeds.
8. Fraud, Racketeering, Conversion & petition for sanctions were for the cover-up, the presenting false evidence to conceal that wrongful foreclosure & retention of excess proceeds were a corrupt business model that damaged many victims including the courts.
9. A Non-party filed the motion to dismiss. Also, they're new claims that could not have been brought before. There was no quiet title claim in the 3rd action. Tobin's intent is for the court to sanction corrupt enterprises.
10. non-party Red Rock LLC opposed it. DECL reiterated court record & showed no party had answered my 3/8/21 claims & petition for sanctions so EDCR 2.20 (e) applies, and showed that this is the 3rd court that is deciding without an evidentiary hearing. This is disingenuous. My repeated motions for an evidentiary hearing have been denied. This case cannot be fairly adjudicated if the court refuses to look at the evidence that the 1st action was unfair because there was no evidentiary hearing so the court relied solely on Red Rock's falsified records to give quiet title to Jimjack who didn't have an admissible deed & Nationstar who was lying about being the beneficiary.

11. also issued a 2nd order to rule that all Tobin's claims vs. Nationstar were precluded despite NRCP 12(a)(1)(B)
12. 12/14/21 motion for an evidentiary hearing to set aside order per NRCP 60(b)(3) and(d)(3). No. motion is for petition for sanctions to not be precluded. Sanction is to compensate for damages from lying to the court that obstructed a fair adjudication of my quiet title claim.
13. Non-party Red Rock LLC filed the opposition and countermotion. My claims are not devoid of legal merit. I am a whistleblower who cites substantial legal authority makes all declarations under penalty of perjury, & backs up claims with verified evidence.
14. Red Rock filed opposition in 2nd action and non-party Red Rock LLC filed in 3rd actions. Red Rock filed the successful motion to dismiss my claim for the excess proceeds in 2nd action for claims preclusion and failure to join the HOA as a necessary party.
15. Red Rock gave Scow a check to remit to court on 8/28/14. He converted that somehow to be in an account under his control. No one gave him permission to hold those funds for 8 years. "Tobin is also seeking to correct prior orders entered by the District Court. These claims were previously denied, and Tobin provides no legal basis to support her Motion"
16. this dismissed my claim for the excess proceeds as well.
17. and was filing a petition for rehearing.
18. n/a
19. n/a
20. If Red Rock did not oppose on 4/27/21, then the non-party did, and Red Rock didn't request fees, the non-party requested fees.
21. I moved the court to strike all rogue non-party filings & to grant my claims as unopposed EDCR 2.20(e).
22. Special damages are not appropriate as this is ruling that my request to strike non-party filings or pay interest on money unlawfully withheld from me for over 8 years was harassing Red Rock. Red Rock gave Scow a check to give the court
23. On 8/28/14. Scow did not ever give the check to the court and said he somehow got the money in his attorney trust account. Non-party LLC filed the motion for fees.



Nona Tobin <nonatobin@gmail.com>

---

**Re: Nona Tobin's response was erroneously omitted from A-21-828840-C order entered on 1/9/23 with NEO 1/10/23**

1 message

---

**Nona Tobin** <nonatobin@gmail.com>

Tue, Jan 10, 2023 at 12:51 PM

To: "Steven B. Scow" <sscow@kskdllaw.com>

Cc: "DC8Inbox@clarkcountycourts.us" <DC8Inbox@clarkcountycourts.us>, "Andrea W. Eshenbaugh" <andrea@kskdllaw.com>, "vanessa.turley@troutman.com" <vanessa.turley@troutman.com>, "Trujillo, Athena" <TrujilloA@clarkcountycourts.us>

I'm sorry if I did it incorrectly. I met the extremely strict deadline you imposed. I filed the corrections to your draft order as exhibit 2 to the four motions included in my 1/03/23 filing (attached to the earlier email exchange; cover page below).

On 1/03/23 you filed a response that included a reference to my 1/03/23 motions which I interpreted as meaning you had read my opposition to your draft (exhibit 2) and my proposed alternative (exhibit 3).

Despite this unfortunate misunderstanding, I still want my opposition to be clearly articulated in the record as an attachment to an amended order. If this is the final order, then I am forced to appeal.

Also, does this action mean that the decision on my 1/03/23 motions scheduled for the court to make in chambers on 2/8/23 has actually already been made?

Thank you.



MOT  
NONA TOBIN, AN INDIVIDUAL  
2664 Olivia Heights Avenue  
Henderson NV 89052  
Phone: (702) 465-2199  
nonatobin@gmail.com  
In Proper Person

DISTRICT COURT  
CLARK COUNTY, NEVADA

RED ROCK FINANCIAL SERVICES,

Plaintiff,

vs.

NONA TOBIN, AN INDIVIDUAL and as  
Trustee of the GORDON B. HANSEN TRUST,  
dated 8/22/08; REPUBLIC SERVICES, INC. a  
Nevada Corporation; WELLS FARGO, N.A.; a  
national banking association; NATIONSTAR  
MORTGAGE, LLC, a Delaware company; and  
DOES 1-100;

Defendants.

NONA TOBIN, AN INDIVIDUAL,  
Counter-Claimant,

vs.

RED ROCK FINANCIAL SERVICES  
Counter-Defendant

NONA TOBIN, AN INDIVIDUAL;  
Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking  
association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-100;

Cross-Defendants

Case No.: A-21-828840-C  
Dept.: 8

**HEARING NOT REQUESTED**

- 1) Motion To Withdraw Tobin's Motion  
For An Order To Show Cause Why  
Written Findings Of Attorney  
Misconduct Should Not Be Forwarded  
To The State Bar

And

- 2) Motion To Withdraw Tobin's  
Counter-Claims And Cross-Claims vs.  
Red Rock, Nationstar And Wells  
Fargo

And

- 3) Motion To Modify Grounds For  
Tobin's Petitions For Sanctions vs.  
Red Rock and Nationstar To Include  
NRS 357.040(1(a),(b),(i), and NRS  
199.210, NRS 205.0824 and NRS  
205.0833, and NRS 41.1395

And

- 4) Motion To Adopt Tobin's Proposed  
Final Judgment Order

Red Rock Financial Services ("Red Rock") hereby responds to Defendant /  
Counterclaimant *Nona Tobin's Motion for An Order to Show Cause why Written Findings of  
Attorney Misconduct Should Not be Forwarded to the State Bar* (the "Motion").

As reflected in the docket earlier today, Ms. Tobin has filed a request to withdraw  
the Motion. Red Rock has no opposition to this withdrawal, but out of an abundance of  
caution, Red Rock notes for the Court that the Motion has no basis in law or in fact and  
should not have been filed in the first place.

DATED: January 3, 2023.

**KING SCOW KOCH DURHAM, LLC**

/s/ Steven B. Scow

Steven B. Scow, Esq.

11500 S. Eastern Ave., Suite 210

Henderson, NV 89052

*Attorney for Red Rock Financial Services*

Nona Tobin  
(702) 465-2199

On Tue, Jan 10, 2023 at 11:24 AM Steven B. Scow <sscow@kskdllaw.com> wrote:

Ms. Tobin - I never received a response, other than your email on 12/23/2022 where you stated the following (see below in red):

"Did you get the transcript? I ordered it on the day of the hearing but never got it. Could you send it to me please?"

We then sent you a copy of the transcript and didn't hear anything further, which is why we noted "No Response" by your signature line - we will not be submitting anything on your behalf, and we noted for the court in our submittal that you may be submitting your own proposed order.

Thanks.

**Steve Scow**

King Scow Koch Durham LLC

11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052

T: (702) 833-1100 | F: (702) 833-1107 | M: (702) 606-6057

sscow@kskdllaw.com

**KING SCOW  
KOCH DURHAM**

On Jan 10, 2023, at 10:55 AM, Nona Tobin <nonatobin@gmail.com> wrote:

Don't you think it's a little disingenuous to say "no response" where my signature should be given that I did respond by filing the corrections to the order Steven Scow drafted below at 2:23 AM on 1/03/23. This was an amazingly quick turnaround for my response, since Steven Scow took over five months to give me his draft of the 7/7/22 order, and he gave it to me on 12/23/22 at 2 PM and told me I had only the week over Christmas and New Year's to respond.

Please note that the other parties, Nationstar and Wells Fargo, were not given a review copy to sign off on.

Please put "Refused to sign. See attached" on my signature line on the order, and attach this email to the amended order and notice of entry so my objections are properly noted with the order in the court record.

Thank you.

<image.png>

<image.png>

<image.png>

<image.png>

<image.png>

<image.png>

**Nona Tobin**  
**(702) 465-2199**

<230103 Nona Tobin's motions to withdraw and consolidate claims.pdf>

**Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Motion - MOT (CIV), Envelope Number: 11080645**

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Tue, Jan 3, 2023 at 2:24 AM

**Notification of Service**

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs.  
Nona Tobin, Defendant(s)  
Envelope Number: 11080645

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/3/2023 2:23 AM PST   |
| Filing Type         | Motion - MOT (CIV)   |
| Filing Description  | Nona Tobin's motions to withdraw and consolidate claims  |
| Filed By            | NONA TOBIN   |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwtlaw@ymail.com)</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> <p>Vanessa Turley (vanessa.turley@troutman.com)</p> |

Carla Llarena (carla.llarena@troutman.com)

Master Calendaring (litigationdocketrequests@troutman.com)

Tracy Bowling (tracy.bowling@troutman.com)

Troutman OC Court Notices (OCCcourtnotices@troutman.com)

Other Service Contacts not associated with a party on the case:

Aaron Lancaster (aaron.lancaster@troutman.com)

| Document Details                 |                                   |
|----------------------------------|-----------------------------------|
| Served Document                  | <a href="#">Download Document</a> |
| This link is active for 30 days. |                                   |

**Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Response - RSPN (CIV), Envelope Number: 11087357**

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Tue, Jan 3, 2023 at 4:31 PM



## Notification of Service

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs.  
Nona Tobin, Defendant(s)  
Envelope Number: 11087357

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/3/2023 4:30 PM PST   |
| Filing Type         | Response - RSPN (CIV)  |
| Filing Description  | Response to Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar   |
| Filed By            | David Koch   |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwtlaw@ymail.com)</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> |

|  |  |
|--|--|
|  | <p>Vanessa Turley (vanessa.turley@troutman.com)</p> <p>Carla Llarena (carla.llarena@troutman.com)</p> <p>Master Calendaring (litigationdocketrequests@troutman.com)</p> <p>Tracy Bowling (tracy.bowling@troutman.com)</p> <p>Troutman OC Court Notices (OCCcourtnotices@troutman.com)</p> <p>Other Service Contacts not associated with a party on the case:</p> <p>Aaron Lancaster (aaron.lancaster@troutman.com)</p> |
|--|--|

| Document Details                 |                                   |
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# Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Clerk's Notice of Hearing - CNOC (CIV), Envelope Number: 11110006

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Fri, Jan 6, 2023 at 2:21 PM



## Notification of Service

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs.  
Nona Tobin, Defendant(s)  
Envelope Number: 11110006

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/6/2023 2:20 PM PST   |
| Filing Type         | Clerk's Notice of Hearing - CNOC (CIV)   |
| Filing Description  | Notice of Hearing  |
| Filed By            | Kadira Beckom  |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwllaw@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> <p>Vanessa Turley (vanessa.turley@troutman.com)</p> |

Carla Llarena (carla.llarena@troutman.com)

Master Calendaring (litigationdocketrequests@troutman.com)

Tracy Bowling (tracy.bowling@troutman.com)

Troutman OC Court Notices (OCCcourtnotices@troutman.com)

Other Service Contacts not associated with a party on the case:

Aaron Lancaster (aaron.lancaster@troutman.com)

| Document Details                 |                                   |
|----------------------------------|-----------------------------------|
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# Notification of Service for Case: A-21-828840-C, Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s) for filing Notice of Entry of Order - NEOJ (CIV), Envelope Number: 11123331

1 message

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>  
To: nonatobin@gmail.com

Tue, Jan 10, 2023 at 8:41 AM



## Notification of Service

Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  
Envelope Number: 11123331

This is a notification of service for the filing listed. Please click the link below to retrieve the submitted document.

| Filing Details      |  |
|---------------------|--|
| Case Number         | A-21-828840-C  |
| Case Style          | Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)  |
| Date/Time Submitted | 1/10/2023 8:40 AM PST  |
| Filing Type         | Notice of Entry of Order - NEOJ (CIV)  |
| Filing Description  | Notice of Entry of Order   |
| Filed By            | David Koch   |
| Service Contacts    | <p>Red Rock Financial Services:</p> <p>David Koch (dkoch@kskdllaw.com)</p> <p>Steven Scow (sscow@kskdllaw.com)</p> <p>Andrea Eshenbaugh (andrea@kskdllaw.com)</p> <p>Daniel Scow (dscow@kskdllaw.com)</p> <p>Kerry Faughnan (kerry.faughnan@gmail.com)</p> <p>Nona Tobin:</p> <p>John Thomson (johnwthomson@ymail.com)</p> <p>Nona Tobin (nonatobin@gmail.com)</p> <p>Paula Lamprea (jwtlaw@ymail.com)</p> <p>Nationstar Mortgage LLC:</p> <p>Vanessa Turley (vanessa.turley@troutman.com)</p> |

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Carla Llarena (carla.llarena@troutman.com)

Other Service Contacts not associated with a party on the case:

Aaron Lancaster (aaron.lancaster@troutman.com)

| Document Details                 |                                   |
|----------------------------------|-----------------------------------|
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Nona Tobin <nonatobin@gmail.com>

---

**Nona Tobin's response was erroneously omitted from A-21-828840-C order entered on 1/9/23 with NEO 1/10/23**

1 message

---

**Nona Tobin** <nonatobin@gmail.com>

Tue, Jan 10, 2023 at 10:55 AM

To: "Steven B. Scow" <sscow@kskdllaw.com>, DC8Inbox@clarkcountycourts.us

Cc: andrea@kskdllaw.com, vanessa.turley@troutman.com

Don't you think it's a little disingenuous to say "no response" where my signature should be given that I did respond by filing the corrections to the order Steven Scow drafted below at 2:23 AM on 1/03/23. This was an amazingly quick turnaround for my response, since Steven Scow took over five months to give me his draft of the 7/7/22 order, and he gave it to me on 12/23/22 at 2 PM and told me I had only the week over Christmas and New Year's to respond.

Please note that the other parties, Nationstar and Wells Fargo, were not given a review copy to sign off on.

Please put "Refused to sign. See attached" on my signature line on the order, and attach this email to the amended order and notice of entry so my objections are properly noted with the order in the court record.

Thank you.

David R. Koch (Nevada Bar No. 8830)  
Steven B. Scow (Nevada Bar No. 9906)  
Daniel G. Scow (Nevada Bar No. 14614)  
KING SCOW KOCH DURHAM, LLC  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052  
Telephone: (702) 833-1100  
Facsimile: (702) 833-1107  
dkoch@kskdllaw.com  
dscow@kskdllaw.com

*Attorneys for Plaintiff  
Red Rock Financial Services*

This draft obfuscates that this is no ordinary interpleader case where a neutral, disinterested party sues parties with competing interests in the funds, and then those parties litigate over funds deposited with the court over who the funds actually belong to. This is a case of conversion

On 8/28/14, Red Rock gave Steven Scow the excess proceeds check to remit to the court for interpleader. No funds were given to Scow in trust. No explanation was given for how, or on what authority or for what purpose, a 2014 check made out to the court was converted into Scow's "attorney trust account".

See additional notes attached to the final page.

## DISTRICT COURT

### CLARK COUNTY, NEVADA

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as  
Trustee of the GORDON B. HANSEN TRUST  
DATED 8/22/08; REPUBLIC SERVICES,  
INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;

Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

Case No.: A-21-828840-C  
Dept.: VIII

**ORDER GRANTING IN PART AND  
DENYING IN PART NONA TOBIN'S  
SECOND AMENDED MOTION FOR AN  
ORDER TO DISTRIBUTE  
INTERPLEADED FUNDS WITH  
INTEREST TO SOLE CLAIMANT NONA  
TOBIN AND MOTION FOR ATTORNEY  
FEES AND COSTS PURSUANT TO NRS  
18.010(2) AND EDCR 7.60(b)(1) AND (3)  
AND MOTION TO CORRECT NUNC PRO  
TUNC NOTICES OF ENTRY OF ORDERS  
ENTERED ON NOVEMBER 30, 2021 AND  
MAY 25, 2022**

**AND**

**NON-PARTY  
GRANTING IN PART RED ROCK  
FINANCIAL SERVICES' LLC'S  
COUNTERMOTION FOR ABUSE OF  
PROCESS; FOR A VEXATIOUS  
LITIGANT RESTRICTIVE ORDER  
AGAINST NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS  
AND DENYING TOBIN'S MOTIONS TO  
STRIKE NON-PARTY FILINGS AND TO  
GRANT PROPOSED FINAL ORDER AS  
UNOPPOSED**

association; NATIONSTAR MORTGAGE, LLC, a Delaware company; and DOES 1-100;

## Cross-Defendants

On July 7, 2022, Nona Tobin's SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(b)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 (the "Motion") came on for hearing in this Court. The Court also heard Red Rock Financial Services' LLC'S Opposition and COUNTERMOTION FOR ABUSE OF PROCESS; FOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS. After reviewing and considering the points and authorities submitted, and upon hearing and considering oral argument of counsel, the Court has determined as follows:

### FINDINGS OF FACT

The Court makes the following findings of fact based upon the evidence presented through the parties' motions and accompanying declarations and supporting exhibits:

**both in her individual capacity and**  
1. On January 31, 2017, Tobin, in her capacity as the trustee of the Gordon B. Hansen Trust (the "Hansen Trust"), filed a Crossclaim against the Sun City Anthem Community Association (the "HOA") in District Court Case No. A-15-720032-C (the "First Action"), claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed on a residence owned by the Hansen Trust, located at 2763 White Sage Drive, Henderson, Nevada 89052 (the "Property"), which sale occurred on August 15, 2014. **& wrongfully kept the excess proceeds**

2. On April 17, 2019, the court in that First Action signed an order granting the HOA's motion for summary judgment in its entirety reasoning that "[t]he totality of the facts evidence that the HOA properly followed the processes and procedures in foreclosing upon the Property." **order relied on Red Rock's falsified records & accounts & Tobin's evidence was stricken. 1st court failed to conduct the evidentiary hearing required by NRS 40.110**

3. Tobin appealed the decision in the First Action, which appeal was denied. **Tobin's individual appeal was unfairly dismissed.**

4. On August 8, 2019, Tobin filed another action against Red Rock alleging claims for quiet title, declaratory relief, and unjust enrichment against Red Rock, again claiming that the foreclosure sale was wrongful (the “Second Action”).

5. Red Rock filed a motion to dismiss the Second Action with prejudice, which was granted. **improper dismissed Tobin's 2nd claim for proceeds**

6. Tobin appealed the decision to dismiss the Second Action, which appeal was pending at the time the instant action was filed. **filed 3rd action, opposed Tobin's 3rd claim for proceeds**

7. After the Second Action was dismissed, Red Rock filed a complaint for interpleader thereby commencing this action (the “Third Action”).

8. Tobin filed a counterclaim against Red Rock in this Third Action, again alleging the 2014 foreclosure sale was wrongful.

9. Red Rock filed a motion to dismiss Tobin's counterclaim in the Third Action, and this Court granted the same based on *res judicata* since these very same claims had been dismissed in both the First Action and Second Action. The Court entered its Order on September 10, 2021. Tobin then brought a motion to reconsider the Order granting the motion to dismiss.

10. Red Rock opposed the motion to reconsider, and Tobin filed a reply along with a 24-page declaration in support of her motion, which essentially raised the same allegations Tobin had raised previously. On November 16, 2021, the Court held a hearing on Tobin's motion to reconsider. Importantly, at that hearing this Court specifically gave Tobin the option of arguing her motion that day or re-scheduling it to allow her as much time as she thought she needed. Tobin chose to argue her motion that day, which she did. The Court allowed Tobin to fully argue her motion unimpeded.

11. After hearing argument of the parties and considering all the facts, this Court denied her motion to reconsider. The Court entered that Order on November 30, 2021.

12. Undeterred, Tobin brought another motion, asking yet again that the Property sale **motion for evidentiary hearing to set aside orders per NRCP 60(d)(3)** be unwound and that she be awarded fees and costs due.

13. Red Rock filed an opposition and a counter motion to have Tobin deemed a vexatious litigant. On January 19, 2022, the Court heard the matter and once again denied Tobin's

20. In her Motion, Tobin requested an award of the Excess Proceeds. Red Rock<sup>?</sup> did not oppose this request except to withhold attorneys' fees from the release of the Excess Proceeds. Pursuant to EDCR 2.20, the Court conditionally awards Tobin the Excess Proceeds as unopposed.

21. Other than Tobin's request for the Excess Proceeds, the Court finds all other requests in the Motion were meritless and frivolous, thereby causing Red Rock<sup>?</sup> to spend unnecessary time and fees in opposing the Motion.

22. Pursuant to NRS 180.010 and EDCR 7.60, Red Rock **non-party LLC's** is hereby awarded its fees and costs required to oppose Tobin's Motion. Red Rock<sup>?</sup> shall withhold the amount of fees permitted by this Court subject to subsequent motion practice.

### **ORDER**

Based upon the Court's findings of fact and conclusions of law, **IT IS HEREBY ORDERED THAT:**

1. Tobin's Motion is GRANTED IN PART as to the claim for excess proceeds subject to Red Rock's motion for attorneys' fees. **non-party LLC's**

2. All other requests in Tobin's Motion are DENIED IN THEIR ENTIRETY.

3. Red Rock's request for attorneys' fees is GRANTED subject to a motion to determine the amount of fees and costs necessary to oppose Tobin's Motion, and the attorneys' fees awarded to Red Rock shall be withheld from the Excess Proceeds prior to any distribution. **non-party LLC's**

IT IS SO ORDERED.

### **DISTRICT COURT JUDGE**

Submitted by:

Approved as to Form and Content:

By: /s/ Steven B. Scow  
Steven B. Scow  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

Dated this       day of

**Refuse to sign. Grants motion of a non-party.  
Does not deny Tobin's motion to strike all  
filings of non-party or 6/27/22 motion to adopt  
proposed final order. Misstates the record and  
the facts.**

Nona Tobin

Findings of fact are inaccurate on the draft final order prepared by Steven Scow and given to Tobin for review on 12/23/22

1. Tobin filed in both capacities as an individual and as a trustee and for the excess proceeds and for quiet for quiet title because Red Rock sold the property without notice or authority after unlawfully rejecting assessments that cured the default.
2. The court order, dated 4/17/19, relied 100% on the false evidence produced by Red Rock and Nationstar and given to the court in place of the HOA's official records (HOA Board minutes and compliance records) and the Ombudsman's compliance records. On 12/19/22, I filed requests for judicial notice of the complaints that I filed with the State Bar regarding the falsification of records and accounts that Red Rock and the HOA attorneys gave to the court that resulted in this erroneous ruling. In fact, there is no verified evidence that supports the statement that the HOA properly followed the processes and procedures in foreclosing on the property. All of the verified evidence was suppressed by opposing counsels creating the false narrative that I was not granted leave to intervene.
3. Tobin's individual appeal was unfairly dismissed by NRAP 3A as her opponents' false narrative that she was not granted leave to intervene and not the real party in interest succeeded. The Hansen Trust appeal failed because Tobin's evidence was all suppressed and Red Rock's and Nationstar's was all false and falsified.
4. Tobin was forced to file 2nd action for quiet title to beat statute of limitation deadline after being forced out of the 1<sup>st</sup> action and not being allowed to defend her 3/28/17 deed. 2nd civil action for excess proceeds necessary because Scow refused to interplead them as instructed.
5. Red Rock would suffer no prejudice if Tobin got quiet title. Motion to dismiss 2<sup>nd</sup> action claim for excess proceeds was harassment. There was no other claimant and the HOA had been paid in full.
6. Dismissing the claim for excess proceeds was nonsense. Scow still had my money. Red Rock didn't possess the excess proceeds after Scow somehow converted them to his own account.
7. Scow filed interpleader 7 years after law required and after his client told him to. He filed it during the appeal of his unwarranted motion to dismiss her 2nd civil claim for the proceeds.
8. Fraud, Racketeering, Conversion & petition for sanctions were for the cover-up, the presenting false evidence to conceal that wrongful foreclosure & retention of excess proceeds were a corrupt business model that damaged many victims including the courts.
9. A Non-party filed the motion to dismiss. Also, they're new claims that could not have been brought before. There was no quiet title claim in the 3rd action. Tobin's intent is for the court to sanction corrupt enterprises.
10. non-party Red Rock LLC opposed it. DECL reiterated court record & showed no party had answered my 3/8/21 claims & petition for sanctions so EDCR 2.20 (c) applies, and showed that this is the 3rd court that is deciding without an evidentiary hearing. This is disingenuous. My repeated motions for an evidentiary hearing have been denied. This case cannot be fairly adjudicated if the court refuses to look at the evidence that the 1st action was unfair because there was no evidentiary hearing so the court relied solely on Red Rock's falsified records to give quiet title to JimiJack who didn't have an admissible deed & Nationstar who was lying about being the beneficiary.

11. also issued a 2nd order to rule that all Tobin's claims vs. Nationstar were precluded despite NRCP 12(a)(1)(B)
12. 12/14/21 motion for an evidentiary hearing to set aside order per NRCP 60(b)(3) and(d)(3).  
No. motion is for petition for sanctions to not be precluded. Sanction is to compensate for damages from lying to the court that obstructed a fair adjudication of my quiet title claim.
13. Non-party Red Rock LLC filed the opposition and countermotion. My claims are not devoid of legal merit. I am a whistleblower who cites substantial legal authority makes all declarations under penalty of perjury, & backs up claims with verified evidence.
14. Red Rock filed opposition in 2nd action and non-party Red Rock LLC filed in 3rd actions.  
Red Rock filed the successful motion to dismiss my claim for the excess proceeds in 2nd action for claims preclusion and failure to join the HOA as a necessary party.
15. Red Rock gave Scow a check to remit to court on 8/28/14. He converted that somehow to be in an account under his control. No one gave him permission to hold those funds for 8 years. "Tobin is also seeking to correct prior orders entered by the District Court. These claims were previously denied, and Tobin provides no legal basis to support her Motion"
16. this dismissed my claim for the excess proceeds as well.
17. and was filing a petition for rehearing.
18. n/a
19. n/a
20. If Red Rock did not oppose on 4/27/21, then the non-party did, and Red Rock didn't request fees, the non-party requested fees.
21. I moved the court to strike all rogue non-party filings & to grant my claims as unopposed EDCR 2.20(c).
22. Special damages are not appropriate as this is ruling that my request to strike non-party filings or pay interest on money unlawfully withheld from me for over 8 years was harassing Red Rock. Red Rock gave Scow a check to give the court
23. On 8/28/14. Scow did not ever give the check to the court and said he somehow got the money in his attorney trust account. Non-party LLC filed the motion for fees.

**Nona Tobin**  
**(702) 465-2199**

1 **CSERV**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 Red Rock Financial Services,  
7 Plaintiff(s)

8 vs.

9 Nona Tobin, Defendant(s)

CASE NO: A-21-828840-C

DEPT. NO. Department 8

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 1/16/2023

16 David Koch

dkoch@kskdllaw.com

17 Steven Scow

sscow@kskdllaw.com

18 Andrea Eshenbaugh

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19 John Thomson

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vanessa.turley@troutman.com

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|---------------------------|--|
| Master Calendaring        | <a href="mailto:litigationdocketrequests@troutman.com">litigationdocketrequests@troutman.com</a> |
| Tracy Bowling             | <a href="mailto:tracy.bowling@troutman.com">tracy.bowling@troutman.com</a>                       |
| Troutman OC Court Notices | <a href="mailto:OCCcourtnotices@troutman.com">OCCcourtnotices@troutman.com</a>                   |

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*Attorneys for Plaintiff*  
*Red Rock Financial Services*

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

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as Trustee  
of the GORDON B. HANSEN TRUST DATED  
8/22/08; REPUBLIC SERVICES, INC. a  
Nevada corporation; WELLS FARGO, N.A., a  
national banking association; NATIONSTAR  
MORTGAGE, LLC, a Delaware company; and  
DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

Case No.: A-21-828840-C  
Dept.: 8

**ORDER DENYING NONA TOBIN'S  
MOTION FOR AN EVIDENTIARY  
HEARING TO SET ASIDE  
SEPTEMBER 10, 2021 ORDER AND  
NOVEMBER 30, 2021 ORDERS  
PURSUANT TO NRCP 60(b)(3)  
(FRAUD) AND NRCP 60  
(b)(3)(FRAUD ON THE COURT) AND  
MOTION FOR ATTORNEYS' FEES  
AND COSTS PURSUANT TO EDCR  
7.60(1) AND (3), NRS 18.010(2);  
AND,  
RED ROCK FINANCIAL SERVICES,  
LLC'S COUNTERMOTION FOR  
ABUSE OF PROCESS; FOR A  
VEXATIOUS LITIGANT  
RESTRICTIVE ORDER AGAINST  
NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS**

1 NONA TOBIN, as an individual;

2 Cross-Claimant,

3 vs.

4 WELLS FARGO, N.A., a national banking  
5 association; NATIONSTAR MORTGAGE, LLC,  
6 a Delaware company; and DOES 1-100;

7 Cross-Defendants

8  
9 This matter came on before the above-entitled Court for hearing on  
10 Defendant/Counterclaimant, *Nona Tobin's Motion for An Evidentiary Hearing to Set Aside*  
11 *September 10, 2021 Order and November 30, 2021 Order Pursuant to NRCP 60(b)(3) (Fraud on*  
12 *the Court) and Motion for Attorneys' Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS*  
13 *18.010(2) (the "Motion"), and Red Rock's Countermotion for Abuse of Process; for*  
14 *Vexatious Litigant Restrictive Order Against Nona Tobin, and for Attorney Fees and Costs*  
15 *(the "Countermotion"). Plaintiff/Counter-Defendant, Red Rock Financial Services LLC*  
16 *("Red Rock"), appeared by and through its attorneys, Steven B. Scow, Esq. and Kerry P.*  
17 *Faughnan, Esq. of the Koch & Scow LLC and Defendant/Counterclaimant, Nona Tobin,*  
18 *appeared in Proper Person. The Court having examined all documents and pleadings on*  
19 *file herein, having heard arguments of the parties, and good cause appearing makes the*  
20 *following findings and order:*

22 **I. FINDINGS OF FACT**

23 **A. PROCEDURAL HISTORY**

24 The Motion filed by Ms. Tobin requests relief in connection with three separate  
25 cases: the first is Case A-15-720032-C (the "First Action"); the second matter is Case A-19-  
26 799890-C (the "Second Action"), in which Red Rock was a party; and the third is the  
27 present case before this Court. Ms. Tobin has made claims in each of these cases pertaining  
28

1 to the real property located at 2763 White Sage Drive, Henderson, Nevada 89052 (the  
2 "Property").

### 3 **1. THE FIRST ACTION**

4 The First Action was filed back in 2015 and arose after the Property was sold on  
5 August 15, 2014 at an HOA foreclosure sale. That case was initiated by the successors-in-  
6 interest to the purchasers who acquired the Property at the homeowner association  
7 foreclosure sale. Ms. Tobin was not initially a party to the First Action, but on January 31,  
8 2017, in her capacity as the trustee of the Gordon B. Hansen Trust (the "Hansen Trust"),  
9 Tobin filed a cross-claim against the Sun City Anthem Community Association (the  
10 "HOA") claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed  
11 on the Property, which was previously owned by the Hansen Trust. The central allegation  
12 in that cross-claim was that Red Rock committed fraud and colluded with several parties,  
13 including the HOA, in foreclosing on the Property without complying with the  
14 requirements of NRS Chapter 116 or the HOA's governing documents. The cross-claim  
15 lists a host of allegations of wrongdoing against Red Rock including claims that Red Rock  
16 failed to provide the Hansen Trust with proper notice of the foreclosure sale and that it  
17 frequently misstated the amounts due and owing to the HOA under the HOA's lien.

18 The cross-claim contained a cause of action against the HOA for quiet title and  
19 equitable relief claiming that Red Rock's actions caused the foreclosure sale to be null and  
20 void, as well as causes of action for civil conspiracy, fraud, unjust enrichment, and breach  
21 of contract. The allegations of each of those claims centered around Red Rock. The cross-  
22 claim alleged that it was Red Rock that conspired, Red Rock that committed fraud, Red  
23 Rock that was unjustly enriched, and Red Rock that breached the contract. The cross-  
24 claim, however, only named the HOA as a party and never named Red Rock to the case.  
25 While Red Rock was not named it was the agent of the HOA and was the party that  
26 conducted the sale and performed all the acts that Tobin complained about.

27 On February 5, 2019, the HOA brought a motion for summary judgment seeking  
28 the dismissal of the cross-claim. The HOA argued that Red Rock complied with all

1 requirements of law in foreclosing on the Property and presented the court with all of the  
2 notices Red Rock provided. Tobin, on behalf of the Hansen Trust, filed an opposition  
3 attempting to defend her allegations along with a self-serving declaration from Tobin that  
4 claimed the Hansen Trust still owned the Property. On April 17, 2019, the court in the First  
5 Action signed an order granting the HOA's motion in its entirety reasoning that "[t]he  
6 totality of the facts evidence that the HOA properly followed the processes and procedures  
7 in foreclosing upon the Property." [See A-15-720032-C Doc. No. 123; emphasis added.] As  
8 part of that order, the court found that Red Rock properly conducted the foreclosure sale  
9 on the Property. On April 29, 2019, Tobin filed a motion to reconsider the April 17, 2019  
10 order granting the HOA's motion. On May 2, 2019, the HOA filed an opposition to Tobin's  
11 motion for reconsideration and the matter was heard on May 29, 2019. The court denied  
12 Tobin's motion and an order was entered on May 30, 2019.

13 Tobin appealed the lower court's decision in the First Action and the Nevada  
14 Supreme Court denied the appeal.

## 15 **2. THE SECOND ACTION**

16 Shortly after the remainder of her claims against the non-HOA parties were denied  
17 at trial in the First Action, Tobin filed a new complaint against Red Rock and others on  
18 August 8, 2019, which was amended on June 3, 2020. Other than asserting claims in her  
19 individual capacity, the causes of action in this Second Action are nearly identical to the  
20 claims in the First Action and Tobin alleges, once again, that Red Rock did not comply with  
21 the requirements of law in foreclosing on the Property back in August 2014. Tobin's  
22 amended complaint in the Second Action also contained claims for quiet title, declaratory  
23 relief, and unjust enrichment against Red Rock, again alleging that the foreclosure sale was  
24 wrongful because Red Rock failed to provide proper notice to Tobin, suggesting Red Rock  
25 misstated the amounts due and owing to the HOA under the HOA's lien. The amended  
26 complaint also contained a claim for unjust enrichment, the same as the current action,  
27 claiming the excess proceeds from the foreclosure sale in the amount of \$57,282.32  
28 belonged to Tobin.

1 In response to the Second Action, Red Rock filed a motion to dismiss arguing  
2 primarily that each of Tobin's claims against Red Rock were barred by the doctrine of  
3 nonmutual claim preclusion. The other defendants filed various joinders to this motion.

4 The district court granted Red Rock's motion (as well as the joinders) in its entirety  
5 and with prejudice on December 3, 2020. The district court reasoned that the doctrine of  
6 nonmutual claim preclusion applied to the Second Action, because 1) Tobin was a party in  
7 privity with the Hansen Trust who brought the suit in the First Action, 2) there was a final  
8 judgment in the First Action, 3) the Second Action was based on the same claims or any  
9 part of them that Tobin brought or could have brought in the First Action, and 4) Red Rock  
10 should have been named in the First Action, and Tobin failed to provide a good reason for  
11 not having done so. Tobin appealed the Second Action, which was transferred to the Court  
of Appeals and is still pending. JKP

### 12 **3. RED ROCK'S INTERPLEADER AND TOBIN'S THIRD ACTION**

13 After the Second Action was dismissed, in February 2021 Red Rock filed the current  
14 interpleader action with this Court to interplead the excess proceeds from the foreclosure  
15 sale of the Property. Red Rock had chosen not to file the interpleader before that date due  
16 to Tobin's multiple lawsuits seeking to unwind the foreclosure sale. As stated in the  
17 interpleader complaint, Red Rock is interpleading the proceeds because it does not know  
18 which party is entitled to those proceeds and does not want to be exposed to multiple  
19 liability.

20 In response to Red Rock's interpleader, Tobin renewed her claims against Red Rock  
21 (the "Third Action") as part of a counterclaim. In the Third Action, Tobin brought the  
22 same allegations against Red Rock as in the previous two actions. In fact, Tobin began her  
23 counterclaim by referencing her cross-claim against the HOA in the First Action. Tobin  
24 again attacked the foreclosure sale of the Property back in 2014, and Tobin alleged that Red  
25 Rock's motion to dismiss in the Second Action was filed for an improper purpose. Tobin  
26 brought causes of action for interpleader, unjust enrichment or conversion, fraud, alter ego,  
27 and racketeering.

28 Red Rock filed a motion to dismiss the Third Action on April 16, 2021, to which

1 Wells Fargo, N.A. and Nationstar Mortgage LLC filed a joinder. Tobin filed a voluminous  
2 opposition to Red Rock's motion, and Tobin dropped off numerous notebooks to the  
3 Court. With Red Rock's motion to dismiss set for the law and motion calendar, and upon  
4 receipt of the multitude of Tobin's notebooks, the Court initially thought an evidentiary  
5 hearing would be needed. Once the Court reviewed the motion to dismiss, the case files,  
6 and everything else presented, the Court decided an evidentiary hearing was not needed,  
7 which is the Court's prerogative.

8 The parties appeared on August 19, 2021 to argue various motions, including Red  
9 Rock's motion to dismiss, and this Court granted Red Rock's motion to dismiss the Third  
10 Action based on principles of res judicata since these very same claims had been dismissed  
11 in both the First Action and the Second Action. On September 10, 2021, the Court entered  
12 a detailed, 11-page order granting Red Rock's motion and dismissing Ms. Tobin's  
13 counterclaims.

14 As set forth in the Court's September 10, 2021 order, Tobin's counterclaims are  
15 barred under the doctrine of claim preclusion, and the Court cited to *Five Star Capital Corp.*  
16 *v. Ruby*, 194 P.3d 709, 713 (Nev. 2008) and noted that "[c]laim preclusion applies where:  
17 "(1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the  
18 subsequent action is based on the same claims or any part of them that were or could have  
19 been brought in the first case." The Court also dismissed all of Tobin's counterclaims  
20 under the statute of limitations; the foreclosure at issue occurred by in 2014 and the Court  
21 found that Tobin's counterclaims brought in 2021 were all barred by the applicable statutes  
22 of limitation.

#### 23 4. TOBIN'S MOTION TO RECONSIDER

24 About one month after the Court dismissed Tobin's counterclaims, Tobin filed a  
25 motion to reconsider the Court's ruling. Red Rock opposed the motion to reconsider, and  
26 Tobin filed a reply along with a 24-page declaration in support of her motion, which reply  
27 included the same allegations Tobin has been raising over the years. On November 16,  
28 2021, the Court held a hearing on Tobin's motion to reconsider, and Tobin appeared

1 personally to argue that motion. Importantly, at that hearing the Court specifically stated  
2 that Tobin would only have around 15 minutes to argue given the Court's calendar, so the  
3 Court gave Tobin the option of arguing her motion that day, or re-scheduling to allow her  
4 as much time as she thought she needed. Tobin chose to argue her motion that day, which  
5 she did. Even with the Court's packed calendar, the Court allowed Tobin to fully argue  
6 her motion for almost 45 minutes.

7 After hearing arguments from the parties and considering all the facts, this Court  
8 denied Tobin's motion to reconsider. An order was entered on November 11, 2021.

9 Tobin then brought the current Motion, asking for another bite at the apple, despite  
10 the numerous prior hearings on the same issues, and despite her recently denied motion  
11 for reconsideration.

#### 12 **B. THE CURRENT MOTION**

13 Tobin filed the Motion making the same allegations that were dismissed with  
14 prejudice in the Second Action and in this Third Action, suggesting fraud on or by the  
15 Court. The Court finds that the only claims remaining as part of this case is the  
16 interpleader action. The Court has previously decided that all of Tobin's counterclaims  
17 that were brought in this action were dismissed with prejudice, being barred by the  
18 doctrine of claim preclusion and the statute of limitations. The Motion is a repeat of the  
19 same issues that have been decided by the Court, and Tobin continues asking this Court  
20 to make a different decision without any basis in law. Tobin also keeps insisting on an  
21 evidentiary hearing.

22 The Court notes that when this case was originally assigned to Department 8 and  
23 Red Rock's motion to dismiss was set for a law and motion hearing, the Court initially  
24 thought an evidentiary hearing would be needed because of the multitude of notebooks  
25 the Court received as part of Ms. Tobin's opposition. The volume of documentation was  
26 the reason why the Court originally thought an evidentiary hearing was necessary.  
27 However, once the Court read the motion to dismiss in more detail, reviewed the case files,  
28 and analyzed the entirety of the facts, the Court decided that an evidentiary hearing was

1 not needed, which is the Court's prerogative. The Court didn't need a further record  
2 developed through an evidentiary hearing because the filings and pleadings made it clear  
3 that Tobin's counterclaims were barred as a matter of law.

4 Furthermore, the Court finds that the myriad of allegations that are being made by  
5 Ms. Tobin as part of the Motion have already been made and denied by this Court.  
6 Ms. Tobin's counterclaims in this case are barred and there is no basis for this Court to  
7 reconsider its prior decisions. Moreover, this Court can only review the matters before it.  
8 This Court lacks jurisdiction to review decisions made by other departments of this district  
9 court. What remains before this Court is Red Rock's interpleader complaint, and Tobin is  
10 free to be a participant in that portion of the case and to make the arguments she sees fit  
11 about who is entitled to the excess proceeds at issue in the interpleader.

12 **C. RED ROCK'S COUNTERMOTION FOR ~~VEXATION~~ LITIGANT**

13 As to Red Rock's countermotion, Ms. Tobin continues to repeat the same myriad  
14 of allegations that have already been decided. Tobin's conduct in the Eighth Judicial  
15 District Court is described above, and she has spent six years pursuing the same claims,  
16 against the same parties, over and over in three different departments. No court has yet  
17 classified Tobin as a vexatious litigant.

18 **II. CONCLUSIONS OF LAW**

19 Tobin titled the Motion as a motion "For an Evidentiary Hearing to Set Aside  
20 September 10, 2021 Order and November 30, 2021 Orders Pursuant to NRCP 60(b)(3)  
21 (Fraud) and NRCP 60(b)(3) (Fraud on the Court)".

22 NRCP 60(b) states:

23 (b) Grounds for Relief From a Final Judgment, Order, or  
24 Proceeding. On motion and just terms, the court may relieve  
25 a party or its legal representative from a final judgment,  
26 order, or proceeding for the following reasons: (1) mistake,  
27 inadvertence, surprise, or excusable neglect; (2) newly  
28 discovered evidence that, with reasonable diligence, could  
not have been discovered in time to move for a new trial  
under Rule 59(b); (3) fraud (whether previously called  
intrinsic or extrinsic), misrepresentation, or misconduct by  
an opposing party; (4) the judgment is void; (5) the judgment

1 has been satisfied, released, or discharged; it is based on an  
2 earlier judgment that has been reversed or vacated; or  
3 applying it prospectively is no longer equitable; or (6) any  
4 other reason that justifies relief.

5 An application of Rule 60(b) requires that Tobin satisfy certain factors as outlined  
6 in *Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982). Those factors are (1) a  
7 prompt application for relief; (2) the absence of intent to delay the proceedings; (3) a lack  
8 of knowledge of the procedural requirements; and (4) good faith on the part of the  
9 moving party.

10 Tobin has failed to meet the promptness prong. The Motion pertains almost  
11 exclusively to events that transpired years ago in previous cases. In the Motion,  
12 paragraphs 42 through 53 allege events that transpired between 2013 and 2019 and  
13 reference documents that are not even part of the current action but were disclosed in  
14 the previous actions. These events were adjudicated in the First and Second Actions,  
15 and these arguments are improperly raised in the current action and fail to meet the  
16 promptness burden.

17 As to the absence of intent to delay, the Motion serves no other purpose but to  
18 further delay these proceedings. Tobin has brought the very same claims in three  
19 different lawsuits. The courts have denied her claims in each and every instance and  
20 found that the underlying HOA foreclosure sale was properly conducted. The court in  
21 the Second Action already dismissed her claims “with prejudice”.

22 As to lack of procedural knowledge, Tobin spends the first nine pages of her  
23 Motion addressing the procedural history of her claims and the multiple actions. She  
24 was clearly aware that the court in the Second Action dismissed her claims with  
25 prejudice, but she ignored that and filed counterclaims in the Third Action alleging the  
26 very same claims that were dismissed with prejudice in the prior cases. After three  
27 separate actions making identical claims for relief and two appeals, Tobin appears well  
28 versed in the procedural knowledge requisite to know that her claims lack any merit in  
law or fact. As such, she fails to meet her burden of lack of procedural knowledge to  
warrant setting aside any of this Court’s orders.

1 Finally, the Court finds that Tobin has not acted in good faith in bringing the  
2 Motion. To begin with, she failed to be truthful with this Court. As addressed above,  
3 she knowingly made claims she knew to be improper, failed to even attempt to show  
4 what fraud was committed that warrants setting aside the orders in the current action,  
5 and improperly attempts to re-litigate decisions from different matters. Tobin has taken  
6 all these steps knowing that the previous courts have considered her allegations and  
7 dismissed her claims in each instance with prejudice. Tobin cannot represent to this  
8 Court that she has a good faith belief that the Motion has merit.

9 Based on the foregoing, Tobin has failed to meet her burden in applying the  
10 elements from *Yochum* in an NRCP 60(b) analysis. The Motion is designed to further  
11 delay and extend these proceedings unnecessarily, and after her multitude of repeated  
12 filings Tobin cannot claim “lack of procedural knowledge.” The Motion was not brought  
13 in good faith given that the Court previously properly dismissed Tobin’s claims with  
14 prejudice, and Tobin knew when she brought her counterclaims that they were meritless.

15 As to the issue of res judicata, despite the finality of so many prior orders, Tobin  
16 again raises her same claims alleging that the Court erred in granting Red Rock’s motion  
17 to dismiss based on *res judicata* and denying her motion to reconsider, matters that have  
18 been thoroughly considered and ruled upon by this Court. This Court did not err in  
19 applying the doctrine of *res judicata*. In general, claim preclusion is designed to prevent  
20 plaintiffs from filing any claims that were or could have been asserted in a different suit.  
21 See *U. of Nevada v. Tarkanian*, 879 P.2d 1180, 1191–92 (Nev. 1994). The concept of claim  
22 preclusion (as well as nonmutual claim preclusion, which extends the doctrine to apply to  
23 parties that were not named in the first suit but should have been named) is designed to  
24 “obtain finality by preventing a party from filing another suit that is based on the same set  
25 of facts that were present in the initial suit.” *Weddell v. Sharp*, 350 P.3d 80, 85 (Nev. 2015)  
26 (quoting *Five Star Capital Corp. v. Ruby*, 194 P.3d 709, 712 (Nev. 2008)).

27 Courts apply the doctrines of claim preclusion and nonmutual claim preclusion  
28 when:

- 1 (1) There is a valid final judgment,
- 2 (2) a subsequent action is based on the same claims or any part of them that were
- 3 or could have been brought in the first action, and
- 4 (3) “the parties or their privies are the same in the instant lawsuit as they were in
- 5 the previous lawsuit, or the defendant can demonstrate that he or she should
- 6 have been included as a defendant in the earlier suit and the plaintiff fails to
- 7 provide a ‘good reason’ for not having done so.”

8 *Id.* at 85.

9 In this case, the doctrine of claim preclusion applies because the district court in the  
10 Second Action already held that all of Tobin’s claims against Red Rock (which are all based  
11 on the same foreclosure sale) were precluded by the First Action, and there is no material  
12 difference between the claims Tobin brought in the current case and the Second Action.  
13 The counterclaims in this current action were filed by the exact same party as the Second  
14 Action (Tobin), filed against the exact same defendant (Red Rock), filed after a valid and  
15 final judgment was entered in the Second Action, and concern the exact same subject  
16 matter as the Second Action (challenges to Red Rock’s actions in foreclosing on the  
17 Property). Given that claim preclusion barred the Second Action, it certainly bars the  
18 current action.

19 To the extent Tobin argues that *res judicata* cannot be used to preclude Tobin’s claims  
20 in this case because “Red Rock was not a party to the first proceedings” she ignores the  
21 fact that the doctrine of nonmutual claim preclusion, which the court properly applied in  
22 dismissing Tobin’s claims in the Second Action, applies to her current repeated claims and  
23 Red Rock and the HOA are clearly in privity. *Res judicata* applies since Red Rock was  
24 acting as the HOA’s agent and as such was in privity with the HOA, the court held in the  
25 First and Second Action that the HOA sale was properly conducted, and the court  
26 dismissed the same claims in the Second Action in which Red Rock was a named party.

27 Regarding Red Rock’s request that Tobin be deemed a vexatious litigant, this  
28 Court finds that declaring a person a vexatious litigant is a herculean task. A court may

1 impose a permanent restriction on a litigant's right to file a lawsuit in a District Court  
2 either after a party so moves, or, depending on the circumstances, *sua sponte*. *Jordan v.*  
3 *State ex rel. Dept. of Motor Vehicles*, 121 Nev. 44, 61. (Nev. 2005) at 60. A court's restrictive  
4 order against a vexatious litigant must contain a clear record of any cases or documents  
5 that the vexatious litigant has filed. *Id.* The issuing court should exercise great caution in  
6 reviewing the litigant's filings in other cases that are still pending before other courts as  
7 there must be no unnecessary interference during the pendency of those cases. *Id.* at 61.  
8 Therefore, the issuing court should rely on the litigant's cases that have previously been  
9 assigned to it and on actual rulings in other cases. *Id.* Nonetheless, the court may still  
10 issue a restrictive order based exclusively on the documents in the pending case before it,  
11 but it must explain why the litigant abused the court system when he or she filed those  
12 documents. *Id.*

13 In *Jordan*, the district court relied on the following pertinent facts to establish that  
14 Lockett was a vexatious litigant: he repeatedly asserted the same arguments in his motions  
15 to reconsider what the court previously determined were losing arguments; he filed  
16 numerous documents in which he would simply delete the original caption and enter a  
17 new one; he continuously asserted legal arguments that lacked merit even after the errors  
18 in his legal analysis were called to his attention; and he engaged in a pattern of abusive  
19 behaviors towards the California courts as evidenced by a published opinion declaring  
20 him a vexatious litigant. *Id.*, at 64-65.

21 Tobin's conduct in the Eighth Judicial District Court has been similar to Lockett's  
22 conduct, and she has spent six years pursuing the same claims, against the same parties,  
23 over and over in three different departments. Tobin's conduct is outlined below:

- 24 • On January 31, 2017, Tobin filed her first pleading, a cross-claim in the First  
25 Action, against the HOA. The cross-claim contained a cause of action  
26 against the HOA for quiet title and equitable relief claiming that Red Rock's  
27 actions caused the foreclosure sale to be null and void as well as causes of  
28 action for civil conspiracy, fraud, unjust enrichment, and breach of contract.

- On February 5, 2019, the HOA brought a motion for summary judgment seeking the dismissal of the cross-claim. The HOA argued that Red Rock clearly complied with all requirements of law in foreclosing on the Property and carefully presented the court with all of the notices Red Rock provided.
- On April 17, 2019, the court in that First Action signed an order granting the HOA's motion in its entirety reasoning that "[t]he totality of the facts evidence that the HOA properly followed the processes and procedures in foreclosing upon the Property."
- On April 29, 2019, Tobin filed a motion to reconsider the April 17, 2019 order granting the HOA's motion. On May 2, 2019, the HOA filed an opposition to Tobin's motion for reconsideration and the matter was heard on May 29, 2019. The court denied Tobin's motion and an order was entered on May 30, 2019.
- Tobin appealed the decision of the court in the First Action to the Nevada Supreme Court, and the appeal was denied.
- Shortly after all of her claims were denied at trial in the First Action, Tobin initiated the Second Action by filing a new complaint against Red Rock and others on August 8, 2019, which was amended on June 3, 2020, asserting the same allegations as in her cross-claim. Red Rock filed a motion to dismiss arguing primarily that each of Tobin's claims against Red Rock were barred by the doctrine of nonmutual claim preclusion. The district court granted Red Rock's motion (as well as several joinders) in its entirety and with prejudice on December 3, 2020.
- Tobin appealed the district court's decision in the Second Action and that appeal is currently pending.
- After the Second Action was dismissed, Red Rock filed the current interpleader action in February 2021 to interplead the excess proceeds from

1 the foreclosure sale. In response, Tobin filed another counterclaim against  
2 Red Rock as part of the Third Action.

- 3 • In the Third Action, Tobin made the same allegations against Red Rock as  
4 in the previous actions. On February 3, 2021, Red Rock filed a motion to  
5 dismiss, and this Court granted the same based on res judicata since these  
6 very same claims had been dismissed in both the First and Second Actions.
- 7 • Tobin then brought a motion to reconsider this Court's ruling on Red  
8 Rock's motion to dismiss. Red Rock opposed the motion for  
9 reconsideration, and on November 16, 2021, the Court held a hearing. After  
10 considering argument and reviewing the pleadings, the Court again denied  
11 Tobin's relief request.
- 12 • Tobin filed the pending Motion making the same allegations that were  
13 dismissed with prejudice in the Second Action and in this Third Action,  
14 suggesting fraud on or by the Court.

15 Before restricting a person's access to the court system, a court should fashion an  
16 order that is narrowly tailored to address the actual problem. *Jordan v. State ex rel. Dept.*  
17 *of Motor Vehicles*, 121 Nev. 44, 61. (Nev. 2005). Courts should avoid an overly broad  
18 restriction against the vexatious litigant as this type of restriction could adversely impact  
19 certain constitutional rights. *Id.* A court may, however, fashion a restrictive order  
20 barring a litigant from filing any new lawsuits involving a specific defendant or a specific  
21 claim. *Id.*

22 While the Court finds Tobin's repeated filings troubling, it is hesitant to place a  
23 restrictive order on Tobin at this time. Having considered the factors necessary to deem  
24 a party a vexatious litigant, the Court hereby warns Ms. Tobin, <sup>that</sup> and if Ms. Tobin  
25 continues to file seriatim motions with this Court, <sup>that are devoid of legal merit,</sup> then the Court will have no other  
26 choice but to issue an order to show cause why Ms. Tobin should not be declared a  
27 vexatious litigant, and at that time the Court would more fully consider Red Rock's  
28 request for attorneys' fees and costs.

**IT IS THEREFORE ORDERED ADJUDGED AND DECREED** that Nona Tobin's Motion for An Evidentiary Hearing to Set Aside September 10, 2021 Order and November 30, 2021 Order Pursuant to NRCp 60(b)(3) (Fraud on the Court) and Motion for Attorneys' Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS 18.010(2) is **DENIED**.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Red Rock's Countermotion for Abuse of Process; for Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs is **DENIED**.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that as it pertains to Tobin's counterclaims, those claims are barred for the reasons set forth in this Court's prior order, which include the doctrines of claim preclusion and *res judicata*.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Red Rock's interpleader action remains before this Court.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Nona Tobin's, right to make arguments regarding the excess proceeds as part of the interpleader action is not impaired by this Order.

**Dated this 25th day of May, 2022**

Justina K Peterso

**D7B DC5 DA0E F8ED**  
**Jessica K. Peterson**  
**District Court Judge**

Submitted by:

**KOCH & SCOW, LLC**

/s/ Steven B. Scow

Steven B. Scow

*Attorneys for Red Rock Financial  
Services LLC*

Approved as to Form and Content:

Declined

Nona Tobin

2664 Olivia Heights Ave.

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NonaTobin@gmail.com

Defendant In Proper Person

Approved as to Form and Content:

/s/ Vanessa M. Turley

Vanessa M. Turley, Esq.

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*Attorneys for Defendant Wells Fargo, N.A. and  
Nationstar Mortgage LLC*

**From:** Turley, Vanessa M. Vanessa.Turley@troutman.com  
**Subject:** RE: Red Rock Financial Services, LLC v. Nona Tobin, Case No. A-21-828840-C  
**Date:** May 9, 2022 at 10:42 AM  
**To:** Steven Scow sscow@kochscow.com  
**Cc:** Kusch, Janet Owen Janet.Kusch@troutman.com



Hi Steve,

Thank you for resending. I must have overlooked it when it was previously sent. I approve as to form and content.

Thank you,

**Vanessa M. Turley**

Attorney

**troutman pepper**

Direct: 470.832.5572

vanessa.turley@troutman.com

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**From:** Steven Scow <sscow@kochscow.com>  
**Sent:** Monday, May 9, 2022 1:30 PM  
**To:** Turley, Vanessa M. <Vanessa.Turley@troutman.com>  
**Cc:** Kusch, Janet Owen <Janet.Kusch@troutman.com>  
**Subject:** Re: Red Rock Financial Services, LLC v. Nona Tobin, Case No. A-21-828840-C

**EXTERNAL SENDER**

Good morning, Vanessa:

Thanks for the email and the heads up. My secretary circulated the proposed order on April 27th, and we are planning to submit this afternoon. The April 27 email is attached, and I believe we sent it to you as well, though perhaps we had the wrong email. We have not heard anything from the opposing party.

The order is fairly long, but please let me know if you have any suggestions.

Thanks.

**Steve Scow**

Koch & Scow LLC

11500 S. Eastern Ave., Suite 210

Henderson, Nevada 89052

702-318-5040 (office)

702-318-5039 (fax)

702-606-6057 (cell)

[sscow@kochscow.com](mailto:sscow@kochscow.com)

[SSCOW@ROUTHSCOW.COM](mailto:SSCOW@ROUTHSCOW.COM)

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**From:** Steven Scow [sscow@kochscow.com](mailto:sscow@kochscow.com)  
**Subject:** Re: Case No.: A-21-828840-C RRFS vs. Tobin et al.  
**Date:** May 9, 2022 at 12:50 PM  
**To:** Nona Tobin [nonatobin@gmail.com](mailto:nonatobin@gmail.com)  
**Cc:** [aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com), Gary Schnitzer [gschnitzer@ksjattorneys.com](mailto:gschnitzer@ksjattorneys.com), [vanessa.turley@troutman.com](mailto:vanessa.turley@troutman.com), Kerry Faughnan [kfaughnan@kochscow.com](mailto:kfaughnan@kochscow.com)

SS

Hi Ms. Tobin - I received your email and reviewed your proposed competing order - we do not agree to your proposed form.

We will be submitting our proposed order to the court today, and we will let the court know that you responded but that you are asking for additional time to submit your order (we will attach your email). We will copy you when our order is submitted, which is what we did previously, so you can respond and attach your order.

Thanks.

**Steve Scow**

Koch & Scow LLC  
11500 S. Eastern Ave., Suite 210  
Henderson, Nevada 89052  
702-318-5040 (office)  
702-318-5039 (fax)  
702-606-6057 (cell)  
[sscow@kochscow.com](mailto:sscow@kochscow.com)

On May 9, 2022, at 11:33 AM, Nona Tobin <[nonatobin@gmail.com](mailto:nonatobin@gmail.com)> wrote:

I attempted to edit your draft order, but there were too many erroneous statements so I wrote a competing order.

I have done this from Spain where I am on vacation and I would appreciate it if you don't do what you did the last two times and just turn yours in without even attempting to negotiate a more accurate statement of the record. I haven't seen anything from Nationstar so I am assuming the banks have no comment and will sign whatever Red Rock writes.

I am sending this to you by the deadline you imposed, but considering you were 68 days past the deadline the court gave you, I would like to have a couple weeks before you turn your draft in so I can file my competing order simultaneously.

Will you agree to that?

Thanks.

**Nona Tobin**  
**(702) 465-2199**

On Wed, Apr 27, 2022 at 10:36 PM [aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com) <[aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com)> wrote:

Good Afternoon,

Attached is a proposed order in the above-referenced matter. If you have any changes to the proposed order, please let Mr. Scow know no later than noon on May 9th. If you approve, please let us know if we can use your electronic signature.

Respectfully,

**Andrea W. Eshenbaugh**

Legal Assistant

Koch & Scow LLC

11500 S. Eastern Ste. 210

Henderson, NV 89052

702-318-5040

[aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com)

<220509 draft competing order.docx>



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 5/25/2022

15 David Koch

dkoch@kochscow.com

16 Steven Scow

sscow@kochscow.com

17 Andrea Eshenbaugh - Legal Assistant

aeshenbaugh@kochscow.com

18 John Thomson

johnwthomson@ymail.com

19 Daniel Scow

dscow@kochscow.com

20 Nona Tobin

nonatobin@gmail.com

21 Kerry Faughnan

kfaughnan@kochscow.com

22 Aaron Lancaster

aaron.lancaster@troutman.com

23 Paula Lamprea

jwtlaw@ymail.com

24 Janet Kusch

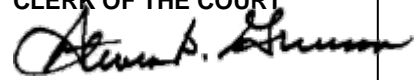
janet.kusch@troutman.com

25 Vanessa Turley

vanessa.turley@troutman.com

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David R. Koch (NV Bar No. 8830)  
Steven B. Scow (NV Bar No. 9906)  
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*Attorneys for Plaintiff/Counter-Defendant  
Red Rock Financial Services*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as Trustee  
of the GORDON B. HANSEN TRUST DATED  
8/22/08; REPUBLIC SERVICES, INC. a  
Nevada corporation; WELLS FARGO, N.A., a  
national banking association; NATIONSTAR  
MORTGAGE, LLC, a Delaware company; and  
DOES 1-100;

Defendants

Case No.: A-21-828840-C  
Dept.: 8

**NOTICE OF ENTRY OF ORDER**

NONA TOBIN, as an individual;

Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;

Counter-Defendant.

NONA TOBIN, as an individual;

Cross-Claimant,

1 vs.

2 WELLS FARGO, N.A., a national banking  
3 association; NATIONSTAR MORTGAGE, LLC,  
4 a Delaware company; and DOES 1-100;

5 Cross-Defendants

6 PLEASE TAKE NOTICE that the *Order Denying Nona Tobin's Motion for An*  
7 *Evidentiary Hearing to Set Aside September 10, 2021 Order and November 30, 2021 Order*  
8 *Pursuant to NRCP 60(b)(3) (Fraud) and NRCP 60(b)(3) (Fraud on the Court) and Motion for*  
9 *Attorneys' Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS 18.010(2) and Red Rock*  
10 *Financial Services, LLC's Countermotion for Abuse of Process; for a Vexatious Litigant*  
11 *Restrictive Order Against Nona Tobin, and for Attorney Fees and Costs* was entered in the  
above-referenced matter on May 25, 2022, a copy of which is attached hereto.

12 DATED: May 25, 2022.

**KOCH & SCOW, LLC**

13 /s/Steven B. Scow

14 Steven B. Scow, Esq.  
15 Attorneys for Red Rock Financial Services, LLC  
16  
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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I certify that on May 25, 2022, I caused the foregoing document entitled: **NOTICE OF ENTRY OF ORDER**, to be electronically served through the Eighth Judicial District Court, County of Clark, State of Nevada EFile system.

Executed on May 25, 2022 at Henderson, Nevada.

/s/ Andrea W. Eshenbaugh  
An Employee of Koch & Scow LLC

DAVID R. KOCH (NV Bar No. 8830)  
STEVEN B. SCOW (NV Bar No. 9906)  
KERRY P. FAUGHNAN (NV Bar No. 12204)  
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Facsimile: (702) 318-5039  
*Attorneys for Plaintiff*  
*Red Rock Financial Services*

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

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as Trustee  
of the GORDON B. HANSEN TRUST DATED  
8/22/08; REPUBLIC SERVICES, INC. a  
Nevada corporation; WELLS FARGO, N.A., a  
national banking association; NATIONSTAR  
MORTGAGE, LLC, a Delaware company; and  
DOES 1-100;

Defendants

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

Case No.: A-21-828840-C  
Dept.: 8

**ORDER DENYING NONA TOBIN'S  
MOTION FOR AN EVIDENTIARY  
HEARING TO SET ASIDE  
SEPTEMBER 10, 2021 ORDER AND  
NOVEMBER 30, 2021 ORDERS  
PURSUANT TO NRCP 60(b)(3)  
(FRAUD) AND NRCP 60  
(b)(3)(FRAUD ON THE COURT) AND  
MOTION FOR ATTORNEYS' FEES  
AND COSTS PURSUANT TO EDCR  
7.60(1) AND (3), NRS 18.010(2);  
AND,  
RED ROCK FINANCIAL SERVICES,  
LLC'S COUNTERMOTION FOR  
ABUSE OF PROCESS; FOR A  
VEXATIOUS LITIGANT  
RESTRICTIVE ORDER AGAINST  
NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS**

1 NONA TOBIN, as an individual;

2 Cross-Claimant,

3 vs.

4 WELLS FARGO, N.A., a national banking  
5 association; NATIONSTAR MORTGAGE, LLC,  
6 a Delaware company; and DOES 1-100;

7 Cross-Defendants

8  
9 This matter came on before the above-entitled Court for hearing on  
10 Defendant/Counterclaimant, *Nona Tobin's Motion for An Evidentiary Hearing to Set Aside*  
11 *September 10, 2021 Order and November 30, 2021 Order Pursuant to NRCP 60(b)(3) (Fraud on*  
12 *the Court) and Motion for Attorneys' Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS*  
13 *18.010(2) (the "Motion")*, and Red Rock's Countermotion for Abuse of Process; for  
14 Vexatious Litigant Restrictive Order Against Nona Tobin, and for Attorney Fees and Costs  
15 (the "Countermotion"). Plaintiff/Counter-Defendant, Red Rock Financial Services LLC  
16 ("Red Rock"), appeared by and through its attorneys, Steven B. Scow, Esq. and Kerry P.  
17 Faughnan, Esq. of the Koch & Scow LLC and Defendant/Counterclaimant, Nona Tobin,  
18 appeared in Proper Person. The Court having examined all documents and pleadings on  
19 file herein, having heard arguments of the parties, and good cause appearing makes the  
20 following findings and order:  
21

22 **I. FINDINGS OF FACT**

23 **A. PROCEDURAL HISTORY**

24 The Motion filed by Ms. Tobin requests relief in connection with three separate  
25 cases: the first is Case A-15-720032-C (the "First Action"); the second matter is Case A-19-  
26 799890-C (the "Second Action"), in which Red Rock was a party; and the third is the  
27 present case before this Court. Ms. Tobin has made claims in each of these cases pertaining  
28

1 to the real property located at 2763 White Sage Drive, Henderson, Nevada 89052 (the  
2 "Property").

### 3 **1. THE FIRST ACTION**

4 The First Action was filed back in 2015 and arose after the Property was sold on  
5 August 15, 2014 at an HOA foreclosure sale. That case was initiated by the successors-in-  
6 interest to the purchasers who acquired the Property at the homeowner association  
7 foreclosure sale. Ms. Tobin was not initially a party to the First Action, but on January 31,  
8 2017, in her capacity as the trustee of the Gordon B. Hansen Trust (the "Hansen Trust"),  
9 Tobin filed a cross-claim against the Sun City Anthem Community Association (the  
10 "HOA") claiming the HOA, through its collection agent Red Rock, wrongfully foreclosed  
11 on the Property, which was previously owned by the Hansen Trust. The central allegation  
12 in that cross-claim was that Red Rock committed fraud and colluded with several parties,  
13 including the HOA, in foreclosing on the Property without complying with the  
14 requirements of NRS Chapter 116 or the HOA's governing documents. The cross-claim  
15 lists a host of allegations of wrongdoing against Red Rock including claims that Red Rock  
16 failed to provide the Hansen Trust with proper notice of the foreclosure sale and that it  
17 frequently misstated the amounts due and owing to the HOA under the HOA's lien.

18 The cross-claim contained a cause of action against the HOA for quiet title and  
19 equitable relief claiming that Red Rock's actions caused the foreclosure sale to be null and  
20 void, as well as causes of action for civil conspiracy, fraud, unjust enrichment, and breach  
21 of contract. The allegations of each of those claims centered around Red Rock. The cross-  
22 claim alleged that it was Red Rock that conspired, Red Rock that committed fraud, Red  
23 Rock that was unjustly enriched, and Red Rock that breached the contract. The cross-  
24 claim, however, only named the HOA as a party and never named Red Rock to the case.  
25 While Red Rock was not named it was the agent of the HOA and was the party that  
26 conducted the sale and performed all the acts that Tobin complained about.

27 On February 5, 2019, the HOA brought a motion for summary judgment seeking  
28 the dismissal of the cross-claim. The HOA argued that Red Rock complied with all

1 requirements of law in foreclosing on the Property and presented the court with all of the  
2 notices Red Rock provided. Tobin, on behalf of the Hansen Trust, filed an opposition  
3 attempting to defend her allegations along with a self-serving declaration from Tobin that  
4 claimed the Hansen Trust still owned the Property. On April 17, 2019, the court in the First  
5 Action signed an order granting the HOA's motion in its entirety reasoning that "[t]he  
6 totality of the facts evidence that the HOA properly followed the processes and procedures  
7 in foreclosing upon the Property." [See A-15-720032-C Doc. No. 123; emphasis added.] As  
8 part of that order, the court found that Red Rock properly conducted the foreclosure sale  
9 on the Property. On April 29, 2019, Tobin filed a motion to reconsider the April 17, 2019  
10 order granting the HOA's motion. On May 2, 2019, the HOA filed an opposition to Tobin's  
11 motion for reconsideration and the matter was heard on May 29, 2019. The court denied  
12 Tobin's motion and an order was entered on May 30, 2019.

13 Tobin appealed the lower court's decision in the First Action and the Nevada  
14 Supreme Court denied the appeal.

## 15 **2. THE SECOND ACTION**

16 Shortly after the remainder of her claims against the non-HOA parties were denied  
17 at trial in the First Action, Tobin filed a new complaint against Red Rock and others on  
18 August 8, 2019, which was amended on June 3, 2020. Other than asserting claims in her  
19 individual capacity, the causes of action in this Second Action are nearly identical to the  
20 claims in the First Action and Tobin alleges, once again, that Red Rock did not comply with  
21 the requirements of law in foreclosing on the Property back in August 2014. Tobin's  
22 amended complaint in the Second Action also contained claims for quiet title, declaratory  
23 relief, and unjust enrichment against Red Rock, again alleging that the foreclosure sale was  
24 wrongful because Red Rock failed to provide proper notice to Tobin, suggesting Red Rock  
25 misstated the amounts due and owing to the HOA under the HOA's lien. The amended  
26 complaint also contained a claim for unjust enrichment, the same as the current action,  
27 claiming the excess proceeds from the foreclosure sale in the amount of \$57,282.32  
28 belonged to Tobin.

1 In response to the Second Action, Red Rock filed a motion to dismiss arguing  
2 primarily that each of Tobin's claims against Red Rock were barred by the doctrine of  
3 nonmutual claim preclusion. The other defendants filed various joinders to this motion.

4 The district court granted Red Rock's motion (as well as the joinders) in its entirety  
5 and with prejudice on December 3, 2020. The district court reasoned that the doctrine of  
6 nonmutual claim preclusion applied to the Second Action, because 1) Tobin was a party in  
7 privity with the Hansen Trust who brought the suit in the First Action, 2) there was a final  
8 judgment in the First Action, 3) the Second Action was based on the same claims or any  
9 part of them that Tobin brought or could have brought in the First Action, and 4) Red Rock  
10 should have been named in the First Action, and Tobin failed to provide a good reason for  
11 not having done so. Tobin appealed the Second Action, which was transferred to the Court  
of Appeals and is still pending. JKP

### 12 **3. RED ROCK'S INTERPLEADER AND TOBIN'S THIRD ACTION**

13 After the Second Action was dismissed, in February 2021 Red Rock filed the current  
14 interpleader action with this Court to interplead the excess proceeds from the foreclosure  
15 sale of the Property. Red Rock had chosen not to file the interpleader before that date due  
16 to Tobin's multiple lawsuits seeking to unwind the foreclosure sale. As stated in the  
17 interpleader complaint, Red Rock is interpleading the proceeds because it does not know  
18 which party is entitled to those proceeds and does not want to be exposed to multiple  
19 liability.

20 In response to Red Rock's interpleader, Tobin renewed her claims against Red Rock  
21 (the "Third Action") as part of a counterclaim. In the Third Action, Tobin brought the  
22 same allegations against Red Rock as in the previous two actions. In fact, Tobin began her  
23 counterclaim by referencing her cross-claim against the HOA in the First Action. Tobin  
24 again attacked the foreclosure sale of the Property back in 2014, and Tobin alleged that Red  
25 Rock's motion to dismiss in the Second Action was filed for an improper purpose. Tobin  
26 brought causes of action for interpleader, unjust enrichment or conversion, fraud, alter ego,  
27 and racketeering.

28 Red Rock filed a motion to dismiss the Third Action on April 16, 2021, to which

1 Wells Fargo, N.A. and Nationstar Mortgage LLC filed a joinder. Tobin filed a voluminous  
2 opposition to Red Rock's motion, and Tobin dropped off numerous notebooks to the  
3 Court. With Red Rock's motion to dismiss set for the law and motion calendar, and upon  
4 receipt of the multitude of Tobin's notebooks, the Court initially thought an evidentiary  
5 hearing would be needed. Once the Court reviewed the motion to dismiss, the case files,  
6 and everything else presented, the Court decided an evidentiary hearing was not needed,  
7 which is the Court's prerogative.

8 The parties appeared on August 19, 2021 to argue various motions, including Red  
9 Rock's motion to dismiss, and this Court granted Red Rock's motion to dismiss the Third  
10 Action based on principles of res judicata since these very same claims had been dismissed  
11 in both the First Action and the Second Action. On September 10, 2021, the Court entered  
12 a detailed, 11-page order granting Red Rock's motion and dismissing Ms. Tobin's  
13 counterclaims.

14 As set forth in the Court's September 10, 2021 order, Tobin's counterclaims are  
15 barred under the doctrine of claim preclusion, and the Court cited to *Five Star Capital Corp.*  
16 *v. Ruby*, 194 P.3d 709, 713 (Nev. 2008) and noted that "[c]laim preclusion applies where:  
17 "(1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the  
18 subsequent action is based on the same claims or any part of them that were or could have  
19 been brought in the first case." The Court also dismissed all of Tobin's counterclaims  
20 under the statute of limitations; the foreclosure at issue occurred by in 2014 and the Court  
21 found that Tobin's counterclaims brought in 2021 were all barred by the applicable statutes  
22 of limitation.

#### 23 4. TOBIN'S MOTION TO RECONSIDER

24 About one month after the Court dismissed Tobin's counterclaims, Tobin filed a  
25 motion to reconsider the Court's ruling. Red Rock opposed the motion to reconsider, and  
26 Tobin filed a reply along with a 24-page declaration in support of her motion, which reply  
27 included the same allegations Tobin has been raising over the years. On November 16,  
28 2021, the Court held a hearing on Tobin's motion to reconsider, and Tobin appeared

1 personally to argue that motion. Importantly, at that hearing the Court specifically stated  
2 that Tobin would only have around 15 minutes to argue given the Court's calendar, so the  
3 Court gave Tobin the option of arguing her motion that day, or re-scheduling to allow her  
4 as much time as she thought she needed. Tobin chose to argue her motion that day, which  
5 she did. Even with the Court's packed calendar, the Court allowed Tobin to fully argue  
6 her motion for almost 45 minutes.

7 After hearing arguments from the parties and considering all the facts, this Court  
8 denied Tobin's motion to reconsider. An order was entered on November 11, 2021.

9 Tobin then brought the current Motion, asking for another bite at the apple, despite  
10 the numerous prior hearings on the same issues, and despite her recently denied motion  
11 for reconsideration.

#### 12 **B. THE CURRENT MOTION**

13 Tobin filed the Motion making the same allegations that were dismissed with  
14 prejudice in the Second Action and in this Third Action, suggesting fraud on or by the  
15 Court. The Court finds that the only claims remaining as part of this case is the  
16 interpleader action. The Court has previously decided that all of Tobin's counterclaims  
17 that were brought in this action were dismissed with prejudice, being barred by the  
18 doctrine of claim preclusion and the statute of limitations. The Motion is a repeat of the  
19 same issues that have been decided by the Court, and Tobin continues asking this Court  
20 to make a different decision without any basis in law. Tobin also keeps insisting on an  
21 evidentiary hearing.

22 The Court notes that when this case was originally assigned to Department 8 and  
23 Red Rock's motion to dismiss was set for a law and motion hearing, the Court initially  
24 thought an evidentiary hearing would be needed because of the multitude of notebooks  
25 the Court received as part of Ms. Tobin's opposition. The volume of documentation was  
26 the reason why the Court originally thought an evidentiary hearing was necessary.  
27 However, once the Court read the motion to dismiss in more detail, reviewed the case files,  
28 and analyzed the entirety of the facts, the Court decided that an evidentiary hearing was

1 not needed, which is the Court's prerogative. The Court didn't need a further record  
2 developed through an evidentiary hearing because the filings and pleadings made it clear  
3 that Tobin's counterclaims were barred as a matter of law.

4 Furthermore, the Court finds that the myriad of allegations that are being made by  
5 Ms. Tobin as part of the Motion have already been made and denied by this Court.  
6 Ms. Tobin's counterclaims in this case are barred and there is no basis for this Court to  
7 reconsider its prior decisions. Moreover, this Court can only review the matters before it.  
8 This Court lacks jurisdiction to review decisions made by other departments of this district  
9 court. What remains before this Court is Red Rock's interpleader complaint, and Tobin is  
10 free to be a participant in that portion of the case and to make the arguments she sees fit  
11 about who is entitled to the excess proceeds at issue in the interpleader.

12 **C. RED ROCK'S COUNTERMOTION FOR ~~VEXATION~~ LITIGANT**

13 As to Red Rock's countermotion, Ms. Tobin continues to repeat the same myriad  
14 of allegations that have already been decided. Tobin's conduct in the Eighth Judicial  
15 District Court is described above, and she has spent six years pursuing the same claims,  
16 against the same parties, over and over in three different departments. No court has yet  
17 classified Tobin as a vexatious litigant.

18 **II. CONCLUSIONS OF LAW**

19 Tobin titled the Motion as a motion "For an Evidentiary Hearing to Set Aside  
20 September 10, 2021 Order and November 30, 2021 Orders Pursuant to NRCP 60(b)(3)  
21 (Fraud) and NRCP 60(b)(3) (Fraud on the Court)".

22 NRCP 60(b) states:

23 (b) Grounds for Relief From a Final Judgment, Order, or  
24 Proceeding. On motion and just terms, the court may relieve  
25 a party or its legal representative from a final judgment,  
26 order, or proceeding for the following reasons: (1) mistake,  
27 inadvertence, surprise, or excusable neglect; (2) newly  
28 discovered evidence that, with reasonable diligence, could  
not have been discovered in time to move for a new trial  
under Rule 59(b); (3) fraud (whether previously called  
intrinsic or extrinsic), misrepresentation, or misconduct by  
an opposing party; (4) the judgment is void; (5) the judgment

1 has been satisfied, released, or discharged; it is based on an  
2 earlier judgment that has been reversed or vacated; or  
3 applying it prospectively is no longer equitable; or (6) any  
4 other reason that justifies relief.

5 An application of Rule 60(b) requires that Tobin satisfy certain factors as outlined  
6 in *Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982). Those factors are (1) a  
7 prompt application for relief; (2) the absence of intent to delay the proceedings; (3) a lack  
8 of knowledge of the procedural requirements; and (4) good faith on the part of the  
9 moving party.

10 Tobin has failed to meet the promptness prong. The Motion pertains almost  
11 exclusively to events that transpired years ago in previous cases. In the Motion,  
12 paragraphs 42 through 53 allege events that transpired between 2013 and 2019 and  
13 reference documents that are not even part of the current action but were disclosed in  
14 the previous actions. These events were adjudicated in the First and Second Actions,  
15 and these arguments are improperly raised in the current action and fail to meet the  
16 promptness burden.

17 As to the absence of intent to delay, the Motion serves no other purpose but to  
18 further delay these proceedings. Tobin has brought the very same claims in three  
19 different lawsuits. The courts have denied her claims in each and every instance and  
20 found that the underlying HOA foreclosure sale was properly conducted. The court in  
21 the Second Action already dismissed her claims “with prejudice”.

22 As to lack of procedural knowledge, Tobin spends the first nine pages of her  
23 Motion addressing the procedural history of her claims and the multiple actions. She  
24 was clearly aware that the court in the Second Action dismissed her claims with  
25 prejudice, but she ignored that and filed counterclaims in the Third Action alleging the  
26 very same claims that were dismissed with prejudice in the prior cases. After three  
27 separate actions making identical claims for relief and two appeals, Tobin appears well  
28 versed in the procedural knowledge requisite to know that her claims lack any merit in  
law or fact. As such, she fails to meet her burden of lack of procedural knowledge to  
warrant setting aside any of this Court’s orders.

1 Finally, the Court finds that Tobin has not acted in good faith in bringing the  
2 Motion. To begin with, she failed to be truthful with this Court. As addressed above,  
3 she knowingly made claims she knew to be improper, failed to even attempt to show  
4 what fraud was committed that warrants setting aside the orders in the current action,  
5 and improperly attempts to re-litigate decisions from different matters. Tobin has taken  
6 all these steps knowing that the previous courts have considered her allegations and  
7 dismissed her claims in each instance with prejudice. Tobin cannot represent to this  
8 Court that she has a good faith belief that the Motion has merit.

9 Based on the foregoing, Tobin has failed to meet her burden in applying the  
10 elements from *Yochum* in an NRCP 60(b) analysis. The Motion is designed to further  
11 delay and extend these proceedings unnecessarily, and after her multitude of repeated  
12 filings Tobin cannot claim “lack of procedural knowledge.” The Motion was not brought  
13 in good faith given that the Court previously properly dismissed Tobin’s claims with  
14 prejudice, and Tobin knew when she brought her counterclaims that they were meritless.

15 As to the issue of res judicata, despite the finality of so many prior orders, Tobin  
16 again raises her same claims alleging that the Court erred in granting Red Rock’s motion  
17 to dismiss based on *res judicata* and denying her motion to reconsider, matters that have  
18 been thoroughly considered and ruled upon by this Court. This Court did not err in  
19 applying the doctrine of *res judicata*. In general, claim preclusion is designed to prevent  
20 plaintiffs from filing any claims that were or could have been asserted in a different suit.  
21 See *U. of Nevada v. Tarkanian*, 879 P.2d 1180, 1191–92 (Nev. 1994). The concept of claim  
22 preclusion (as well as nonmutual claim preclusion, which extends the doctrine to apply to  
23 parties that were not named in the first suit but should have been named) is designed to  
24 “obtain finality by preventing a party from filing another suit that is based on the same set  
25 of facts that were present in the initial suit.” *Weddell v. Sharp*, 350 P.3d 80, 85 (Nev. 2015)  
26 (quoting *Five Star Capital Corp. v. Ruby*, 194 P.3d 709, 712 (Nev. 2008)).

27 Courts apply the doctrines of claim preclusion and nonmutual claim preclusion  
28 when:

- 1 (1) There is a valid final judgment,
- 2 (2) a subsequent action is based on the same claims or any part of them that were
- 3 or could have been brought in the first action, and
- 4 (3) “the parties or their privies are the same in the instant lawsuit as they were in
- 5 the previous lawsuit, or the defendant can demonstrate that he or she should
- 6 have been included as a defendant in the earlier suit and the plaintiff fails to
- 7 provide a ‘good reason’ for not having done so.”

8 *Id.* at 85.

9 In this case, the doctrine of claim preclusion applies because the district court in the  
10 Second Action already held that all of Tobin’s claims against Red Rock (which are all based  
11 on the same foreclosure sale) were precluded by the First Action, and there is no material  
12 difference between the claims Tobin brought in the current case and the Second Action.  
13 The counterclaims in this current action were filed by the exact same party as the Second  
14 Action (Tobin), filed against the exact same defendant (Red Rock), filed after a valid and  
15 final judgment was entered in the Second Action, and concern the exact same subject  
16 matter as the Second Action (challenges to Red Rock’s actions in foreclosing on the  
17 Property). Given that claim preclusion barred the Second Action, it certainly bars the  
18 current action.

19 To the extent Tobin argues that *res judicata* cannot be used to preclude Tobin’s claims  
20 in this case because “Red Rock was not a party to the first proceedings” she ignores the  
21 fact that the doctrine of nonmutual claim preclusion, which the court properly applied in  
22 dismissing Tobin’s claims in the Second Action, applies to her current repeated claims and  
23 Red Rock and the HOA are clearly in privity. *Res judicata* applies since Red Rock was  
24 acting as the HOA’s agent and as such was in privity with the HOA, the court held in the  
25 First and Second Action that the HOA sale was properly conducted, and the court  
26 dismissed the same claims in the Second Action in which Red Rock was a named party.

27 Regarding Red Rock’s request that Tobin be deemed a vexatious litigant, this  
28 Court finds that declaring a person a vexatious litigant is a herculean task. A court may

1 impose a permanent restriction on a litigant's right to file a lawsuit in a District Court  
2 either after a party so moves, or, depending on the circumstances, *sua sponte*. *Jordan v.*  
3 *State ex rel. Dept. of Motor Vehicles*, 121 Nev. 44, 61. (Nev. 2005) at 60. A court's restrictive  
4 order against a vexatious litigant must contain a clear record of any cases or documents  
5 that the vexatious litigant has filed. *Id.* The issuing court should exercise great caution in  
6 reviewing the litigant's filings in other cases that are still pending before other courts as  
7 there must be no unnecessary interference during the pendency of those cases. *Id.* at 61.  
8 Therefore, the issuing court should rely on the litigant's cases that have previously been  
9 assigned to it and on actual rulings in other cases. *Id.* Nonetheless, the court may still  
10 issue a restrictive order based exclusively on the documents in the pending case before it,  
11 but it must explain why the litigant abused the court system when he or she filed those  
12 documents. *Id.*

13 In *Jordan*, the district court relied on the following pertinent facts to establish that  
14 Lockett was a vexatious litigant: he repeatedly asserted the same arguments in his motions  
15 to reconsider what the court previously determined were losing arguments; he filed  
16 numerous documents in which he would simply delete the original caption and enter a  
17 new one; he continuously asserted legal arguments that lacked merit even after the errors  
18 in his legal analysis were called to his attention; and he engaged in a pattern of abusive  
19 behaviors towards the California courts as evidenced by a published opinion declaring  
20 him a vexatious litigant. *Id.*, at 64-65.

21 Tobin's conduct in the Eighth Judicial District Court has been similar to Lockett's  
22 conduct, and she has spent six years pursuing the same claims, against the same parties,  
23 over and over in three different departments. Tobin's conduct is outlined below:

- 24 • On January 31, 2017, Tobin filed her first pleading, a cross-claim in the First  
25 Action, against the HOA. The cross-claim contained a cause of action  
26 against the HOA for quiet title and equitable relief claiming that Red Rock's  
27 actions caused the foreclosure sale to be null and void as well as causes of  
28 action for civil conspiracy, fraud, unjust enrichment, and breach of contract.

- On February 5, 2019, the HOA brought a motion for summary judgment seeking the dismissal of the cross-claim. The HOA argued that Red Rock clearly complied with all requirements of law in foreclosing on the Property and carefully presented the court with all of the notices Red Rock provided.
- On April 17, 2019, the court in that First Action signed an order granting the HOA's motion in its entirety reasoning that "[t]he totality of the facts evidence that the HOA properly followed the processes and procedures in foreclosing upon the Property."
- On April 29, 2019, Tobin filed a motion to reconsider the April 17, 2019 order granting the HOA's motion. On May 2, 2019, the HOA filed an opposition to Tobin's motion for reconsideration and the matter was heard on May 29, 2019. The court denied Tobin's motion and an order was entered on May 30, 2019.
- Tobin appealed the decision of the court in the First Action to the Nevada Supreme Court, and the appeal was denied.
- Shortly after all of her claims were denied at trial in the First Action, Tobin initiated the Second Action by filing a new complaint against Red Rock and others on August 8, 2019, which was amended on June 3, 2020, asserting the same allegations as in her cross-claim. Red Rock filed a motion to dismiss arguing primarily that each of Tobin's claims against Red Rock were barred by the doctrine of nonmutual claim preclusion. The district court granted Red Rock's motion (as well as several joinders) in its entirety and with prejudice on December 3, 2020.
- Tobin appealed the district court's decision in the Second Action and that appeal is currently pending.
- After the Second Action was dismissed, Red Rock filed the current interpleader action in February 2021 to interplead the excess proceeds from

1 the foreclosure sale. In response, Tobin filed another counterclaim against  
2 Red Rock as part of the Third Action.

- 3 • In the Third Action, Tobin made the same allegations against Red Rock as  
4 in the previous actions. On February 3, 2021, Red Rock filed a motion to  
5 dismiss, and this Court granted the same based on res judicata since these  
6 very same claims had been dismissed in both the First and Second Actions.
- 7 • Tobin then brought a motion to reconsider this Court's ruling on Red  
8 Rock's motion to dismiss. Red Rock opposed the motion for  
9 reconsideration, and on November 16, 2021, the Court held a hearing. After  
10 considering argument and reviewing the pleadings, the Court again denied  
11 Tobin's relief request.
- 12 • Tobin filed the pending Motion making the same allegations that were  
13 dismissed with prejudice in the Second Action and in this Third Action,  
14 suggesting fraud on or by the Court.

15 Before restricting a person's access to the court system, a court should fashion an  
16 order that is narrowly tailored to address the actual problem. *Jordan v. State ex rel. Dept.*  
17 *of Motor Vehicles*, 121 Nev. 44, 61. (Nev. 2005). Courts should avoid an overly broad  
18 restriction against the vexatious litigant as this type of restriction could adversely impact  
19 certain constitutional rights. *Id.* A court may, however, fashion a restrictive order  
20 barring a litigant from filing any new lawsuits involving a specific defendant or a specific  
21 claim. *Id.*

22 While the Court finds Tobin's repeated filings troubling, it is hesitant to place a  
23 restrictive order on Tobin at this time. Having considered the factors necessary to deem  
24 a party a vexatious litigant, the Court hereby warns Ms. Tobin, <sup>that</sup> and if Ms. Tobin  
25 continues to file seriatim motions with this Court, <sup>that are devoid of legal merit,</sup> then the Court will have no other  
26 choice but to issue an order to show cause why Ms. Tobin should not be declared a  
27 vexatious litigant, and at that time the Court would more fully consider Red Rock's  
28 request for attorneys' fees and costs.

**IT IS THEREFORE ORDERED ADJUDGED AND DECREED** that Nona Tobin's Motion for An Evidentiary Hearing to Set Aside September 10, 2021 Order and November 30, 2021 Order Pursuant to NRCp 60(b)(3) (Fraud on the Court) and Motion for Attorneys' Fees and Costs Pursuant to EDCR 7.60(1) and (3), NRS 18.010(2) is **DENIED**.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Red Rock's Countermotion for Abuse of Process; for Vexatious Litigant Restrictive Order Against Nona Tobin and for Attorney Fees and Costs is **DENIED**.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that as it pertains to Tobin's counterclaims, those claims are barred for the reasons set forth in this Court's prior order, which include the doctrines of claim preclusion and *res judicata*.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that Red Rock's interpleader action remains before this Court.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Nona Tobin's, right to make arguments regarding the excess proceeds as part of the interpleader action is not impaired by this Order.

**Dated this 25th day of May, 2022**

Justina K Peterso

**D7B DC5 DA0E F8ED**  
**Jessica K. Peterson**  
**District Court Judge**

Submitted by:

**KOCH & SCOW, LLC**

/s/ Steven B. Scow

Steven B. Scow

*Attorneys for Red Rock Financial  
Services LLC*

Approved as to Form and Content:

Declined

Nona Tobin

2664 Olivia Heights Ave.

Henderson NV 89052

NonaTobin@gmail.com

Defendant In Proper Person

Approved as to Form and Content:

/s/ Vanessa M. Turley

Vanessa M. Turley, Esq.

Nevada Bar Number 14635

TROUTMAN PEPPER LLP

8985 S. Eastern Avenue, Suite 200,  
Las Vegas, NV 89123

*Attorneys for Defendant Wells Fargo, N.A. and  
Nationstar Mortgage LLC*

**From:** Turley, Vanessa M. Vanessa.Turley@troutman.com  
**Subject:** RE: Red Rock Financial Services, LLC v. Nona Tobin, Case No. A-21-828840-C  
**Date:** May 9, 2022 at 10:42 AM  
**To:** Steven Scow sscow@kochscow.com  
**Cc:** Kusch, Janet Owen Janet.Kusch@troutman.com

VT

Hi Steve,

Thank you for resending. I must have overlooked it when it was previously sent. I approve as to form and content.

Thank you,

**Vanessa M. Turley**

**Attorney**

**troutman pepper**

Direct: 470.832.5572

vanessa.turley@troutman.com

□ ..... □ -

---

**From:** Steven Scow <sscow@kochscow.com>  
**Sent:** Monday, May 9, 2022 1:30 PM  
**To:** Turley, Vanessa M. <Vanessa.Turley@troutman.com>  
**Cc:** Kusch, Janet Owen <Janet.Kusch@troutman.com>  
**Subject:** Re: Red Rock Financial Services, LLC v. Nona Tobin, Case No. A-21-828840-C

**EXTERNAL SENDER**

Good morning, Vanessa:

Thanks for the email and the heads up. My secretary circulated the proposed order on April 27th, and we are planning to submit this afternoon. The April 27 email is attached, and I believe we sent it to you as well, though perhaps we had the wrong email. We have not heard anything from the opposing party.

The order is fairly long, but please let me know if you have any suggestions.

Thanks.

**Steve Scow**

Koch & Scow LLC

11500 S. Eastern Ave., Suite 210

Henderson, Nevada 89052

702-318-5040 (office)

702-318-5039 (fax)

702-606-6057 (cell)

[sscow@kochscow.com](mailto:sscow@kochscow.com)

[SSCOW@ROUTHSCOW.COM](mailto:SSCOW@ROUTHSCOW.COM)

---

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**From:** Steven Scow [sscow@kochscow.com](mailto:sscow@kochscow.com)  
**Subject:** Re: Case No.: A-21-828840-C RRFS vs. Tobin et al.  
**Date:** May 9, 2022 at 12:50 PM  
**To:** Nona Tobin [nonatobin@gmail.com](mailto:nonatobin@gmail.com)  
**Cc:** [aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com), Gary Schnitzer [gschnitzer@ksjattorneys.com](mailto:gschnitzer@ksjattorneys.com), [vanessa.turley@troutman.com](mailto:vanessa.turley@troutman.com), Kerry Faughnan [kfaughnan@kochscow.com](mailto:kfaughnan@kochscow.com)

SS

Hi Ms. Tobin - I received your email and reviewed your proposed competing order - we do not agree to your proposed form.

We will be submitting our proposed order to the court today, and we will let the court know that you responded but that you are asking for additional time to submit your order (we will attach your email). We will copy you when our order is submitted, which is what we did previously, so you can respond and attach your order.

Thanks.

**Steve Scow**

Koch & Scow LLC  
11500 S. Eastern Ave., Suite 210  
Henderson, Nevada 89052  
702-318-5040 (office)  
702-318-5039 (fax)  
702-606-6057 (cell)  
[sscow@kochscow.com](mailto:sscow@kochscow.com)

On May 9, 2022, at 11:33 AM, Nona Tobin <[nonatobin@gmail.com](mailto:nonatobin@gmail.com)> wrote:

I attempted to edit your draft order, but there were too many erroneous statements so I wrote a competing order.

I have done this from Spain where I am on vacation and I would appreciate it if you don't do what you did the last two times and just turn yours in without even attempting to negotiate a more accurate statement of the record. I haven't seen anything from Nationstar so I am assuming the banks have no comment and will sign whatever Red Rock writes.

I am sending this to you by the deadline you imposed, but considering you were 68 days past the deadline the court gave you, I would like to have a couple weeks before you turn your draft in so I can file my competing order simultaneously.

Will you agree to that?

Thanks.

**Nona Tobin**  
**(702) 465-2199**

On Wed, Apr 27, 2022 at 10:36 PM [aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com) <[aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com)> wrote:

Good Afternoon,

Attached is a proposed order in the above-referenced matter. If you have any changes to the proposed order, please let Mr. Scow know no later than noon on May 9th. If you approve, please let us know if we can use your electronic signature.

Respectfully,

**Andrea W. Eshenbaugh**

Legal Assistant

Koch & Scow LLC

11500 S. Eastern Ste. 210

Henderson, NV 89052

702-318-5040

[aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com)

<220509 draft competing order.docx>



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 5/25/2022

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18 John Thomson

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19 Daniel Scow

dscow@kochscow.com

20 Nona Tobin

nonatobin@gmail.com

21 Kerry Faughnan

kfaughnan@kochscow.com

22 Aaron Lancaster

aaron.lancaster@troutman.com

23 Paula Lamprea

jwtlaw@ymail.com

24 Janet Kusch

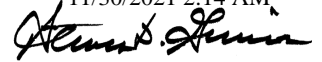
janet.kusch@troutman.com

25 Vanessa Turley

vanessa.turley@troutman.com

26  
27  
28

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CLERK OF THE COURT

**ORDR**

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

LILITH V. XARA, ESQ.

Nevada Bar No. 13138

**AKERMAN LLP**

1635 Village Center Circle, Suite 200

Las Vegas, Nevada 89134

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Facsimile: (702) 380-8572

Email: mlenaie.morgan@akerman.com

Email: lilith.xara@akerman.com

*Attorneys for Defendants Wells Fargo, N.A. and  
Nationstar Mortgage LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES,

Plaintiff,

vs.

NONA TOBIN, as an individual and as Trustee of  
the GORDON B. HANSEN TRUST DATED  
8/22/08; REPUBLIC SERVICES, INC. a Nevada  
corporation; WELLS FARGO, N.A., a national  
banking association; NATIONSTAR  
MORTGAGE LLC, a Delaware company; and  
DOES 1-100;

Defendants.

Case No.: A-21-828840-C

Dept. No. VIII

**Hearing Date:** November 16, 2021

**Hearing Time:** 8:00 a.m.

**ORDER CLARIFYING SEPTEMBER 10,  
2021 ORDER AND MOOTING NOTICE  
OF DEFAULT AND MOTION TO  
STRIKE**

This action came before the court on November 16, 2021 on Nona Tobin's motion for reconsideration. At the hearing, the court noted that the September 10, 2021 order had neglected to dismiss Wells Fargo N.A. and Nationstar Mortgage LLC, despite the fact that both had filed a joinder to the motion filed by Red Rock which resulted in the dismissal. At the hearing the court directed this order to clarify that the dismissal applied to Wells Fargo N.A. and Nationstar Mortgage LLC due to the joinder, and moot the issue of Tobin's intent to take default and Wells Fargo and Nationstar's motion to strike the notice.

...

**WHEREAS** Wells Fargo N.A. and Nationstar Mortgage LLC filed a joinder to Red Rock's motion to dismiss on May 3, 2021 and a joinder to Red Rock's reply on May 5, 2021.

**WHEREAS** the court granted the motion and dismissed the claims asserted against Red Rock in its September 10, 2021 order.

**WHEREAS** Tobin filed a three day notice of intent to take default on Wells Fargo N.A. and Nationstar Mortgage LLC on November 11, 2021.

**WHEREAS** Wells Fargo N.A. and Nationstar Mortgage LLC filed a motion to strike the notices on November 15, 2021.

**IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the September 10, 2021 order is amended to clarify that Tobin's claims against Wells Fargo N.A. and Nationstar Mortgage LLC are DISMISSED WITH PREJUDICE.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the three day notices of intent to take default are therefore mooted.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the hearing currently scheduled for December 16, 2021 to strike the mooted notices of intent to take default is mooted and vacated.

Dated this 30th day of November, 2021



*Respectfully submitted by:*

**AKERMAN LLP**

**2AA EE2 9306 AD54  
Jessica K. Peterson  
District Court Judge**

/s/ Lilith V. Xara

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

LILITH V. XARA, ESQ.

Nevada Bar No. 13138

1635 Village Center Circle, Suite 200

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*Attorneys for Defendants Wells Fargo, N.A.  
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TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 *Approved as to Form and Content:*

2 **KOCH & SCOW, LLC**

3 /s/ Steven B. Scow

4 STEVEN B. SCOW, ESQ.  
5 11500 S. Eastern Avenue, Suite 210  
6 Henderson, Nevada 89052  
7 *Attorneys for Red Rock Financial*  
8 *Services LLC*

8 **REFUSED TO SIGN**

9 Nona Tobin  
10 2664 Olivia Heights Ave.  
11 Henderson NV 89052  
12 NonaTobin@gmail.com  
13 *Defendant In Proper Person*

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200  
LAS VEGAS, NEVADA 89134  
TEL.: (702) 634-5000 – FAX: (702) 380-8572

## Llarena, Carla (LAA-Las)

---

**From:** Kerry Faughnan <kfaughnan@kochscow.com>  
**Sent:** Friday, November 19, 2021 1:31 PM  
**To:** Xara, Lilith (Assoc-Las); aeshenbaugh@kochscow.com  
**Cc:** sscow@kochscow.com; nonatobin@gmail.com; Morgan, Melanie (Ptrn-Las)  
**Subject:** Re: A-21-828840-C Proposed Order re Red Rock Financial Services, Plaintiff(s) vs. Nona Tobin, Defendant(s)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[External to Akerman]

Lilith,

Thank you for the quick response. We will add your electronic signature to our order.

Steve also approves your addition of his electronic signature to your order.

Kerry

---

**From:** "lilith.xara@akerman.com"  
**Date:** Friday, November 19, 2021 at 1:20 PM  
**To:** "aeshenbaugh@kochscow.com"  
**Cc:** "sscow@kochscow.com", "nonatobin@gmail.com", Kerry Faughnan, "melanie.morgan@akerman.com"  
**Subject:** A-21-828840-C Proposed Order re Red Rock Financial Services, Plaintiff(s) vs. Nona Tobin, Defendant(s)

Hello,

The order you attached is approved for my e-signature.

Attached please find the order I was directed by the judge to prepare for this case at the last hearing.

Please let us know if you have any comments, or, if we may submit it to the judge.

Thank you,

**Lilith V. Xara**

Associate, Consumer Financial Services Practice Group  
Akerman LLP | 1635 Village Center Circle, Suite 200 | Las Vegas, NV 89134  
D: 702 634 5020 | T: 702 634 5000 | F: 702 380 8572  
[lilith.xara@akerman.com](mailto:lilith.xara@akerman.com)

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---

**From:** aeshenbaugh@kochscow.com

**Sent:** Friday, November 19, 2021 12:44 PM

**To:** nonatobin@gmail.com; Xara, Lilith (Assoc-Las)

**Cc:** Steve Scow ; Kerry Faughnan

**Subject:** A-21-828840-C Proposed Order re Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)

[External to Akerman]

Good Afternoon,

Attached is a proposed Order denying the motion for reconsideration in the above-referenced matter. If you have any problems opening the attachment please let me know. Please let Mr. Faughnan know of any changes by November 29, 2021.

Respectfully,

**Andrea W. Eshenbaugh**

Legal Assistant

Koch & Scow LLC

11500 S. Eastern Ste. 210

Henderson, NV 89052

702-318-5040

[aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com)

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA  
4

5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 11/30/2021

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21 Akerman LLP

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22 Andrea Eshenbaugh - Legal Assistant

aeshenbaugh@kochscow.com

23 John Thomson

johnwthomson@ymail.com

24 Scott Lachman

scott.Lachman@akerman.com

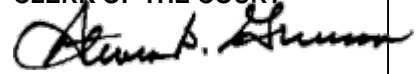
25 Donna Wittig

donna.wittig@akerman.com

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|----------------|-----------------------------|
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| Scott Lachman  | scott.lachman@akerman.com   |
| Lilith Xara    | lilith.xara@akerman.com     |
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**NEOJ**  
MELANIE D. MORGAN, ESQ.  
Nevada Bar No. 8215  
LILITH V. XARA, ESQ.  
Nevada Bar No. 13138  
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Telephone: (702) 634-5000  
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Email: lilith.xara@akerman.com

*Attorneys for Defendants Wells Fargo, N.A. and  
Nationstar Mortgage LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES,

Plaintiff,

vs.

NONA TOBIN, as an individual and as Trustee of  
the GORDON B. HANSEN TRUST DATED  
8/22/08; REPUBLIC SERVICES, INC. a Nevada  
corporation; WELLS FARGO, N.A., a national  
banking association; NATIONSTAR  
MORTGAGE LLC, a Delaware company; and  
DOES 1-100;

Defendants.

Case No.: A-21-828840-C

Dept. No. VIII

**Hearing Date:** November 16, 2021

**Hearing Time:** 8:00 a.m.

**NOTICE OF ENTRY OF ORDER  
CLARIFYING SEPTEMBER 10, 2021  
ORDER AND MOOTING NOTICE OF  
DEFAULT AND MOTION TO STRIKE**

**TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:**

///

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///

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///

///

1 PLEASE TAKE NOTICE that the **ORDER CLARIFYING SEPTEMBER 10, 2021**  
2 **ORDER AND MOOTING NOTICE OF DEFAULT AND MOTION TO STRIKE** has been  
3 entered on the 30<sup>th</sup> day of November 2021, in the above-captioned matter. A copy of said Order is  
4 attached hereto as **Exhibit A**.

5 DATED this 30<sup>th</sup> day of November 2021

6  
7 **AKERMAN LLP**

8 /s/ Lilith V. Xara

9 MELANIE D. MORGAN, ESQ.

10 Nevada Bar No. 8215

11 LILITH V. XARA, ESQ.

12 Nevada Bar No. 13138

13 1635 Village Center Circle, Suite 200

14 Las Vegas, Nevada 89134

15 *Attorneys for Defendants Wells Fargo, N.A.*  
16 *and Nationstar Mortgage LLC*  
17  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 30<sup>th</sup> day of November 2021, and pursuant to NRCP 5(b), I served via the Clark County electronic filing system a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER CLARIFYING SEPTEMBER 10, 2021 ORDER AND MOOTING NOTICE OF DEFAULT AND MOTION TO STRIKE**, addressed to:

**Koch & Scow LLC**

David R. Koch dkoch@kochscow.com

Daniel G Scow dscow@kochscow.com

Steven B Scow sscow@kochscow.com

Kerry Faughnan kfaughnan@kochscow.com

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**Thomson Law PC**

Michelle Soto jwtlaw@ymail.com

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Nona Tobin

2664 Olivia Heights Ave.

Henderson NV 89052

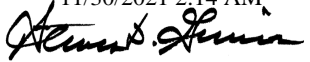
NonaTobin@gmail.com

I declare that I am employed in the office of a member of the bar of this Court at whose discretion the service was made.

/s/ Doug J. Layne

An employee of AKERMAN LLP

# **EXHIBIT A**

  
CLERK OF THE COURT

**ORDR**

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

LILITH V. XARA, ESQ.

Nevada Bar No. 13138

**AKERMAN LLP**

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*Attorneys for Defendants Wells Fargo, N.A. and  
Nationstar Mortgage LLC*

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES,

Plaintiff,

vs.

NONA TOBIN, as an individual and as Trustee of  
the GORDON B. HANSEN TRUST DATED  
8/22/08; REPUBLIC SERVICES, INC. a Nevada  
corporation; WELLS FARGO, N.A., a national  
banking association; NATIONSTAR  
MORTGAGE LLC, a Delaware company; and  
DOES 1-100;

Defendants.

Case No.: A-21-828840-C

Dept. No. VIII

**Hearing Date:** November 16, 2021

**Hearing Time:** 8:00 a.m.

**ORDER CLARIFYING SEPTEMBER 10,  
2021 ORDER AND MOOTING NOTICE  
OF DEFAULT AND MOTION TO  
STRIKE**

This action came before the court on November 16, 2021 on Nona Tobin's motion for reconsideration. At the hearing, the court noted that the September 10, 2021 order had neglected to dismiss Wells Fargo N.A. and Nationstar Mortgage LLC, despite the fact that both had filed a joinder to the motion filed by Red Rock which resulted in the dismissal. At the hearing the court directed this order to clarify that the dismissal applied to Wells Fargo N.A. and Nationstar Mortgage LLC due to the joinder, and moot the issue of Tobin's intent to take default and Wells Fargo and Nationstar's motion to strike the notice.

...

**WHEREAS** Wells Fargo N.A. and Nationstar Mortgage LLC filed a joinder to Red Rock's motion to dismiss on May 3, 2021 and a joinder to Red Rock's reply on May 5, 2021.

**WHEREAS** the court granted the motion and dismissed the claims asserted against Red Rock in its September 10, 2021 order.

**WHEREAS** Tobin filed a three day notice of intent to take default on Wells Fargo N.A. and Nationstar Mortgage LLC on November 11, 2021.

**WHEREAS** Wells Fargo N.A. and Nationstar Mortgage LLC filed a motion to strike the notices on November 15, 2021.

**IT IS HEREBY ORDERED ADJUDGED AND DECREED** that the September 10, 2021 order is amended to clarify that Tobin's claims against Wells Fargo N.A. and Nationstar Mortgage LLC are DISMISSED WITH PREJUDICE.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the three day notices of intent to take default are therefore mooted.

**IT IS FURTHER ORDERED ADJUDGED AND DECREED** that the hearing currently scheduled for December 16, 2021 to strike the mooted notices of intent to take default is mooted and vacated.

Dated this 30th day of November, 2021



*Respectfully submitted by:*

**AKERMAN LLP**

**2AA EE2 9306 AD54  
Jessica K. Peterson  
District Court Judge**

/s/ Lilith V. Xara

MELANIE D. MORGAN, ESQ.

Nevada Bar No. 8215

LILITH V. XARA, ESQ.

Nevada Bar No. 13138

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and Nationstar Mortgage LLC*

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LAS VEGAS, NEVADA 89134  
TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 *Approved as to Form and Content:*

2 **KOCH & SCOW, LLC**

3 /s/ Steven B. Scow

4 STEVEN B. SCOW, ESQ.  
11500 S. Eastern Avenue, Suite 210  
5 Henderson, Nevada 89052  
*Attorneys for Red Rock Financial*  
6 *Services LLC*

7  
8 **REFUSED TO SIGN**

Nona Tobin  
9 2664 Olivia Heights Ave.  
Henderson NV 89052  
10 NonaTobin@gmail.com  
11 *Defendant In Proper Person*

AKERMAN LLP

1635 VILLAGE CENTER CIRCLE, SUITE 200  
LAS VEGAS, NEVADA 89134  
TEL.: (702) 634-5000 – FAX: (702) 380-8572

## Llarena, Carla (LAA-Las)

---

**From:** Kerry Faughnan <kfaughnan@kochscow.com>  
**Sent:** Friday, November 19, 2021 1:31 PM  
**To:** Xara, Lilith (Assoc-Las); aeshenbaugh@kochscow.com  
**Cc:** sscow@kochscow.com; nonatobin@gmail.com; Morgan, Melanie (Ptrn-Las)  
**Subject:** Re: A-21-828840-C Proposed Order re Red Rock Financial Services, Plaintiff(s) vs. Nona Tobin, Defendant(s)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

[External to Akerman]

Lilith,

Thank you for the quick response. We will add your electronic signature to our order.

Steve also approves your addition of his electronic signature to your order.

Kerry

---

**From:** "lilith.xara@akerman.com"  
**Date:** Friday, November 19, 2021 at 1:20 PM  
**To:** "aeshenbaugh@kochscow.com"  
**Cc:** "sscow@kochscow.com", "nonatobin@gmail.com", Kerry Faughnan, "melanie.morgan@akerman.com"  
**Subject:** A-21-828840-C Proposed Order re Red Rock Financial Services, Plaintiff(s) vs. Nona Tobin, Defendant(s)

Hello,

The order you attached is approved for my e-signature.

Attached please find the order I was directed by the judge to prepare for this case at the last hearing.

Please let us know if you have any comments, or, if we may submit it to the judge.

Thank you,

**Lilith V. Xara**

Associate, Consumer Financial Services Practice Group  
Akerman LLP | 1635 Village Center Circle, Suite 200 | Las Vegas, NV 89134  
D: 702 634 5020 | T: 702 634 5000 | F: 702 380 8572  
[lilith.xara@akerman.com](mailto:lilith.xara@akerman.com)

[vCard](#) | [Profile](#)



CONFIDENTIALITY NOTE: The information contained in this transmission may be privileged and confidential, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please immediately reply to the sender that you have received this communication in error and then delete it. Thank you.

---

**From:** aeshenbaugh@kochscow.com

**Sent:** Friday, November 19, 2021 12:44 PM

**To:** nonatobin@gmail.com; Xara, Lilith (Assoc-Las)

**Cc:** Steve Scow ; Kerry Faughnan

**Subject:** A-21-828840-C Proposed Order re Red Rock Financial Services, Plaintiff(s)vs. Nona Tobin, Defendant(s)

[External to Akerman]

Good Afternoon,

Attached is a proposed Order denying the motion for reconsideration in the above-referenced matter. If you have any problems opening the attachment please let me know. Please let Mr. Faughnan know of any changes by November 29, 2021.

Respectfully,

**Andrea W. Eshenbaugh**

Legal Assistant

Koch & Scow LLC

11500 S. Eastern Ste. 210

Henderson, NV 89052

702-318-5040

[aeshenbaugh@kochscow.com](mailto:aeshenbaugh@kochscow.com)

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 11/30/2021

15 David Koch

dkoch@kochscow.com

16 Steven Scow

sscow@kochscow.com

17 Lisa Peters

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18 Jennifer Hogan

jennifer@sterlingkerrlaw.com

19 Taylor Simpson

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20 Melanie Morgan

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21 Akerman LLP

AkermanLAS@akerman.com

22 Andrea Eshenbaugh - Legal Assistant

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23 John Thomson

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24 Scott Lachman

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25 Donna Wittig

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|                |                             |
|----------------|-----------------------------|
| Daniel Scow    | dscow@kochscow.com          |
| Scott Lachman  | scott.lachman@akerman.com   |
| Lilith Xara    | lilith.xara@akerman.com     |
| Nona Tobin     | nonatobin@gmail.com         |
| Suzanne Carver | suzanne@sterlingkerrlaw.com |
| Michelle Soto  | jwtlaw@ymail.com            |
| Kerry Faughnan | kfaughnan@kochscow.com      |

1 **ORD**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 RED ROCK FINANCIAL SERVICES, LLC,;

6 Plaintiff,

7 -vs-

8 NONA TOBIN, as an individual and as Trustee  
9 of the GORDON B. HANSEN TRUST  
10 DATED 8/22/08; REPUBLIC SERVICES,  
11 INC. a Nevada corporation; WELLS FARGO,  
N.A., a national banking association;  
NATIONSTAR MORTGAGE, LLC, a  
Delaware company; and DOES 1-100,

12 Defendants.

CASE NO: A-21-828840-C

DEPT NO: VIII

13 NONA TOBIN, as an individual,

14 Counterclaimant,,

15 -vs-

16 RED ROCK FINANCIAL SERVICES, LLC;

17 Counter-Defendant

18  
19 NONA TOBIN, as an individual,

20 Counterclaimant,,

21 -vs-

22 WELLS FARGO, N.A., a national banking  
23 association; NATIONSTAR MORTGAGE,  
LLC, a Delaware company; and DOES 1-100;

24 Cross-Defendant

25  
26 **ORDER & JUDGMENT ON PLAINTIFF RED ROCK FINANCIAL SERVICES, LLC'S**  
27 **MOTION TO DISMISS COUNTERCLAIMANT NONA TOBIN'S COUNTERCLAIM**  
28 **AND PETITION FOR SANCTIONS AND DEFENDANTS/ COUNTERCLAIMANT NONA**  
**TOBIN's MOTION FOR SUMMARY JUDGEMENT AND MOTION FOR SANCTIONS**

1 Plaintiff, Red Rock Financial Services, LLC (herein “Plaintiff”) by and through its attorney  
2 of record Steven Scow, Esq. of Koch & Scow LLC; Counterdefendant/Joiner Wells Fargo, N.A.  
3 and Nationstar Mortgage LLC (herein “Counterdefendant”) by and through its attorney of record  
4 Scott Lachman, Esq. of Akerman, LLP; and Defendant/ Counterclaimant Nona Tobin (herein  
5 “Defendant”) through her attorney of record John Thomson, Esq. of Thomson Law PC appeared  
6 before the Court on August 19, 2021 to argue Red Rock Financial Services, LLC’s *Motion to*  
7 *Dismiss Counterclaimant Nona Tobin’s Counterclaim And Petition For Sanctions* and Defendant/  
8 Counterclaimant Nona Tobin’s *Motion for Summary Judgment*. The Court having read the Motion,  
9 Opposition and Reply of the parties and having heard oral argument, now issues the following  
10 Findings of Fact, Conclusions of Law and Order.  
11

## 12 FINDINGS OF FACT

13  
14 On June 15, 2015 Joel and Sandra Stokes as Trustees of the Jimijack Irrevocable Trust filed  
15 a Complaint against Bank of America and Sun Sity Anthem Community, seeking to Quiet Title to  
16 Property located at 2763 White Sage Dr., Henderson, NV, that they obtained at a foreclosure sale.

17 Between January 31, 2017 and February 1, 2017, Nona Tobin, in her capacity as the trustee  
18 of the Gordon B. Hansen Trust, filed cross-claims against the HOA; Opportunity Homes, LLC;  
19 and F. Bondurant LLC in District Court Case No. A-15-720032-C. Nona Tobin also filed an  
20 Answer and Counterclaim against Plaintiff’s in that case. [See A-15-720032-C Doc. No’s.  
21 46,48,49,50]. The central allegation in the Cross-claims were that the named parties committed  
22 fraud and wrongfully colluded with several parties, including the HOA, in foreclosing on the  
23 Property without complying with either the requirements of NRS Chapter 116 or the HOA’s  
24 governing documents. *Id.* The Counter and Cross-Claims contained the following claims for relief:  
25 (1) Civil Conspiracy; (2) Unjust Enrichment; (3) Fraudulent Conveyance; (4) Injunctive Relief; (5)  
26 Quiet Title; (6) Fraudulent Concealment; (7) Breach of Contract.  
27  
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1 On July 21, 2019, Tobin's Crossclaim was Opportunity Homes was dismissed. On  
2 September 14, 2017, the Court dismissed all of Tobin's claims against the HOA except for the  
3 Quiet Title claim which was denied without prejudice to attend mediation. On February 5, 2019  
4 the HOA filed a Motion for Summary Judgment which was joined by Nationstar Mortgage. On  
5 April 17, 2019, the Court GRANTED the HOA's Motion for Summary Judgment. In the Findings  
6 of Fact, Conclusions of Law & Order the Court stated in pertinent part: "[t]he totality of the facts  
7 evidence that the HOA properly followed the processes and procedures in foreclosing upon the  
8 Property." [See A-15-720032-C Doc. No. 123].  
9

10 On August 8, 2019, Tobin filed a Complaint against numerous parties seeking again to  
11 Quiet Title to the property in herself. [See A-19-799890-C Doc. No. 1]. In response to the Second  
12 Action, various Defendants filed Motions to Dismiss, along with Joinders thereto, upon the basis, *inter*  
13 *alia*, that Tobin was judicially estopped from asserting an ownership interest in the subject property  
14 and re-litigating the case which had been previously adjudicated in Case No A-15-720032-C. [See A-  
15 19-799890-C Doc. No. 30]. The District Court granted Red Rock's motion (as well as several  
16 joinders) in its entirety, with prejudice, on December 3, 2020. The District Court reasoned that the  
17 doctrine of nonmutual claim preclusion applied to the Second Action, because  
18

- 19 1) Tobin was a party in privity with the Hansen Trust who brought the suit in the First Action;
- 20 2) There was a final judgment in the First Suit;
- 21 3) The Second Suit was based on the same claims or any part of them that Tobin brought or  
22 could have brought in the First Action; and  
23
- 24 4) Red Rock should have been named in the First Suit, and Tobin failed to provide a good  
25 reason for not having done so.

26 [See A-19-799890-C Doc. No. 63].  
27  
28

1 Tobin was also sanctioned. In issuing its Order for Sanctions the Court found:

2 The second lawsuit was a multiplication of the previous proceeding, was precluded by  
3 virtue of principles of claim and issue preclusion, and thus, was brought without  
4 reasonable ground. It resulted in MR. STOKES, individually, JOEL A. STOKES AND  
5 SANDRA STOKES, AS TRUSTEES OF THE JIMI JACK IRREVOCABLE TRUST and  
6 JIMI JACK IRREVOCABLE TRUST unnecessarily incurring attorney's fees and costs in  
7 the instant matter.

8 [See A-19-799890-C Docs. No. 51 & 60]. The Court sanctioned Tobin and Ordered her to pay  
9 (\$3,455 to attorney Joseph Hong, Esq. pursuant to EDCR 7.60(1) &/or (3) and \$12,849 to  
10 attorney Brittany Wood, Esq. per NRS 18.010(2)). *Id.*

11 Tobin appealed the District Court's dismissal of the Second Action, and she also  
12 appealed the attorneys' fees awarded against her in favor of some of the other parties. [See A-19-  
13 799890-C Doc. No. 65]. This appeal is pending, but briefing has been completed.

14 On February 3, 2021, Red Rock initiated this action for interpleader. [See A-21-828840-C  
15 Doc. No. 2]. On March 8, 2021, Defendant, pro se, filed an Answer and Counterclaim to the  
16 interpleader complaint. [See A-21-828840-C Doc. No. 14]. Defendant raised five claims in her  
17 counterclaim 1) Interpleader; 2) Unjust Enrichment; 3) Alter Ego Piercing the Corporate Veil; 4)  
18 Fraud; and 5) Racketeering. *Id.* On March 22, 2021, Defendant filed a Third Party Complaint  
19 against attorneys Steven B. Scow, Esq.; Brody R. Wright, Esq.; Joseph Hong Esq.; Melanie  
20 Morgan, Esq.; David Ochoa, Esq.; and Brittany Wood, Esq. for Abuse of Process, Racketeering,  
21 Fraud, Punitive Damages, and Sanctions. [See A-21-828840-C Doc. No. 17]. On April 15, 2021,  
22 Defendant filed a Motion for Summary Judgment & request for punitive damages. [See A-21-  
23 828840-C Doc. No. 24].<sup>1</sup> On April 16, 2021, Plaintiff filed a Motion to Dismiss the Counterclaim  
24 and Petition for Sanctions. [See A-21-828840-C Doc. No. 28]. On May 3, 2021, Counterdefendent  
25 filed a joiner to Plaintiff's Motion to Dismiss the Counterclaim and Petition for Sanctions. [See A-  
26 21-828840-C Doc. No. 34]. Plaintiff's argument in support of dismissal of Defendant's  
27

28  

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<sup>1</sup> Subsequent to this Motion, Plaintiff retained counsel to represent her.

1 Counterclaim consists of three distinct arguments: (1) the entirety of Tobin’s Claims are barred by  
2 the doctrine of claim preclusion; (2) if they are not barred they are not properly pled; (3) even if  
3 they were properly pled, they are barred by the applicable statute of limitations. The Court agrees.

## 4 CONCLUSIONS OF LAW

5 Pursuant to NRCP 12(b)(5), a motion to dismiss should be granted upon “failure to state a  
6 claim upon which relief can be granted.” A motion brought under NRCP 12(b)(5) tests the legal  
7 sufficiency of the claim as alleged by the moving party. A motion to dismiss must be granted  
8 where it appears to a certainty that the plaintiff is entitled to no relief under any set of facts that  
9 could be proved in support of a claim. Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224,  
10 228 (2008); Blackjack Bonding v. Las Vegas Mun. Ct., 116 Nev. 1213,1217 (2000); Simpson v.  
11 Mars Inc., 113 Nev. 188, 190 (1997). Dismissal is proper “where the allegations are insufficient to  
12 establish the elements of a claim for relief.” Stockmeier v. Nevada Dept. of Corrections Psychol.  
13 Rev. Panel, 183 P.3d 133, 135 (2008). Dismissal is also proper where the claims are barred by the  
14 doctrine of claim preclusion.

### 17 I. Tobin’s Counterclaim is barred by the Doctrine of Claim Preclusion

18 Claim preclusion applies where: “(1) the parties or their privies are the same, (2) the final  
19 judgment is valid, and (3) the subsequent action is based on the same claims or any part of them  
20 that were or could have been brought in the first case.” Five Star Capital Corp. v. Ruby, 194 P.3d  
21 709, 713 (Nev. 2008) (footnotes omitted). Claim preclusion is an affirmative defense; thus, the  
22 party alleging it bears the burden of proof. *See* Bennett v. Fid. & Deposit Co. of Md., 652 P.2d  
23 1178, 1180 (Nev. 1982). There is no assertion that the parties involved in this suit are the same  
24 parties or parties that were in privity with the same parties in the first and second suit.

25 The test for determining whether the claims, or any part of them, are barred in a  
26 subsequent action is if they are ‘based on the same set of facts and circumstances as the  
27  
28

1 initial action. Mendenhall v. Tassinari, 403 P.3d 364, 370 (Nev. 2017) (quoting Five Star, 194  
2 P.3d at 714). That is, the court must look to whether “the second suit [is] based on the same facts  
3 and alleged wrongful conduct ... as in the first suit.” Five Star, 194 P.3d at 714. The underlying  
4 basis for the action in the initial suit was the improper foreclosure of the property that was held  
5 by the Gordon B. Hansen Trust. This same claim was the basis of the second suit and was  
6 dismissed on the basis of issue preclusion. Looking at the allegations in this Complaint,  
7 Defendant’s primary basis is once again the improper foreclosure and subsequent sale of the  
8 property. Therefore, this action is based on the same claims or any part of them that were or  
9 could have been brought in the first case.  
10

11       Additionally, while the judgment in case A-19-799890-C is currently on appeal to the  
12 Nevada Supreme Court, an appeal of a judgment does not negate the judgment’s finality for  
13 claim preclusion purposes. Edwards v. Ghandour, 159 P.3d 1086, 1093 n. 17 (2007) (“[A]  
14 judgment on appeal retains its preclusive effect for purposes of both claim and issue  
15 preclusion.”); *see also*, City of Las Vegas v. Bluewaters Fam. Ltd. Partn., 55878, 2013 WL  
16 431045, at \*1 (Nev. Jan. 31, 2013). Since there is a valid final judgement from case A-19-  
17 799890-C all of the claims which were brought in the first and second action are barred by the  
18 doctrine of claim preclusion. Accordingly, Tobin’s claims for Unjust Enrichment and Fraud are  
19 barred based on the doctrine of claim preclusion and Plaintiff’s Motion to Dismiss as to those  
20 claims is GRANTED and Tobin’s Counterclaim for Fraud and Unjust Enrichment are Dismissed.  
21  
22 What remains then are the claims for Racketeering; Alter Ego; and Interpleader.<sup>2</sup>  
23

24  
25  
26 <sup>2</sup> Court Notes that on March 22, 2021, Tobin filed a Third Party Complaint against Steven Scow; Brody Wight;  
27 Joseph Hong; Melanie Morgan; David Ochoa; and Brittany Wood for Abuse of Process; Racketeering, and Fraud.  
28 That Complaint has not been served and pursuant to NRCP 4(e) there has been no Motion to extend the time to  
serve. The time to serve expired on July 21 2021. Pursuant to NRCP 4(e) If service of the summons and complaint  
is not made upon a defendant before the 120-day service period — or any extension thereof — expires, the court  
must dismiss the action, without prejudice, as to that defendant upon motion or upon the court’s own order to show  
cause. The Court issued an Order to Show Cause on September 8, 2021.

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### ***The Interpleader Claim***

During oral arguments, the parties both agreed that any and all Interpleader claims remain. However Tobin’s Interpleader claim is improper. A party should only bring an interpleader claim when it has claims that “expose [it] to double or multiple liability.” NRCP 22. Interpleader “is an equitable proceeding to determine the rights of rival claimants to property held by a third person having no interest therein.” Farmers Ins. Exch. v. Civ. Serv. Emp. Ins. Co., 587 P.2d 420, 421 (Nev. 1978). Tobin does not allege that she has any such claims or that she holds any property that belongs to any rival parties or that she is in danger of double or multiple liabilities. [See A-21-828840-C Doc. No. 2]. Thus, Tobin has failed to state a claim in Interpleader upon which relief can be Granted and Plaintiff’s Motion to Dismiss Tobin’s Interpleader Claim is GRANTED.

### ***Alter Ego Piercing the Corporate Veil***

The doctrine of alter ego states that a company may become the alter ego of an individual when there is “such unity of interest and ownership that one is inseparable from the other.” Polaris Indus. Corp. v. Kaplan, 747 P.2d 884, 886 (Nev. 1987). Moreover, alter ego is a remedy and not a separate cause of action. Rowland v. Lepire, 99 Nev. 308, 316, 662 P.2d 1332, 1337 (1983). Therefore, dismissal of Tobin’s alter ego claim is mandated.

### ***The Fraud Claim***<sup>3</sup>

Defendant’s fraud claim only generally alleges that Plaintiff “made multiple false representations or misrepresentations.” Plaintiff fails to state what any of these misrepresentations were. She simply points to a large number of exhibits and states, “[t]here are examples in almost all of them.” [See A-21-828840-C Doc. No. 14]. Under NRCP 9 (b), Defendant is required to state

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<sup>3</sup> Notwithstanding that the Court has already found that the Fraud claim is barred by claim preclusion, in an effort to be thorough the Court will also address the Fraud claim on the merits.

1 her claim for fraud with particularity. This requires “averments to the time, the place, the identity  
2 of the parties involved, and the nature of the fraud or mistake.” Brown v. Kellar, 636 P.2d 874, 874  
3 (Nev. 1981). Defendant points only to exhibits and does not isolate any statements that she  
4 believes were fraudulent or which parties made the statements and when. Her claim lacks any  
5 particularity as required by NRCP 9(b). Accordingly, even if the claim were not barred by the  
6 doctrine of claim preclusion, dismissal would be mandated for failing to plead as required.  
7

### 8 *Conversion Claim*

9 In order to plead a claim for conversion, a plaintiff must allege that the defendant  
10 “wrongfully exerted [dominion] over personal property in denial of, or inconsistent with,  
11 title or rights therein or in derogation, exclusion or defiance of such rights.” Winchell v.  
12 Schiff, 193 P.3d 946, 950 (Nev. 2008); (Edwards v. Emperor's Garden Rest., 130 P.3d 1280,  
13 1287 (Nev. 2006). To the extent that Tobin is attempting to claim that Red Rock wrongfully  
14 exerted dominion over the home because of the alleged wrongful foreclosure, as stated above  
15 that claim is precluded based on the Court’s findings in both the first and second actions that  
16 there was no wrongful foreclosure. To the extent Tobin is attempting to claim Plaintiff is  
17 wrongfully exerting dominion over the funds, that is the basis for Plaintiff’s Interpleader  
18 Complaint and thus cannot form the basis for a claim for conversion.  
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### 21 *Unjust Enrichment Claim*

22 Similarly, unjust enrichment “exists when the plaintiff confers a benefit on the  
23 defendant, the defendant appreciates such benefit, and there is ‘acceptance and retention by the  
24 defendant of such benefit under circumstances such that it would be inequitable for him to retain  
25 the benefit without payment of the value thereof.’ ” Certified Fire Prot. Inc. v. Precision Constr.,  
26 283 P.3d 250, 257 (Nev. 2012) (quoting Unionamerica Mtg. v. McDonald, 626 P.2d 1272, 1273  
27 (Nev. 1981)). To the extent that the claims for Unjust Enrichment were previously adjudicated  
28

1 again this claim is barred by the doctrine of claim preclusion. However, even on the merits, as a  
2 matter of law this claim is untenable. Tobin has not conferred any benefit on Red Rock that Red  
3 Rock has retained which in equity and good conscience belongs to Tobin.

### 4 ***The Racketeering Claim***

5 A plaintiff asserting a civil racketeering or RICO claim is obligated to plead each of its  
6 elements with heightened specificity. Hale v. Burkhardt, 104 Nev. 632, 636-38, 764 P.2d 866, 867  
7 (1988) (discussing pleading standard and affirming dismissal of RICO claim for failure to meet  
8 that standard). Here the complaint is vague and merely alleges that two of the defendants “engaged  
9 in racketeering activities as defined in NRS 207.360 and a racketeering enterprise as is defined in  
10 NRS 207.380.” [See A-21-828840-C Doc. No. 14]. Although there are 37 different predicate  
11 crimes pursuant to NRS 207.360, Tobin fails to allege any predicate crime that would support her  
12 racketeering claim. The allegation simply lists the general elements of a racketeering cause of  
13 action and contains no facts in regards to this case. (Exhibit 9, ¶¶ 99-107). This does not meet the  
14 heightened pleading requirements, thus, the Racketeering claim must be dismissed.

### 17 ***II. The Statute of Limitations Bars All of Tobin’s Claims for Relief***

18 As stated above, the Court finds that all of Tobin’s claims for relief are barred either by  
19 claim preclusion or failure to properly plead with the requisite specificity. Additionally, Plaintiff  
20 sought alternative grounds for dismissing Plaintiff’s Counterclaim, which was the Complaint, was  
21 barred by the Statue of Limitations. The Court agrees. The longest time frame for any claim for  
22 relief before claims are barred by the Statute of Limitations is six (6) years. *See* NRS 11.190.  
23 More specifically as to the claims Tobin has alleged, the longest time frame would arguably be the  
24 Racketeering claim which would fall under the catch-all four (4) year time frame of NRS  
25 11.190(4). As stated above all of Tobin’s claims arise out of the alleged wrongful foreclosure.  
26 The foreclosure took place in 2014. Tobin knew all of the facts upon which to base her claims,  
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1 considering that she has already done so in two prior actions. Any potential claim that could have  
2 been brought had to have been brought no later than 2018. Accordingly, these claims that were  
3 brought in 2021 are barred by the Statute of Limitations. Therefore Dismissal of Tobin's  
4 Counterclaims on that basis is also mandated.

5 ***Tobin's Motion for Summary Judgement***

6 Tobin asks the Court to GRANT Summary Judgment in her favor because the Defendant  
7 has failed to file a responsive pleading to her Counterclaim. Defendants did file a responsive  
8 pleading when it filed its Motion to Dismiss. As stated above, Tobin's Counterclaim and all of the  
9 claims must be dismissed on the basis of claim preclusion, failure to properly plead, and statute of  
10 limitations grounds. Therefore, there are no Counterclaims left for the Court to adjudicate and thus  
11 no judgment in favor of Tobin, summary or otherwise is warranted.  
12

13 ***Tobin's Petition for Sanctions***

14 Defendant seeks to bring her petition for sanctions under NRCP 11, but a motion for  
15 sanctions under that rule must comply with a number of requirements. Defendant's motion does  
16 not meet any of these procedural requirements, including the requirement that it be filed  
17 separately from any other motion. *See* NRCP 11(c)(2). While district courts should assist pro se  
18 litigants as much as reasonably possible, a pro se litigant cannot use their alleged ignorance as a  
19 shield to protect them from the consequences of failing to comply with basic procedural  
20 requirements. *See Kahn v. Orme*, 108 Nev. 510, 515, 835 P.2d 790, 793 (1992), overruled in part  
21 on other grounds by *Epstein v. Epstein*, 113 Nev. 1401, 1404, 950 P.2d 771, 772 (1997)  
22 (concluding that an unrepresented party's "failure to obtain new representation or otherwise act  
23 on his own behalf is inexcusable"). Additionally, Defendant is now represented by counsel and  
24 thus this request should have been voluntarily dismissed. Moreover, there is simply no basis for  
25 the Court to award sanctions on behalf of Tobin. Tobin fails to allege the basis for her claim for  
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1 sanctions,<sup>4</sup> other than to loosely reference the Nevada Rules of Professional Conduct and the  
2 ABA Standards. This Court is not required to address this argument as it is not cogently argued  
3 or supported by relevant authority. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330,  
4 130 P.3d 1280, 1288 (2006). Moreover, to the extent that the Court is dismissing the  
5 Counterclaims, the Counterclaim cannot furnish the basis for an award of sanctions.

6  
7 **ORDER**

8 Based on the foregoing FINDINGS OF FACT & CONCLUSIONS OF LAW,

9 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** Plaintiff's Motion to  
10 Dismiss Tobin's Counterclaim and Petition for Sanctions is GRANTED;

11 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Tobin's Motion for  
12 Summary Judgement and for Sanctions is DENIED.

13 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Tobin's  
14 Counterclaim is DISMISSED WITH PREJUDICE.

Dated this 10th day of September, 2021



17 **AFFIRMATION**

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the  
preceding Order filed in District Court case number  
A655992 **DOES NOT** contain the social security  
number of any person.

\_\_\_\_\_  
/s/ Jessica K Peterson

EEA CF3 604D B080  
Jessica K. Peterson  
District Court Judge

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27 <sup>4</sup> A district court is not obligated to wade through and search the entire record for some specific  
28 facts which might support the nonmoving party's claim *See Schuck v. Signature*  
*Flight Support of Nev., Inc.*, 126 Nev. 434, 438, 245 P.3d 542, 545 (2010)

1 **CSERV**

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3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 9/10/2021

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16 Steven Scow

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17 Melanie Morgan

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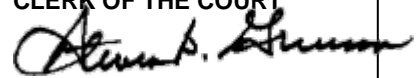
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*Attorneys for Plaintiff/Counter-Defendant  
Red Rock Financial Services*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

RED ROCK FINANCIAL SERVICES, LLC;

Plaintiff,

vs.

NONA TOBIN, as an individual and as Trustee  
of the GORDON B. HANSEN TRUST DATED  
8/22/08; REPUBLIC SERVICES, INC. a  
Nevada corporation; WELLS FARGO, N.A., a  
national banking association; NATIONSTAR  
MORTGAGE, LLC, a Delaware company; and  
DOES 1-100;

Defendants

Case No.: A-21-828840-C  
Dept.: 8

**NOTICE OF ENTRY OF ORDER**

NONA TOBIN, as an individual;

Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;

Counter-Defendant.

NONA TOBIN, as an individual;

Cross-Claimant,

vs.

WELLS FARGO, N.A., a national banking

1 association; NATIONSTAR MORTGAGE, LLC,  
2 a Delaware company; and DOES 1-100;

3 Cross-Defendants

4 PLEASE TAKE NOTICE that the *Order & Judgment on Plaintiff Red Rock Financial*  
5 *Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for*  
6 *Sanctions and Defendants/Counterclaimant Nona Tobin's Motion for Summary Judgment and*  
7 *Motion for Sanctions* was entered in the above-referenced matter on September 10, 2021, a  
8 copy of which is attached hereto

9 DATED: September 10, 2021.

**KOCH & SCOW, LLC**

10 /s/ Steven B. Scow  
11 Steven B. Scow, Esq.  
12 *Attorneys for Red Rock Financial Services, LLC*  
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**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. I certify that on September 10, 2021, I caused the foregoing document entitled: **NOTICE OF ENTRY OF ORDER**, to be electronically served through the Eighth Judicial District Court, County of Clark, State of Nevada EFile system.

Executed on September 10, 2021 at Henderson, Nevada.

/s/ Andrea W. Eshenbaugh  
An Employee of Koch & Scow LLC

1 **ORD**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 RED ROCK FINANCIAL SERVICES, LLC,;

6 Plaintiff,

7 -vs-

8 NONA TOBIN, as an individual and as Trustee  
9 of the GORDON B. HANSEN TRUST  
10 DATED 8/22/08; REPUBLIC SERVICES,  
11 INC. a Nevada corporation; WELLS FARGO,  
12 N.A., a national banking association;  
13 NATIONSTAR MORTGAGE, LLC, a  
14 Delaware company; and DOES 1-100,

15 Defendants.

CASE NO: A-21-828840-C

DEPT NO: VIII

16 NONA TOBIN, as an individual,

17 Counterclaimant,,

18 -vs-

19 RED ROCK FINANCIAL SERVICES, LLC;

20 Counter-Defendant

21 NONA TOBIN, as an individual,

22 Counterclaimant,,

23 -vs-

24 WELLS FARGO, N.A., a national banking  
25 association; NATIONSTAR MORTGAGE,  
26 LLC, a Delaware company; and DOES 1-100;

27 Cross-Defendant

28 **ORDER & JUDGMENT ON PLAINTIFF RED ROCK FINANCIAL SERVICES, LLC'S  
MOTION TO DISMISS COUNTERCLAIMANT NONA TOBIN'S COUNTERCLAIM  
AND PETITION FOR SANCTIONS AND DEFENDANTS/ COUNTERCLAIMANT NONA  
TOBIN's MOTION FOR SUMMARY JUDGEMENT AND MOTION FOR SANCTIONS**

1 Plaintiff, Red Rock Financial Services, LLC (herein “Plaintiff”) by and through its attorney  
2 of record Steven Scow, Esq. of Koch & Scow LLC; Counterdefendant/Joiner Wells Fargo, N.A.  
3 and Nationstar Mortgage LLC (herein “Counterdefendant”) by and through its attorney of record  
4 Scott Lachman, Esq. of Akerman, LLP; and Defendant/ Counterclaimant Nona Tobin (herein  
5 “Defendant”) through her attorney of record John Thomson, Esq. of Thomson Law PC appeared  
6 before the Court on August 19, 2021 to argue Red Rock Financial Services, LLC’s *Motion to*  
7 *Dismiss Counterclaimant Nona Tobin’s Counterclaim And Petition For Sanctions* and Defendant/  
8 Counterclaimant Nona Tobin’s *Motion for Summary Judgment*. The Court having read the Motion,  
9 Opposition and Reply of the parties and having heard oral argument, now issues the following  
10 Findings of Fact, Conclusions of Law and Order.  
11

## 12 FINDINGS OF FACT

13  
14 On June 15, 2015 Joel and Sandra Stokes as Trustees of the Jimijack Irrevocable Trust filed  
15 a Complaint against Bank of America and Sun Sity Anthem Community, seeking to Quiet Title to  
16 Property located at 2763 White Sage Dr., Henderson, NV, that they obtained at a foreclosure sale.

17 Between January 31, 2017 and February 1, 2017, Nona Tobin, in her capacity as the trustee  
18 of the Gordon B. Hansen Trust, filed cross-claims against the HOA; Opportunity Homes, LLC;  
19 and F. Bondurant LLC in District Court Case No. A-15-720032-C. Nona Tobin also filed an  
20 Answer and Counterclaim against Plaintiff’s in that case. [See A-15-720032-C Doc. No’s.  
21 46,48,49,50]. The central allegation in the Cross-claims were that the named parties committed  
22 fraud and wrongfully colluded with several parties, including the HOA, in foreclosing on the  
23 Property without complying with either the requirements of NRS Chapter 116 or the HOA’s  
24 governing documents. *Id.* The Counter and Cross-Claims contained the following claims for relief:  
25 (1) Civil Conspiracy; (2) Unjust Enrichment; (3) Fraudulent Conveyance; (4) Injunctive Relief; (5)  
26 Quiet Title; (6) Fraudulent Concealment; (7) Breach of Contract.  
27  
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1 On July 21, 2019, Tobin's Crossclaim was Opportunity Homes was dismissed. On  
2 September 14, 2017, the Court dismissed all of Tobin's claims against the HOA except for the  
3 Quiet Title claim which was denied without prejudice to attend mediation. On February 5, 2019  
4 the HOA filed a Motion for Summary Judgment which was joined by Nationstar Mortgage. On  
5 April 17, 2019, the Court GRANTED the HOA's Motion for Summary Judgment. In the Findings  
6 of Fact, Conclusions of Law & Order the Court stated in pertinent part: "[t]he totality of the facts  
7 evidence that the HOA properly followed the processes and procedures in foreclosing upon the  
8 Property." [See A-15-720032-C Doc. No. 123].

10 On August 8, 2019, Tobin filed a Complaint against numerous parties seeking again to  
11 Quiet Title to the property in herself. [See A-19-799890-C Doc. No. 1]. In response to the Second  
12 Action, various Defendants filed Motions to Dismiss, along with Joinders thereto, upon the basis, *inter*  
13 *alia*, that Tobin was judicially estopped from asserting an ownership interest in the subject property  
14 and re-litigating the case which had been previously adjudicated in Case No A-15-720032-C. [See A-  
15 19-799890-C Doc. No. 30]. The District Court granted Red Rock's motion (as well as several  
16 joinders) in its entirety, with prejudice, on December 3, 2020. The District Court reasoned that the  
17 doctrine of nonmutual claim preclusion applied to the Second Action, because  
18

- 19 1) Tobin was a party in privity with the Hansen Trust who brought the suit in the First Action;
- 20 2) There was a final judgment in the First Suit;
- 21 3) The Second Suit was based on the same claims or any part of them that Tobin brought or  
22 could have brought in the First Action; and
- 23 4) Red Rock should have been named in the First Suit, and Tobin failed to provide a good  
24 reason for not having done so.

25 [See A-19-799890-C Doc. No. 63].  
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1 Tobin was also sanctioned. In issuing its Order for Sanctions the Court found:

2 The second lawsuit was a multiplication of the previous proceeding, was precluded by  
3 virtue of principles of claim and issue preclusion, and thus, was brought without  
4 reasonable ground. It resulted in MR. STOKES, individually, JOEL A. STOKES AND  
5 SANDRA STOKES, AS TRUSTEES OF THE JIMIJACK IRREVOCABLE TRUST and  
6 JIMIJACK IRREVOCABLE TRUST unnecessarily incurring attorney's fees and costs in  
7 the instant matter.

8 [See A-19-799890-C Docs. No. 51 & 60]. The Court sanctioned Tobin and Ordered her to pay  
9 (\$3,455 to attorney Joseph Hong, Esq. pursuant to EDCR 7.60(1) &/or (3) and \$12,849 to  
10 attorney Brittany Wood, Esq. per NRS 18.010(2)). *Id.*

11 Tobin appealed the District Court's dismissal of the Second Action, and she also  
12 appealed the attorneys' fees awarded against her in favor of some of the other parties. [See A-19-  
13 799890-C Doc. No. 65]. This appeal is pending, but briefing has been completed.

14 On February 3, 2021, Red Rock initiated this action for interpleader. [See A-21-828840-C  
15 Doc. No. 2]. On March 8, 2021, Defendant, pro se, filed an Answer and Counterclaim to the  
16 interpleader complaint. [See A-21-828840-C Doc. No. 14]. Defendant raised five claims in her  
17 counterclaim 1) Interpleader; 2) Unjust Enrichment; 3) Alter Ego Piercing the Corporate Veil; 4)  
18 Fraud; and 5) Racketeering. *Id.* On March 22, 2021, Defendant filed a Third Party Complaint  
19 against attorneys Steven B. Scow, Esq.; Brody R. Wright, Esq.; Joseph Hong Esq.; Melanie  
20 Morgan, Esq.; David Ochoa, Esq.; and Brittany Wood, Esq. for Abuse of Process, Racketeering,  
21 Fraud, Punitive Damages, and Sanctions. [See A-21-828840-C Doc. No. 17]. On April 15, 2021,  
22 Defendant filed a Motion for Summary Judgment & request for punitive damages. [See A-21-  
23 828840-C Doc. No. 24].<sup>1</sup> On April 16, 2021, Plaintiff filed a Motion to Dismiss the Counterclaim  
24 and Petition for Sanctions. [See A-21-828840-C Doc. No. 28]. On May 3, 2021, Counterdefendent  
25 filed a joiner to Plaintiff's Motion to Dismiss the Counterclaim and Petition for Sanctions. [See A-  
26 21-828840-C Doc. No. 34]. Plaintiff's argument in support of dismissal of Defendant's  
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<sup>1</sup> Subsequent to this Motion, Plaintiff retained counsel to represent her.

1 Counterclaim consists of three distinct arguments: (1) the entirety of Tobin’s Claims are barred by  
2 the doctrine of claim preclusion; (2) if they are not barred they are not properly pled; (3) even if  
3 they were properly pled, they are barred by the applicable statute of limitations. The Court agrees.

## 4 CONCLUSIONS OF LAW

5 Pursuant to NRCP 12(b)(5), a motion to dismiss should be granted upon “failure to state a  
6 claim upon which relief can be granted.” A motion brought under NRCP 12(b)(5) tests the legal  
7 sufficiency of the claim as alleged by the moving party. A motion to dismiss must be granted  
8 where it appears to a certainty that the plaintiff is entitled to no relief under any set of facts that  
9 could be proved in support of a claim. Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224,  
10 228 (2008); Blackjack Bonding v. Las Vegas Mun. Ct., 116 Nev. 1213,1217 (2000); Simpson v.  
11 Mars Inc., 113 Nev. 188, 190 (1997). Dismissal is proper “where the allegations are insufficient to  
12 establish the elements of a claim for relief.” Stockmeier v. Nevada Dept. of Corrections Psychol.  
13 Rev. Panel, 183 P.3d 133, 135 (2008). Dismissal is also proper where the claims are barred by the  
14 doctrine of claim preclusion.

### 17 I. Tobin’s Counterclaim is barred by the Doctrine of Claim Preclusion

18 Claim preclusion applies where: “(1) the parties or their privies are the same, (2) the final  
19 judgment is valid, and (3) the subsequent action is based on the same claims or any part of them  
20 that were or could have been brought in the first case.” Five Star Capital Corp. v. Ruby, 194 P.3d  
21 709, 713 (Nev. 2008) (footnotes omitted). Claim preclusion is an affirmative defense; thus, the  
22 party alleging it bears the burden of proof. *See* Bennett v. Fid. & Deposit Co. of Md., 652 P.2d  
23 1178, 1180 (Nev. 1982). There is no assertion that the parties involved in this suit are the same  
24 parties or parties that were in privity with the same parties in the first and second suit.

25 The test for determining whether the claims, or any part of them, are barred in a  
26 subsequent action is if they are ‘based on the same set of facts and circumstances as the  
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1 initial action. Mendenhall v. Tassinari, 403 P.3d 364, 370 (Nev. 2017) (quoting Five Star, 194  
2 P.3d at 714). That is, the court must look to whether “the second suit [is] based on the same facts  
3 and alleged wrongful conduct ... as in the first suit.” Five Star, 194 P.3d at 714. The underlying  
4 basis for the action in the initial suit was the improper foreclosure of the property that was held  
5 by the Gordon B. Hansen Trust. This same claim was the basis of the second suit and was  
6 dismissed on the basis of issue preclusion. Looking at the allegations in this Complaint,  
7 Defendant’s primary basis is once again the improper foreclosure and subsequent sale of the  
8 property. Therefore, this action is based on the same claims or any part of them that were or  
9 could have been brought in the first case.  
10

11       Additionally, while the judgment in case A-19-799890-C is currently on appeal to the  
12 Nevada Supreme Court, an appeal of a judgment does not negate the judgment’s finality for  
13 claim preclusion purposes. Edwards v. Ghandour, 159 P.3d 1086, 1093 n. 17 (2007) (“[A]  
14 judgment on appeal retains its preclusive effect for purposes of both claim and issue  
15 preclusion.”); *see also*, City of Las Vegas v. Bluewaters Fam. Ltd. Partn., 55878, 2013 WL  
16 431045, at \*1 (Nev. Jan. 31, 2013). Since there is a valid final judgement from case A-19-  
17 799890-C all of the claims which were brought in the first and second action are barred by the  
18 doctrine of claim preclusion. Accordingly, Tobin’s claims for Unjust Enrichment and Fraud are  
19 barred based on the doctrine of claim preclusion and Plaintiff’s Motion to Dismiss as to those  
20 claims is GRANTED and Tobin’s Counterclaim for Fraud and Unjust Enrichment are Dismissed.  
21  
22 What remains then are the claims for Racketeering; Alter Ego; and Interpleader.<sup>2</sup>  
23

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25  
26 <sup>2</sup> Court Notes that on March 22, 2021, Tobin filed a Third Party Complaint against Steven Scow; Brody Wight;  
27 Joseph Hong; Melanie Morgan; David Ochoa; and Brittany Wood for Abuse of Process; Racketeering, and Fraud.  
28 That Complaint has not been served and pursuant to NRCP 4(e) there has been no Motion to extend the time to  
serve. The time to serve expired on July 21 2021. Pursuant to NRCP 4(e) If service of the summons and complaint  
is not made upon a defendant before the 120-day service period — or any extension thereof — expires, the court  
must dismiss the action, without prejudice, as to that defendant upon motion or upon the court’s own order to show  
cause. The Court issued an Order to Show Cause on September 8, 2021.

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### *The Interpleader Claim*

During oral arguments, the parties both agreed that any and all Interpleader claims remain. However Tobin's Interpleader claim is improper. A party should only bring an interpleader claim when it has claims that "expose [it] to double or multiple liability." NRCP 22. Interpleader "is an equitable proceeding to determine the rights of rival claimants to property held by a third person having no interest therein." Farmers Ins. Exch. v. Civ. Serv. Emp. Ins. Co., 587 P.2d 420, 421 (Nev. 1978). Tobin does not allege that she has any such claims or that she holds any property that belongs to any rival parties or that she is in danger of double or multiple liabilities. [See A-21-828840-C Doc. No. 2]. Thus, Tobin has failed to state a claim in Interpleader upon which relief can be Granted and Plaintiff's Motion to Dismiss Tobin's Interpleader Claim is GRANTED.

### *Alter Ego Piercing the Corporate Veil*

The doctrine of alter ego states that a company may become the alter ego of an individual when there is "such unity of interest and ownership that one is inseparable from the other." Polaris Indus. Corp. v. Kaplan, 747 P.2d 884, 886 (Nev. 1987). Moreover, alter ego is a remedy and not a separate cause of action. Rowland v. Lepire, 99 Nev. 308, 316, 662 P.2d 1332, 1337 (1983). Therefore, dismissal of Tobin's alter ego claim is mandated.

### *The Fraud Claim*<sup>3</sup>

Defendant's fraud claim only generally alleges that Plaintiff "made multiple false representations or misrepresentations." Plaintiff fails to state what any of these misrepresentations were. She simply points to a large number of exhibits and states, "[t]here are examples in almost all of them." [See A-21-828840-C Doc. No. 14]. Under NRCP 9 (b), Defendant is required to state

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<sup>3</sup> Notwithstanding that the Court has already found that the Fraud claim is barred by claim preclusion, in an effort to be thorough the Court will also address the Fraud claim on the merits.

1 her claim for fraud with particularity. This requires “averments to the time, the place, the identity  
2 of the parties involved, and the nature of the fraud or mistake.” Brown v. Kellar, 636 P.2d 874, 874  
3 (Nev. 1981). Defendant points only to exhibits and does not isolate any statements that she  
4 believes were fraudulent or which parties made the statements and when. Her claim lacks any  
5 particularity as required by NRCP 9(b). Accordingly, even if the claim were not barred by the  
6 doctrine of claim preclusion, dismissal would be mandated for failing to plead as required.  
7

### 8 *Conversion Claim*

9 In order to plead a claim for conversion, a plaintiff must allege that the defendant  
10 “wrongfully exerted [dominion] over personal property in denial of, or inconsistent with,  
11 title or rights therein or in derogation, exclusion or defiance of such rights.” Winchell v.  
12 Schiff, 193 P.3d 946, 950 (Nev. 2008); (Edwards v. Emperor's Garden Rest., 130 P.3d 1280,  
13 1287 (Nev. 2006). To the extent that Tobin is attempting to claim that Red Rock wrongfully  
14 exerted dominion over the home because of the alleged wrongful foreclosure, as stated above  
15 that claim is precluded based on the Court’s findings in both the first and second actions that  
16 there was no wrongful foreclosure. To the extent Tobin is attempting to claim Plaintiff is  
17 wrongfully exerting dominion over the funds, that is the basis for Plaintiff’s Interpleader  
18 Complaint and thus cannot form the basis for a claim for conversion.  
19  
20

### 21 *Unjust Enrichment Claim*

22 Similarly, unjust enrichment “exists when the plaintiff confers a benefit on the  
23 defendant, the defendant appreciates such benefit, and there is ‘acceptance and retention by the  
24 defendant of such benefit under circumstances such that it would be inequitable for him to retain  
25 the benefit without payment of the value thereof.’ ” Certified Fire Prot. Inc. v. Precision Constr.,  
26 283 P.3d 250, 257 (Nev. 2012) (quoting Unionamerica Mtg. v. McDonald, 626 P.2d 1272, 1273  
27 (Nev. 1981)). To the extent that the claims for Unjust Enrichment were previously adjudicated  
28

again this claim is barred by the doctrine of claim preclusion. However, even on the merits, as a matter of law this claim is untenable. Tobin has not conferred any benefit on Red Rock that Red Rock has retained which in equity and good conscience belongs to Tobin.

### ***The Racketeering Claim***

A plaintiff asserting a civil racketeering or RICO claim is obligated to plead each of its elements with heightened specificity. Hale v. Burkhardt, 104 Nev. 632, 636-38, 764 P.2d 866, 867 (1988) (discussing pleading standard and affirming dismissal of RICO claim for failure to meet that standard). Here the complaint is vague and merely alleges that two of the defendants “engaged in racketeering activities as defined in NRS 207.360 and a racketeering enterprise as is defined in NRS 207.380.” [See A-21-828840-C Doc. No. 14]. Although there are 37 different predicate crimes pursuant to NRS 207.360, Tobin fails to allege any predicate crime that would support her racketeering claim. The allegation simply lists the general elements of a racketeering cause of action and contains no facts in regards to this case. (Exhibit 9, ¶¶ 99-107). This does not meet the heightened pleading requirements, thus, the Racketeering claim must be dismissed.

### ***II. The Statute of Limitations Bars All of Tobin’s Claims for Relief***

As stated above, the Court finds that all of Tobin’s claims for relief are barred either by claim preclusion or failure to properly plead with the requisite specificity. Additionally, Plaintiff sought alternative grounds for dismissing Plaintiff’s Counterclaim, which was the Complaint, was barred by the Statute of Limitations. The Court agrees. The longest time frame for any claim for relief before claims are barred by the Statute of Limitations is six (6) years. *See* NRS 11.190. More specifically as to the claims Tobin has alleged, the longest time frame would arguably be the Racketeering claim which would fall under the catch-all four (4) year time frame of NRS 11.190(4). As stated above all of Tobin’s claims arise out of the alleged wrongful foreclosure. The foreclosure took place in 2014. Tobin knew all of the facts upon which to base her claims,

1 considering that she has already done so in two prior actions. Any potential claim that could have  
2 been brought had to have been brought no later than 2018. Accordingly, these claims that were  
3 brought in 2021 are barred by the Statute of Limitations. Therefore Dismissal of Tobin's  
4 Counterclaims on that basis is also mandated.

5 ***Tobin's Motion for Summary Judgement***

6 Tobin asks the Court to GRANT Summary Judgment in her favor because the Defendant  
7 has failed to file a responsive pleading to her Counterclaim. Defendants did file a responsive  
8 pleading when it filed its Motion to Dismiss. As stated above, Tobin's Counterclaim and all of the  
9 claims must be dismissed on the basis of claim preclusion, failure to properly plead, and statute of  
10 limitations grounds. Therefore, there are no Counterclaims left for the Court to adjudicate and thus  
11 no judgment in favor of Tobin, summary or otherwise is warranted.  
12

13 ***Tobin's Petition for Sanctions***

14 Defendant seeks to bring her petition for sanctions under NRCP 11, but a motion for  
15 sanctions under that rule must comply with a number of requirements. Defendant's motion does  
16 not meet any of these procedural requirements, including the requirement that it be filed  
17 separately from any other motion. *See* NRCP 11(c)(2). While district courts should assist pro se  
18 litigants as much as reasonably possible, a pro se litigant cannot use their alleged ignorance as a  
19 shield to protect them from the consequences of failing to comply with basic procedural  
20 requirements. *See Kahn v. Orme*, 108 Nev. 510, 515, 835 P.2d 790, 793 (1992), overruled in part  
21 on other grounds by *Epstein v. Epstein*, 113 Nev. 1401, 1404, 950 P.2d 771, 772 (1997)  
22 (concluding that an unrepresented party's "failure to obtain new representation or otherwise act  
23 on his own behalf is inexcusable"). Additionally, Defendant is now represented by counsel and  
24 thus this request should have been voluntarily dismissed. Moreover, there is simply no basis for  
25 the Court to award sanctions on behalf of Tobin. Tobin fails to allege the basis for her claim for  
26  
27  
28

1 sanctions,<sup>4</sup> other than to loosely reference the Nevada Rules of Professional Conduct and the  
2 ABA Standards. This Court is not required to address this argument as it is not cogently argued  
3 or supported by relevant authority. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330,  
4 130 P.3d 1280, 1288 (2006). Moreover, to the extent that the Court is dismissing the  
5 Counterclaims, the Counterclaim cannot furnish the basis for an award of sanctions.

6  
7 **ORDER**

8 Based on the foregoing FINDINGS OF FACT & CONCLUSIONS OF LAW,

9 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** Plaintiff's Motion to  
10 Dismiss Tobin's Counterclaim and Petition for Sanctions is GRANTED;

11 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Tobin's Motion for  
12 Summary Judgement and for Sanctions is DENIED.

13 **IT IS FURTHER ORDERED ADJUDGED AND DECREED** that Tobin's  
14 Counterclaim is DISMISSED WITH PREJUDICE.  
15

Dated this 10th day of September, 2021

16  
17 

18 **AFFIRMATION**

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the  
preceding Order filed in District Court case number  
A655992 **DOES NOT** contain the social security  
number of any person.

\_\_\_\_\_  
/s/ Jessica K Peterson

EEA CF3 604D B080  
Jessica K. Peterson  
District Court Judge

21  
22  
23  
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26  
27 <sup>4</sup> A district court is not obligated to wade through and search the entire record for some specific  
28 facts which might support the nonmoving party's claim *See Schuck v. Signature*  
*Flight Support of Nev., Inc.*, 126 Nev. 434, 438, 245 P.3d 542, 545 (2010)

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Red Rock Financial Services,  
Plaintiff(s)

CASE NO: A-21-828840-C

7 vs.

DEPT. NO. Department 8

8  
9 Nona Tobin, 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: 9/10/2021

15 David Koch

dkoch@kochscow.com

16 Steven Scow

sscow@kochscow.com

17 Melanie Morgan

melanie.morgan@akerman.com

18 Akerman LLP

AkermanLAS@akerman.com

19 Andrea Eshenbaugh - Legal Assistant

aeshenbaugh@kochscow.com

20 John Thomson

johnwthomson@ymail.com

21 Donna Wittig

donna.wittig@akerman.com

22 Daniel Scow

dscow@kochscow.com

23 Scott Lachman

scott.lachman@akerman.com

24 Nona Tobin

nonatobin@gmail.com

25 Scott Lachman

scott.Lachman@akerman.com

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Maria Collins

jwtlaw@ymail.com

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 09, 2021**

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|               |   |
|---------------|---|
| A-21-828840-C | Red Rock Financial Services, Plaintiff(s) |
|               | vs.                                       |
|               | Nona Tobin, Defendant(s)                  |

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|                          |                |                     |
|--------------------------|----------------|---------------------|
| <b>February 09, 2021</b> | <b>8:15 AM</b> | <b>Minute Order</b> |
|--------------------------|----------------|---------------------|

**HEARD BY:** Kishner, Joanna S.

**COURTROOM:** Chambers

**COURT CLERK:** Natalie Ortega

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Although the Court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11(A) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality as the Court could be viewed to have information relating to the circumstances of the matter or one of the parties. Thus, the Court recuses itself from the matter and requests that it be randomly reassigned and all pending hearing dates be reset in accordance with appropriate procedures.

CLERK'S NOTE: This minute order was electronically served by Courtroom Clerk, Natalie Ortega, to all registered parties for Odyssey File & Serve and/or served via facsimile. ndo/02/09/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 18, 2021**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**May 18, 2021**

**10:00 AM**

**All Pending Motions**

**HEARD BY:** Peterson, Jessica K.

**COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Rem Lord

**RECORDER:** Nancy Maldonado

**REPORTER:**

**PARTIES**

**PRESENT:**      Morgan, Melanie D.      Attorney  
                     Scow, Steven B.      Attorney  
                     Thomson, John W.      Attorney

**JOURNAL ENTRIES**

- Pro Se Counter-Claimant & Cross-Claimant Nona Tobin's Motion for Summary Judgment vs. Counter-Defendant Red Rock Financial Services and Cross-Defendants Nationstar Mortgage LLC & Wells Fargo, N.A. and Motion for Punitive Damages and Sanctions Pursuant to NRCP 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.401(1) and/or NRS 42.005... Defendant Nona Tobin's Amended Motion for an Order to Distribute Interpleaded Proceeds with Interest to Sole Claimant Nona Tobin... Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions... Joinder

Colloquy regarding the parties attending an evidentiary hearing to review numerous notebooks and video evidence submitted to the Court. Parties agree to confer and submit three to five dates to the Court to schedule an evidentiary hearing. COURT ORDERED, matters CONTINUED.

CONTINUED TO: 6/2/2021 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**August 19, 2021**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**August 19, 2021      10:00 AM      All Pending Motions**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Rem Lord

**RECORDER:** Nancy Maldonado

**REPORTER:**

**PARTIES**

**PRESENT:**      Scow, Daniel G.      Attorney  
Tobin, Nona      Defendant  
Cross Claimant

**JOURNAL ENTRIES**

- John Thomson Esq. present on Blue Jeans on behalf of Nona Tobin.

Following arguments by counsel COURT stated findings and ORDERED, Pro Se Counter-Claimant & Cross-Claimant Nona Tobin's Motion for Summary Judgment vs. Counter-Defendant Red Rock Financial Services and Cross-Defendants Nationstar Mortgage LLC & Wells Fargo, N.A. and Motion for Punitive Damages and Sanctions Pursuant to NRCP 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.401(1) and/or NRS 42.005 DENIED. COURT FURTHER ORDERED, Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions taken UNDER ADVISEMENT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**September 08, 2021**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**September 08, 2021      3:00 AM      Minute Order**

**HEARD BY:** Peterson, Jessica K.

**COURTROOM:** Chambers

**COURT CLERK:** Rem Lord

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Defendant Tobin filed her third party complaint on March 22, 2021 against Steven B. Scow, Esq.; Brody R. Wright, Esq.; Joseph Hong Esq.; Melanie Morgan, Esq.; David Ochoa, Esq.; and Brittany Wood, Esq. liable. Under NRCP 4(e)(1), the summons and complaint must be served upon a Defendant no later than 120 days after the complaint is filed. 120 days from the date of the complaint passed on July 21, 2021. Defendant has provided no proof of service and had not asked for an extension of time to serve. Therefore, under NRCP 4(e), Defendant is ORDERED TO SHOW CAUSE as to why her third party complaint should not be dismissed under NRCP 4(e)(2). COURT ORDERED, show cause hearing SET.

10/14/202 10:00 AM SHOW CAUSE HEARING

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /rl 9/8/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**October 14, 2021**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**October 14, 2021      10:00 AM      Show Cause Hearing**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Rem Lord

**RECORDER:** Nancy Maldonado

**REPORTER:**

**PARTIES**

|                 |                        |           |
|-----------------|------------------------|-----------|
| <b>PRESENT:</b> | Faughnan, Kerry P, ESQ | Attorney  |
|                 | Tobin, Nona            | Defendant |
|                 | Xara, Lilith Vala      | Attorney  |

**JOURNAL ENTRIES**

- Following arguments by counsel COURT NOTED it would hear Defendant/Counterclaimant's Motion for Reconsideration in ordinary course.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**November 16, 2021**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**November 16, 2021      8:00 AM      All Pending Motions**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Rem Lord

**RECORDER:** Nancy Maldonado

**REPORTER:**

**PARTIES**

**PRESENT:** Carver, Suzanne E.      Attorney  
Scow, Daniel G.      Attorney

**JOURNAL ENTRIES**

- COURT ORDERED Taylor L. Simpson, Esq.'s Motion to Withdraw as Counsel of Record  
ADVANCED and GRANTED. Following arguments by counsel COURT stated findings and  
ORDERED, Defendant/Counterclaimant's Motion for Reconsideration DENIED; Mr. Scow to prepare  
and submit the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**December 15, 2021**

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A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**December 15, 2021      3:00 AM      Motion**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Chambers

**COURT CLERK:**

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- A-21-828840-C      Red Rock Financial Services, Plaintiff(s) vs. Nona Tobin, Defendant(s)  
Motion

Ex Parte Application for an Order Shortening Time

COURT NOTES Nona Tobin's Motion for an Evidentiary Hearing to Set Aside Orders and for Sanctions Pursuant to NRCP 60(B)(3) and (D)(3), NRS 18.010(2) and EDCR 7.60 (1) and (3) is set to be heard 1/18/22 and ORDERS Application for Order Shortening Time DENIED.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. 12/29/2021 pc

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**January 19, 2022**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**January 19, 2022      10:00 AM      All Pending Motions**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Sandra Matute

**RECORDER:** Nancy Maldonado

**REPORTER:**

**PARTIES**

**PRESENT:**      Lancaster, Aaron      Attorney  
Scow, Steven B.      Attorney  
Tobin, Nona      Defendant

**JOURNAL ENTRIES**

- NONA TOBIN'S MOTION FOR AN EVIDENTIARY HEARING TO SET ASIDE ORDERS AND FOR SANCTIONS PURSUANT TO NRCP 60(B)(3) AND (D)(3), NRS 18.010(2) AND EDCR 7.60 (1) AND (3)...RED ROCK FINANCIAL SERVICES LLC'S OPPOSITION TO NONA TOBIN'S MOTION FOR AN EVIDENTIARY HEARING TO SET ASIDE September 10, 2021 ORDER AND November 30, 2021 ORDERS PURSUANT TO NRCP 60(B)(3) (FRAUD) AND NRCP 60 (B)(3)(FRAUD ON THE COURT) AND MOTION FOR ATTORNEYS FEES AND COSTS PURSUANT TO EDCR 7.60(1) AND (3), NRS 18.010(2); AND, COUNTERMOTION FOR ABUSE OF PROCESS; AOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS

COURT ADMONISHED Deft. regarding improper filings and allegations made by Deft. Arguments by counsel and Deft. COURT STATED It's FINDINGS, and ORDERED, Deft.'s motion DENIED; countermotion not granted. COURT WARNED Deft. if they continue to file improper motions, an Order to Show Cause will be filed to declare them a vexatious litigant. Mr. Scow to prepare the order within 30 days. COURT FURTHER ORDERED, if any comments and/or revisions are not received

within 10 days after the order has been circulated, the Court will sign the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**July 07, 2022**

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A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

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**July 07, 2022      10:00 AM      All Pending Motions**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** David Gibson

**RECORDER:** Nancy Maldonado

**REPORTER:**

**PARTIES**

**PRESENT:**      Faughnan, Kerry P, ESQ      Attorney  
                 Scow, Steven B.      Attorney  
                 Tobin, Nona      Defendant  
                 Turley, Vanessa Marie      Attorney

**JOURNAL ENTRIES**

- DEFENDANT NONA TOBIN'S PRO SE SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(B)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON November 30, 2021 AND MAY 25, 2022 RED ROCK FINANCIAL SERVICES LLC'S OPPOSITION TO NONA TOBIN'S SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TONRS 18.010(2) AND EDCR 7.60(B)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDERS ENTERED ON November 30, 2021 AND MAY 25, 2022; AND RENEWED COUNTERMOTION FOR ABUSE OF PROCESS; FOR A RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS REPOSE TO NON-PARTY RED ROCK FINANCIAL SERVICES, LLC S COUNTERMOTION FOR A RESTRICTIVE VEXATIOUS LITIGANT ORDER AGAINST NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS AND

**NONA TOBINS COUNTER-MOTION TO ADOPT TOBINS PROPOSED FINAL JUDGMENT ORDER**

Colloquy regarding the status of the case. Arguments by counsel and parties regarding their respective positions. COURT ORDERED Motion GRANTED IN PART and DENIED IN PART. The Court DIRECTED Mr. Faughnan to prepare the order and include findings of the Court of Appeals.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 02, 2023**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

---

**February 02, 2023      10:00 AM      All Pending Motions**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Teri Berkshire

**RECORDER:** Shannon Emmons

**REPORTER:**

**PARTIES**

**PRESENT:**      Scow, Daniel G.      Attorney  
Turley, Vanessa Marie      Attorney

**JOURNAL ENTRIES**

- Request for Judicial Notice Verified Complaints of Attorney Misconduct filed with the State Bar of Nevada vs. Brittany Wood...Request for Judicial Notice Verified Complaint of Attorney Misconduct filed with the State Bar Of Nevada vs. Joseph Y. Hong...Defendant Nona Tobin's Corrected Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not be Forwarded to the State Bar.

Ms. Tobin not present. Following statements by Ms. Turley and Mr. Scow, Court Stated its Findings and ORDERED, Pending Motions Advanced to today (See Separate Minute Orders on 2-2-23) and DENIED. FURTHER COURT ORDERED, Ms. Tobin declared a vexatious litigant and DENIED the motion to reconsider that is being advanced to today. Mr. Scow to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 02, 2023**

---

A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

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**February 02, 2023      11:15 AM      Motion**

**HEARD BY:** Peterson, Jessica K.      **COURTROOM:** Chambers

**COURT CLERK:** Teri Berkshire

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court having advanced this hearing to 2.-02-23 and following review of the papers and pleadings on file herein, COURT ORDERED, Motion to Withdraw Tobin's Motion for an Order to Show Cause Why Written Findings of Attorney Misconduct Should Not Be Forwarded to the State Bar And 2) Motion to Withdraw Tobin's Counter-Claims and Cross-Claims vs. Red Rock, Nationstar and Wells Fargo 3) Motion to Modify Grounds for Tobin's Petitions for Sanctions vs. Red rock and Nationstar to Include NRS 357.040(1(a),(b),(i), and NRS 199.210, NRS 205.0824 and NRS 205.0833, and NRS 41.1395 And 4) Motion to Adopt Tobin's Proposed Final Judgment Order, DENIED.

CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service / tb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**February 02, 2023**

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A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

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**February 02, 2023      11:15 AM      Motion to Reconsider**

**HEARD BY:** Peterson, Jessica K.

**COURTROOM:** Chambers

**COURT CLERK:** Teri Berkshire

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court having advanced this hearing to 2.-02-23 and following review of the papers and pleadings on file herein, COURT ORDERED, Defendant Nona Tobin's Motion to Reconsider 1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings, DENIED.

CLERK'S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service / tb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**May 25, 2023**

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A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

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**May 25, 2023**

**9:30 AM**

**Motion**

**HEARD BY:** Wiese, Jerry A.

**COURTROOM:** RJC Courtroom 17A

**COURT CLERK:** Alexis Turner

**RECORDER:** Vanessa Medina

**REPORTER:**

**PARTIES**

**PRESENT:**      Scow, Daniel G.      Attorney  
                         Tobin, Nona      Defendant

**JOURNAL ENTRIES**

- Ms. Tobin argued three areas of misconduct for reasoning for disqualification of Judge Peterson, including misrepresentation of facts, engaging in improper communication and refusing to result facts based on evidence. Daniel Scow argued that Ms. Tobin's filings were repetitive and harassing, which is why she was deemed a vexatious litigant. Daniel Scow stated that the case is essentially resolved and would like for it to end. Court NOTED, will look at the pleading filed before making a decision and ORDERED, matter TAKEN UNDER ADVISEMENT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Civil Matters**

**COURT MINUTES**

**June 21, 2021**

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A-21-828840-C      Red Rock Financial Services, Plaintiff(s)  
vs.  
Nona Tobin, Defendant(s)

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**June 21, 2021**

**All Pending Motions**

**HEARD BY:** Peterson, Jessica K.

**COURTROOM:** Chambers

**COURT CLERK:** Rem Lord

**JOURNAL ENTRIES**

- COURT ORDERED, Pro Se Counter-Claimant & Cross-Claimant Nona Tobin's Motion for Summary Judgement vs. Counter-Defendant Red Rock Financial Services and Cross-Defendant Nationstar Mortgage LLC & Wells Fargo, N.A. and Motion for Punitive Damages and Sanctions Pursuant to NRCP 11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS 207.401(1) and/or NRS 42.005, Defendant Nona Tobin's Amended Motion for an Order to Distribute Interpleaded Proceeds with Interest to Sole Claimant Nona Tobin and Red Rock Financial Services, LLC's Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions SET for hearing 7/15/21 at 10:00 am.

7/15/21 10:00 AM HEARING

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. /rl 6/21/21



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

**NONA TOBIN**  
**2664 OLIVIA HEIGHTS AVE.**  
**HENDERSON, NV 89052**

**DATE: August 24, 2023**  
**CASE: A-21-828840-C**

**RE CASE:** RED ROCK FINANCIAL SERVICES vs. NONA TOBIN, an individual and as Trustee of the GORDON B. HANSEN TRUST, dated 8/22/08; REPUBLIC SERVICES, INC.; WELLS FARGO, N.A.; NATIONSTAR MORTGAGE, LLC

NOTICE OF APPEAL FILED: August 22, 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 RE: MOTION TO DISQUALIFY THE HONORABLE JUDGE JESSICA K. PETERSON PURSUANT TO NRS 1.230, NCJC 2.11, NCJC 1.2, 2.2 (APPEARANCE OF A LACK OF IMPARTIALITY), (NCJC 2.9 (IMPROPER EX PARTE COMMUNICATIONS); NCJC 2.15 (C)(D) (IMPROPER RESPONSE TO ALLEGATIONS OF JUDICIAL AND LAWYER MISCONDUCT) AND NRCF 59(A)(1)(A) (IRREGULARITY IN THE PROCEEDINGS) OR (B) (MISCONDUCT OF PREVAILING PARTY) (C) (SURPRISE) (EX PARTE VEXATIOUS LITIGANT BREACH ORDER IN ABSENTIA AND REFUSAL TO ATTACH OPPOSITION TO ORDER) AND/OR RELIEF FROM THE ORDER PURSUANT TO NRCF 60(B)(1) (MISTAKE - ERRORS OF LAW) NRCF 60(B)(3) (MISREPRESENTATION) NRCF 60(D)(3) (FRAUD ON THE COURT); NOTICE OF ENTRY OF ORDER; ORDER DECLARING NONA TOBIN A VEXATIOUS LITIGANT, ORDER DENYING DEFENDANT NONA TOBIN'S: (1) MOTION TO WITHDRAW TOBIN'S MOTION FOR AN ORDER TO SHOW CAUSE WHY WRITTEN FINDINGS OF ATTORNEY MISCONDUCT SHOULD NOT BE FORWARDED TO THE STATE BAR, (2) MOTION TO WITHDRAW TOBIN'S COUNTER-CLAIMS AND CROSS-CLAIMS VS. RED ROCK, NATIONSTAR AND WELLS FARGO, (3) MOTION TO MODIFY GROUNDS FOR TOBIN'S PETITIONS FOR SANCTIONS VS. RED ROCK AND NATIONSTAR TO INCLUDE NRC 357.040(1(A),(B),(I), AND NRS 199.210, NRS 205.0824 AND NRS 205.0833, AND NRS 41.1395, AND (4) MOTION TO ADOPT TOBIN'S PROPOSED FINAL JUDGMENT ORDER AND, ORDER DENYING DEFENDANT NONA TOBIN'S: MOTION TO RECONSIDER 1/16/2023 ORDER AND RENEWED MOTION TO STRIKE NON-PARTY RED ROCK FINANCIAL SERVICES LLC'S ROUGE FILINGS; NOTICE OF ENTRY OF ORDER; ORDER GRANTING IN PART AND DENYING IN PART NONA TOBIN'S SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(B)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDER ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 AND GRANTING IN PART RED ROCK FINANCIAL SERVICES' COUNTERMOTION FOR ABUSE OF PROCESS, FOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS; NOTICE OF ENTRY OF ORDER; ORDER GRANTING IN PART AND DENYING IN PART NONA TOBIN'S SECOND AMENDED MOTION FOR AN ORDER TO DISTRIBUTE INTERPLEADED FUNDS WITH INTEREST TO SOLE CLAIMANT NONA TOBIN AND MOTION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 18.010(2) AND EDCR 7.60(B)(1) AND (3) AND MOTION TO CORRECT NUNC PRO TUNC NOTICES OF ENTRY OF ORDER ENTERED ON NOVEMBER 30, 2021 AND MAY 25, 2022 AND GRANTING IN PART RED ROCK FINANCIAL SERVICES' COUNTERMOTION FOR ABUSE OF PROCESS, FOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS; NOTICE OF ENTRY OF ORDER; ORDER DENYING NONA TOBIN'S MOTION FOR AN EVIDENTIARY HEARING TO SET ASIDE SEPTEMBER 10, 2021 ORDER AND NOVEMBER 30, 2021 ORDERS PURSUANT TO NRCF 60(B)(3) (FRAUD) AND NRCF 60(B)(3)(FRAUD ON THE COURT) AND MOTION FOR

ATTORNEYS' FEES AND COSTS PURSUANT TO EDCR 7.60(1) AND (3), NRS 18.010(2), AND, RED ROCK FINANCIAL SERVICES, LLC'S COUNTERMOTION FOR ABUSE OF PROCESS, FOR A VEXATIOUS LITIGANT RESTRICTIVE ORDER AGAINST NONA TOBIN AND FOR ATTORNEY FEES AND COSTS; NOTICE OF ENTRY OF ORDER; ORDER CLARIFYING SEPTEMBER 10, 2021 ORDER AND MOOTING NOTICE OF DEFAULT AND MOTION TO STRIKE; NOTICE OF ENTRY OF ORDER CLARIFYING SEPTEMBER 10, 2021 ORDER AND MOOTING NOTICE OF DEFAULT AND MOTION TO STRIKE; ORDER & JUDGMENT ON PLAINTIFF RED ROCK FINANCIAL SERVICES, LLC'S MOTION TO DISMISS COUNTERCLAIMANT NONA TOBIN'S COUNTERCLAIM AND PETITION FOR SANCTIONS AND DEFENDANTS/ COUNTERCLAIMANT NONA TOBIN'S MOTION FOR SUMMARY JUDGEMENT AND MOTION FOR SANCTIONS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

RED ROCK FINANCIAL SERVICES,

Plaintiff(s),

vs.

NONA TOBIN, an individual and as Trustee of the GORDON B. HANSEN TRUST, dated 8/22/08; REPUBLIC SERVICES, INC.; WELLS FARGO, N.A.; NATIONSTAR MORTGAGE, LLC,

Defendant(s),

Case No: A-21-828840-C

Dept No: VIII

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 24 day of August 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk