

FILED

DEC 04 2023

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

NONA TOBIN,

APPELLANT,

vs.

RED ROCK FINANCIAL SERVICES  
NATIONSTAR MORTGAGE, LLC,  
AND WELLS FARGO, N.A.

RESPONDENTS

Supreme Court Case No. 87183  
District Court Case A-21-828840-C

NRAP 40 Petition for Rehearing  
Dismissal Order 23-36736 to Grant  
Unconsidered Motion 23-36721 to  
Resolve 87183 By Identifying The  
Threshold Jurisdictional Defect

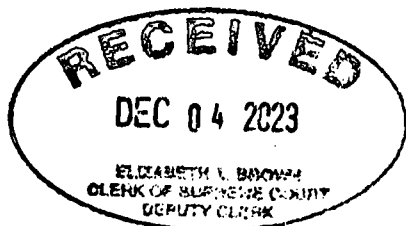
An Appeal from the Eighth Judicial District Court  
The Honorable Jessica K. Peterson, Presiding

Comes now, Nona Tobin, In Proper Person, ("Tobin") to timely move this Court, pursuant to NRAP 40, to rehear the dismissal order 23-36736, as it created an unfair, absurd result. It left intact without appeal an unjust vexatious litigant restrictive order that is tantamount to a lifetime total ban on Appellant's access to any Nevada Court to redress any grievance of any kind. It gave Respondents and their attorneys immunity from paying any damages to Appellant for their having successfully obstructed a fair, evidence-based adjudication of her claims by an impartial tribunal for 7+ years, causing her to unfairly incur \$400,000+ in costs. It rendered appeal 87183 of the orders obtained by fraudulent means useless as a "plain, speedy, and adequate remedy in the ordinary course".

Dated December 1<sup>st</sup> 2023

*[Signature: nona M.]*

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In Proper Person



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NRAP 40 Petition for Rehearing Dismissal Order 23-36736

### **to Grant Unconsidered Motion 23-36721 to Resolve 87183 By Identifying The Threshold Jurisdictional Defect**

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## List of Exhibits

### Exhibit 1

Unconsidered motion 23-36721 to resolve 87183 by identifying jurisdictional defect that Red Rock LLC had no standing to file into the case

Table of Contents of Nine volumes

**Volume 1 shows Draft complaint v. State Bar** has been stuck since 5/14/23 pending pre-filing approval turning an unjust vexatious litigant restrictive order into a total unconstitutional ban on my use of the Nevada courts if 23-36736 dismissal order is not lifted.

**Volume 2 shows Writ Petition 85251** sought to have the proceedings arrested to prohibit the district court from granting judgment in favor of non-party Red Rock LLC denied as no final order

**Volume 3 shows Vacated Post-Judgment Filings and Minute Order** resulted in a de facto stay of Order # 5 allowing non-party Steven Scow to refuse to give me to \$52,211.32 of the \$57,282.32 interpleaded proceeds Red Rock was ordered to pay by 4/28/23

**Volume 4 shows** Doc. #141 DECL RPLY NT 9375 NT 09664 5/18/23 Declaration Nona Tobin Declaration and Reply to non-party Red Rock LLC's Opposition to the Disqualification of Judge Peterson from the decision to set aside the orders obtained by fraud (Part 1) that was inadvertently omitted from the required exhibits to the docketing statement, contains the 10/14/21 Order to Show Cause hearing and 7/7/22 transcript

**Volume 5 shows exhibits** Erroneously omitted Doc. #142 NT 9665 -NT 9711 5/22/23 Exhibits to Declaration would be required if a full appeal is necessary to correct the record as the 3/28/23 order falsely states that the findings are "uncontroverted" when every virtually material fact is false or misleading.

**Volume 6 shows** that the 3/28/23 Order #1 denied the MOSC being withdrawn, but did not grant the unopposed MOSC or deny it in an appealable order and the biggest beneficiaries of this deception are the non-party attorneys as they are above the rule of law protected by the restrictive order against me preventing any complaint against them until the statute of limitations passes

**Volume 7 shows that the 10/19/23 minute order didn't stay 3/28/23 Order #2**, that granted judgment in favor of non-party Red Rock LLC and concealed that Order # 2 the **unopposed** motion to reconsider and renewed motion to strike the non-party's rogue filings were unfairly denied ex parte without notice for not proper purpose on 2/2/23 by giving an unfair exemption to EDCR 2.20(e) without allowing me to have oral argument scheduled for 2/28/23

**Volume 8 shows appeal is futile** after previous appeals precluded unheard claims of the real party in interest by striking the evidence and declaring unheard arguments waived

**Volume 9 shows** why a full appeal would be such a hardship to the parties. A detailed analysis of the complete 10,000-court record is needed if the appeal is not resolved by identifying the jurisdictional defect.

1. A-21-828840-C annotated court record index of Bates-numbered (NT 0001-NT 09922) ordered 152 documents filed from 2/3/21 to 10/19/23

## **Exhibit 2**

Writ petition 85251

Comprehensive Table of Contents

Appendix Volumes 1-40 AA0001-AA5992

<b>Vol</b>	<b>Doc # in vol</b>	<b>Description of A-21-828840-C Documents in the 85251 Appendix</b>
1	1-14	A-21-828840-C filed Docs. # 1-14 3/3/21 complaint for interpleader, 2/17/21 AFF of service, 3/8/21 Tobin counter-claim and cross-claims
2-3	15	Tobin's 3/15/21 RFJN of County 2003-2021 Property Records For APN 191-13-811-052
4-5	17	Tobin's Third-Party Complaint 1. Abuse Of Process 2. Racketeering 3. Fraud, 4. Restitution 5. Exemplary/Punitive Damages 6. Sanctions vs. Steven B. Scow; Brody R. Wight; Joseph Hong; Melanie Morgan; David Ochoa; Brittany Wood
19, 21	18, 19, 21	Tobin's 4/4/21 RFJN Unadjudicated Claims; & 4/7//21 RFJN of NRS, NRCP, NRPC, NRPC and Sun City Anthem CC&Rs & bylaws; 4/7//21 RFJN of NRS, NRCP, NRPC, NRPC and Sun City Anthem CC&Rs & bylaws; 4/9/21 RFJN
6		1st action discovery issues
7	20 & 23-27	NSM/WF 4/9/21 answer, #22 Tobin 1st mot to distribute, #23 Notice of 5/18/21 hearing of MTD #24 4/15/21 Tobin MSJ, #27 Notice of 5/18/21 hearing of MSJ
8	28, 29	#28 Non-party Red Rock LLC's rogue motion to dismiss #29 Notice of 5/18/21 hearing
8 to 14	28	#28 Non-party Red Rock LLC's rogue motion to dismiss (MDSM) and exhibits. None of the 1,000+ pages of exhibits contained any verified evidence that refuted any of the unanswered 3/8/21 claims
15	30, 31	Tobin OPPS to Red Rock MDSM; #31 NSM/WF OPPS to MTD
16	31	#31 NSM/WF OPPS to MTD with exhibits A-M that are padding, refute nothing, misrepresents the law when Akerman knows there is no law that supersedes NRS 116.31164 to give Red Rock/Scow the right to refuse to



distribute the excess proceeds in full immediately after the sale without litigation

17 32-35 Motions and oppositions

40-44 NOTA John Thomson for Tobin because an evidentiary hearing was scheduled for 5/18/21 to hear Tobin's motion #22 for the proceeds as the sole claimant, Tobin's MSJ #24 as no party responded to #14 3/8/21 claims, and hear Red Rock LLC's #28 MDSM #43 granted MDSM, denied MSJ, didn't hear MTD because Scow and the bank attorney said it was "premature" so #43 order dismissed all Tobin's claims with prejudice. Thomson quit and was replaced by Susan Carver, P. Sterling Kerr

18 46, , Tobin attempts to take the NSM and WFs default, all oppose MRCN and 50-54, Tobin fired attorney Carver and returned to pro se status, NSM fired Akerman 57, and Akerman admits #62 Wells Fargo is not their client, only Nationstar is.

19 60-62

62-72 #74 RTRAN 11/16/21 hearing #68-72 orders to deny Tobin MRCN and grant NSM/WF MTS, and tells bank attorney to draft order to amend the 9/10/21 order to include that all Tobin's claims vs. NSM/WF are precluded as wells as claims against Red Rock

20 75-77, #75 Tobin moves for evidentiary hearing to address orders that contain false 83 findings not supported by evidence 1/11/22 #83 Order granted Akerman withdrawal as counsel for NSM and WF

21 81 1/10/22 Nona Tobin's Reply To Nationstar's And Wells Fargo's Joinder To Non-party 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 (d)(3)(FRAUD ON THE COURT) And Motion For Attorneys' Fees And Costs Pursuant To EDCR 7.60(b)(1) AND (3), NRS 18.010(2); - #77 and 22 to 78 many exhibits are put into the record to combat the 12/28/21 non-party 26 motion for a restrictive order and the 12/29/21 NSM/WF joinder

80 1/10/22 Nona Tobin's Reply To Red Rock Financial Services LLC's rogue 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 - #77 and 78 many exhibits are put into the record to combat the 27 to 12/28/21 non-party motion for a restrictive order and the 12/29/21 NSM/WF 34 joinder

91 Duplicated in error and failed to include doc # 90 2nd motion for the interpleaded proceeds volumes 35-38 contain 50 exhibits that establish Tobin's standing to get 100% of the interpleaded funds plus interest and penalties for them being unlawfully withheld and for Nationstar lying about being the beneficiary and lying about WF's role plus contain three exhibits to correct the 35-38

prior order as they misidentify non-party Red Rock LLC as the Plaintiff and counter-defendant and conflate it with the real party and contain false statements contradicted by verified evidence in the record

- 38    91 -95    #92 notice of 7/7/22 hearing of Tobin's #90 2nd motion to distribute the  
interpleaded proceeds to her with interest and penalties as the sole claimant,  
95-97    #93 Nonparty objects and filed counter-motion for vexatious litigant  
Tobin files an 6/27/22 OPPC (#96) to no-party Red Rock's 2nd rogue motion  
for a vexatious litigant restrictive order and moves to strike the non-party's  
rogue filings and adopt a proposed final judgment order that denies the non-  
39    party's rogue motion to dismiss and grants Tobin's #14 claims as unopposed  
40    Register of actions, comprehensive TOC of appendix 40-volumes

### **Exhibit 3**

87183 Docketing Statement  
Table of Contents of Exhibits  
SC 23-31014

### **Exhibit 4**

Uninvestigated NCJD complaint 2021-026 Pending when  
Judge Kishner recused herself and case was reassigned to Judge Peterson

### **Exhibit 5**

Petition 84371 For Writs for The Enforcement Of The Judicial  
and Professional Codes Of Conduct SC 22-08149  
Comprehensive Table of Contents SC 22-08152  
36-Volume Appendix TOBIN 0001- TOBIN 5282

## **NONA TOBIN'S PETITION FOR WRIT OF MANDAMUS VOL. PETITION 84371 APPENDIX TABLE OF CONTENTS**

- 1    22-08156 vol 1A-15-720032-C orders obtained by fraud
- 2    22-08160 vol 2 A-19-799890-C AND A-21-828840-C orders obtained by fraud
- 3    22-08162 vol 3 appeal ord...on 2017 Bar complaint
- 4    22-08163 vol 4 Bar comps Hong and Wood.
- 5    22-08164 vol 5 NCJD attachments 1-7.
- 6    22-08165 vol 6 NCJD 8-12.
- 7    22-08167 vol 7 NCJD 13-14.
- 8    22-08168 vol 8 NCJD 15 1...comp to 201203 order.

- 9 22-08169 vol 9 NCJD attach 16 stricken part 1.
- 10 22-08170 vol 10 NCJD attach 16 stricken part 2 AG.
- 11 22-08171 vol 11 NCJD 16 part 3 190417 EXHIBITS
- 12 22-08172 vol 12 NCJD 16 ...rt 4 190417 EXHIBITS 4
- 13 22-08173 vol 13 NCJD 16...disclosed proofs of service.
- 14 22-08174 vol 14 NCJD 16...rt 6 190417 EXHIBIT 12 .
- 15 22-08175 vol 15 annotated orders.
- 16 22-08176 vol 16 MVAC MINV part 1.
- 17 22-08178 vol 17 MINV part 2.
- 18 22-08179 vol 18 MINV part 3.
- 19 22-08180 vol 19 MNTR.
- 20 22-08181 vol 20 190729..S 38.310 and A19 comp.
- 21 22-08182 vol 21 210308 AACC.
- 22 22-08183 vol 22 210322 TPC part 1.
- 23 22-08184 vol 23 210322...NCJD communications.
- 24 22-08185 vol 24 RFJN property record part 1.
- 25 22-08186 vol 25 RFJN property record part 2.
- 26 VOL 26.RFJN UNADJUDICATED CLAIMS 210407 LAWS 210409 NRCP 16.1 DISCLOSURES
- 27 22-08187 vol 27 220223 complaint Melanie Morgan
- 28 22-08190 vol 28 220228.. complaint Wright Finlay Zak
- 29 22-08191 vol 29 220301 B comp Steven Scow part 1.
- 30 22-08192 vol 30.220301 comp Steven Scow part 2
- 31 22-08194 vol 31 220301 B...n Scow Ex F-H5.part 3
- 32 22-08195 vol 32 220306..comp Ochoa Clarkson part 1 A-D.
- 33.1 22-08196 vol 33.1 .Ochoa Clarkson .F non-meritorious claims
- 33.2 22-08198 vol 33.2 Ochoa Clarkson part 2 E, F, H-1 (Exhibit H and H-1 More disputed facts about 4/18/19 order erroneously misnumbered & in Volume 33)
- 34 22-08199 vol 34 Ochoa Clarkson part 3 EX G, H, H-1
- 35 22-08200 vol 35 failed pro se attempts to get written findings of attorney misconduct.rder attorney misconduct.;
- 36 22-08218 vol 36 A-21-828840-C transcripts

1       **I. THE RELIEF SOUGHT**

2           This motion seeks to expeditiously resolve the appeal in the manner  
3 described in the unconsidered motion 36-36721, i.e., to resolve appeal 87183 by  
4 identifying the fatal jurisdictional defect of the district court's lack of jurisdiction  
5 to grant the rogue motions of non-party Red Rock Financial Services LLC ("Red  
6 Rock LLC") without forcing Appellant to file a third petition for a writ or initiate  
7 another appeal.

8           Appellant's substantive rights have been abridged without just cause, and  
9 appeal is not an adequate remedy and dismissal to require a new appeal would be  
10 a grave miscarriage of justice. A writ of mandamus is the appropriate vehicle to  
11 determine the rights and liabilities of all the parties.

12           All the claims of all the parties can be resolved in the most equitable and  
13 expeditious manner possible by granting the unconsidered 23-36721 motion  
14 utilizing already-filed documents<sup>1</sup> as needed instead to avoid the necessity of  
15 requiring the Court and the parties to invest the time and expense in another full  
16 appeal or another writ petition in order to provide relief that has already been too  
17 long delayed.

18           Petition 85251 for a Writ of Mandamus and/or Prohibition is now ripe, and  
19 it alone could be sufficient for the single determination that the district court did  
20 not have personal jurisdiction over Red Rock Financial Services LLC ("Red Rock  
21

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22       <sup>1</sup> The existing-filed documents include the unconsidered pending documents, motion 23-36721  
23 (exhibit 1) and the nine volumes supporting the 23-36721 motion, the 87183 docketing  
24 statement and exhibits (TOC of exhibits and docketing statement is in Exhibit 2), the Writ  
25 Petition 85251 and its 40-volume appendix (Exhibit 3 has 57-page TOC of 5,992 page  
26 appendix), and the original 3/15/22 Writ Petition 84371 and 98-page TOC of its 36-volume  
27 appendix are in exhibit 5. The alternative to using these existing documents is the 10,000-page  
28 full court record (indexed and BATE-numbered in 23-36721 Volume 9) that will be needed if  
jurisdiction is returned to the district court to conduct an evidentiary hearing and decide the  
4/26/23 tolling motion to set aside the 3/28/23 order pursuant to NRCP 59 and NRCP 60 and  
develop an appealable final judgment order that's certified as resolving all the claims of all the  
parties.

1 LLC”) and erred in granting its motions. This determination resolves the appeal  
2 fairly and efficiently as it results in mandating that the district court grant  
3 Appellant’s unopposed motions to strike the non-party’s rogue filings and adopt  
4 the 6/27/22 proposed final judgment order as unopposed, and the appeal is  
5 equitably resolved utilizing the exact same legal standard as was previously used  
6 in this dispute.

## 7 **II. VERIFIED STATEMENT OF POINTS AND AUTHORITIES**

8 I, Nona Tobin, declare and state, under penalty of perjury of the laws of the  
9 State of Nevada, as follows:

10 I believe dismissal of my appeal (23-36736) without consideration of the  
11 pending documents filed is unfairly damaging to me and to the public interest. It  
12 unfairly gives immunity to wrongdoers. It fails to address the threshold issue that  
13 the district court acted outside its jurisdiction to give standing to non-party,  
14 disinterested Red Rock LLC to grant its motions and to issue judgment in favor  
15 of other non-parties, most particularly, to the attorneys involved in this dispute  
16 who successfully obstructed a fair, evidence-based adjudication of my claims for  
17 the past 7+ years. It will unnecessarily multiply the proceedings if the threshold  
18 jurisdiction determination that Red Rock LLC is not a party is not made first.

### 19 **A. 23-36736 Dismissal Order basically says none of the orders are appealable.**

20 On 11/13/23, Order 23-36736 dismissed the appeal on jurisdictional  
21 grounds, ruling that the order denying the judge’s disqualification is more  
22 appropriately handled by a writ of mandamus. Other orders were deemed  
23 unappealable as not timely and not certified (NRCp (b)) as a final judgment order  
24 that resolved all the claims of all the parties.

25 The order misapprehended numerous aspects of the 3/28/23 order that  
26 purported to be the final judgment order in a normal interpleader action. The  
27 confusion is understandable as it was a meritless action that did not meet the  
28

1 NRCP 22 legal standard to be a valid interpleader. (See 23-36721 Volume 5) (I  
2 was the only defendant who had a recorded claim after 6/3/19 to give standing to  
3 assert a claim for the excess proceeds from the 8/15/14 sale and no adverse  
4 interests). It was allowed to morph into an unjust, improper, and  
5 unconstitutionally-broad vexatious litigant restrictive order by a novice judge who  
6 had been on the bench one month when the case was reassigned to her because  
7 Judge Kishner, the subject of a 1/27/21 NCJD complaint related to the 1<sup>st</sup> action,  
8 recused herself. (Exhibit 1 shows the uninvestigated NCJD complaint 2021-026,  
9 rejected by staff attorneys as untimely, that was pending when Judge Peterson  
10 took the case. It was the impetus for the judicial portion of the 84371 Petition for  
11 Writs for the Enforcement of the Judicial and Professional Codes of Conduct.

12 The dismissal order misapprehended that the 4/26/23 motion to disqualify  
13 incorporated a concurrently filed tolling motion that Judge Wiese did not address  
14 on the merits in the 5/30/23 order denying disqualification nor did he hear and  
15 decide the tolling motion. He simply ruled that Judge Peterson was not  
16 disqualified from adjudicating it, despite the fact that it would be asking her to  
17 adjudicate misconduct that she is accused of being implicated in. Timeliness will  
18 not be addressed in full at this point.

19 **A. The goal of this motion is expeditious resolution via a writ of mandamus**  
20 **as appeal is not an available remedy.**

21 The goal of this unconsidered motion 23-36721 is expeditious resolution  
22 via a writ of mandamus based on a finding that appeal is not a plain, speedy or  
23 adequate remedy in this case, and seeks findings that a writ is therefore the  
24 appropriate vehicle to equitably satisfy all claims of all parties in that the two writ  
25 petitions (84371 and 85251), in conjunction with other pending unconsidered  
26 notices (23-28978 and 23-29427) and other existing documentation in the  
27 docketing statement are sufficient for this Court to identify the jurisdictional  
28 defect that Red Rock LLC was not an interested party with standing, and therefore,

1 orders that granted its rogue motions are void and the proposed 6/27/22 final  
2 judgment order must be granted as unopposed.

3 **B. Dismissing the appeal to get an NRCP 54 (b) certified final order creates**  
4 **an undue burden as the 3/28/23 Order has been treated as final to**  
5 **Appellant's detriment already for eight months.**

6 Judge Peterson didn't hear and decide the tolling motion to set aside the  
7 order pursuant to NRCP 59 or 60 because, as she stated in her 5/3/23 affidavit,  
8 that the 3/28/23 order was final. (Doc. #139).

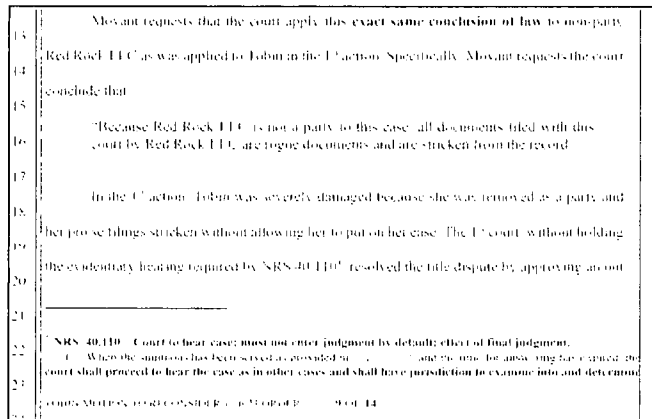
9 "22. Affiant is unsure what the point of disqualification if granted would be. A final Order  
10 was issued on March 28, 2023, ordering the funds to be disbursed to Defendant in this  
11 matter. No Notice of Appeal has been filed as to that Order and a Motion to Disqualify is  
12 not a tolling Motion. As such, this case is over and there is nothing left for Affiant to  
13 adjudicate."

14 The 23-36736 motion Exhibit Volume 3 shows that the district court treated  
15 only parts of the 3/28/23 order as final in ways that were detrimental to me.  
16 Volume 3 shows Judge Peterson granted a de facto stay to enforce the 3/28/23  
17 Order #5 for Red Rock to pay me \$52,211.32 of the interpleaded proceeds by  
18 4/28/23 when she vacated my motion to enforce, MOSC and motion to waive the  
19 \$500 appeal bond, while leaving in place the restrictive Order (#3) and Order #2,  
20 (the denial of my unopposed motion to strike the rogue filings of the non-party  
21 and reconsider the 1/16/23 order that granted the non-party's motion for attorney's  
22 fees and failed to put in an appealable order that my previous motion to strike the  
23 rogue filings of the non-party had been denied) unless I win on appeal. Since  
24 Steven Scow unlawfully converted and withheld for 9+ years the \$57,282.32  
25 excess proceeds from the 8/15/14 foreclosure sale of my deceased fiancé's home,  
26 falsely claimed he had a right to keep them unless I dropped my other claims when  
27 the controlling statute NRS 116.31164 says otherwise, and he had succeeded in  
28 obstructing my three civil claims to get them as the sole claimant, and he  
29 disobeyed the 3/28/23 Order #5, to pay me \$52,211.32 because I filed an appeal,

1 letting him drag this out for another couple years by forcing me to to file another  
2 appeal simply rewards his misconduct.

3 **C. Writ petition 85251 was denied previously as premature. It must be**  
4 **granted now to avoid applying a double standard.**

5 The 23-36736 motion Exhibit Volume 2 shows that denied my motion to  
6 reconsider and motion to strike the non-party's rogue filings, but the court broke  
7 a lot of court rules to deny UNOPPOSED motions and conceal it.



16 Writ Petition 85251 was not considered because the Court's extraordinary  
17 intervention was not deemed warranted as the order appeal would eventually have  
18 been an available option. NRAP 4(d) Pan, 120 Nev. at 225, 88 P.3d at 841.

19 However, it would be unfair to use that excuse again, given that exhibits to  
20 23-376 (Volumes 1, 6 and 7) show that the 3/28/23 orders were unappealable by  
21 design and intentionally shifted the heavy burden on me to be stuck with  
22 detrimental rulings caused by their misconduct unless I win an appeal.

23 **D. 23-36721 volumes show the district court's lack of jurisdiction must be**  
24 **considered first to avoid unjust damages to Appellant.**

25 For example, if Dismissal Order 23-36736 stands with no other action, the  
26 unjust, improper vexatious litigant restrictive order (#3) imposed without notice,  
27 due process, or an opportunity to oppose, will continue to be an unconstitutional  
28 total ban on my access to all Nevada courts for the rest of my life even though the



1 motions were made by a non-party who was not prejudiced in any way by the  
2 orders of the court, who had no interest in and filed no compulsory claim for the  
3 excess proceeds had no standing to oppose them being paid to me, the sole  
4 claimant, and had no standing to obstruct my good faith efforts to claim them.

5 The court exceeded its jurisdiction in this meritless interpleader action  
6 when the case wasn't dismissed immediately on 3/8/21 when I filed the only  
7 timely compulsory counter claim for the \$57,282.32 interpleaded proceeds.<sup>2</sup> NRS  
8 116.31164 required immediate distribution of the proceeds after the 8/15/14 HOA  
9 foreclosure sale. Red Rock gave them to Steven Scow on 8/28/14 with instructions  
10 to remit the excess proceeds checks to the court for immediate distribution. Scow  
11 filed for interpleader in Red Rock's name 6+ years later when Red Rock did not  
12 have standing to be the plaintiff. The Court acted outside its jurisdiction when it  
13 granted the non-party Red Rock LLC's successful motion (Doc. #28) to dismiss  
14 all my claims with prejudice, albeit unwittingly because Scow unethically  
15 conflated the party and the non-party into a single entity and confused the Court.  
16 Nevertheless, I have been unfairly damaged by fact that I have to appeal Scow's  
17 misconduct while Scow gets away with impersonating Red Rock and non-party  
18 Red Rock LLC to cover up that he converted and kept \$57,282.32 of my money  
19 since 8/28/14 and succeeded in defaming me to get me wrongfully branded a  
20 vexatious litigant so I can't use any Nevada court to file a complaint against him  
21 unless I win on another appeal or unless this Court sees the injustice.

22 Volumes 1 and 6 show that the 3/28/23 Order #1 was written to be  
23 unappealable by not denying the unopposed MOSC in an appealable order. The

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24 <sup>2</sup> *Arguello v. Sunset Station, Inc.*, 127 Nev. 365, 368, 252 P.3d 206, 208 (2011) (explaining  
25 that this court reviews standing de novo)

26 *Moore v. Univ. Med. Ctr. of S. Nev.*, No. 69367, at \*2 (Nev. App. Jan. 13, 2017) ("The district  
27 court clearly erred ...by entering judgment without a trial in favor of a party that never even  
28 pled a claim for relief").

1 biggest beneficiaries of this deception are the non-party attorneys who didn't file  
2 any opposition to the MOSC or refute any of evidence verified complaints that  
3 their professional misconduct obstructed a fair adjudication of my claims as  
4 altered the outcome of the A-15-720032-C, A-16-730078-C, A-19-799890-C,  
5 and/or A-21-828840-C proceedings by excessive undue influence over attorneys  
6 but because of the restrictive order, they are untouchable.

7 The 23-36736 Volume 7 shows exactly how the 3/28/23 Order #2 concealed  
8 that the court denied the UNOPPOSED motion to reconsider when no party had  
9 timely filed the written opposition required by EDCR 2.20(e), and the court gave  
10 them an unfair exemption at the same improper ex parte hearing at which time the  
11 court "declared" that I was a vexatious litigant in absentia and that Red Rock LLC  
12 was a party as a matter of some unspecified law.

13 **E. Dismissal without consideration of pending motions causes delay and**  
14 **damages, and appeal would still not a plain, speedy, or adequate remedy.**

15 If the Court dismisses appeal 87183 without considering all the documents  
16 already submitted, it will be seriously detrimental to the health of the 75-year-old  
17 appellant.

18 If I am forced to persevere with this appeal, my doctor told me today it  
19 could well be to the death, if I don't quickly bring the stress level down. I actually  
20 do not believe I could survive another full appeal or writ petition when everything  
21 has come to naught because my opponents have successfully cheated to win.

22 Yet, a total ban on an innocent person's access to all the Nevada Courts  
23 would be so severely damaging a precedent that I would feel compelled to fight it  
24 in the public interest. All Nevada HOA homeowners are damaged by my being  
25 unjustly restricted from using the courts to complain about HOA attorneys taking  
26 away my substantive rights, including disenfranchising me and the 2,000 other  
27 people that voted for me when I was unlawfully removed from my elected HOA  
28 Board seat by those HOA attorneys who have since been kept from running for

1 six years and severely damaged my reputation based on their false accusations  
2 that I was profiting from my elected seat by this quiet title litigation and who  
3 enabled the theft of my property by concealing and misrepresenting HOA records.

4 It would be unfair to dismiss my appeal and then force me to start a new  
5 one or file a new petition for a writ instead of simply dismissing the non-party  
6 Red Rock LLC, as it didn't have standing<sup>3</sup> to file the improper motions for a  
7 restrictive order against me. The 3/28/23 Order pages 10 to 13 claims to have met  
8 all the "Jordan Factors" and that the findings are uncontroverted. Both statements  
9 are false, but appeal has been rendered useless as a remedy because the Court  
10 refused to allow my opposition to be attached as so the court record is inaccurate.

11 *Carson Ready Mix, Inc. v. First Nat. Bank of Nev.*, 97 Nev. 474, 476, 635  
12 P.2d 276, 277 (1981) ("We cannot consider matters not properly appearing  
13 in the record on appeal.") ;

14 *Nev. Policy Research Inst. v. The Eighth Judicial Dist. Court of the State*,  
15 No. 86459, at \*2 (Nev. May 23, 2023)" NCJC Rule 2.6(A) requires a judge  
16 to "accord to every person who has a legal interest in a proceeding, or that  
17 person's lawyer, the right to be heard according to law." Similarly,  
18 including in the record proposed FFCL that were considered by the court  
19 promotes a party's right to be heard."

20 **F. A writ is the appropriate vehicle. The two I filed should be enough.**

21 *Towbin Dodge, LLC v. Eighth Judicial District Court*, 121 Nev. 251, 254-  
22 55 (Nev. 2005) "A writ of mandamus is available to compel the  
23 performance of an act that the law requires as a duty resulting from an  
24 office, trust or station, (NRS 34.160.) or to control an arbitrary or  
25 capricious exercise of discretion. (*Round Hill Gen. Imp. Dist. v. Newman*,  
26 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981))

27 A writ of mandamus will not issue, however, if petitioner has a plain,  
speedy and adequate remedy in the ordinary course of law. (NRS 34.170.)  
Further, mandamus is an extraordinary remedy, and it is within the  
discretion of this court to determine if a petition will be considered.

<sup>3</sup> *Medina v. Baker*, No. 77316-COA, at \*3 (Nev. App. June 13, 2019) ("the Nevada Supreme Court has long required "an actual justiciable controversy as a predicate to judicial relief." *Stockmeier v. Nevada Dep't of Corr. Psychological Review Panel*, 122 Nev. 385, 393, 135 P.3d 220, 225 (2006) (quotation marks omitted), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 181 P.3d 670 (2008). To demonstrate an actual controversy, a litigant must satisfy the "standing requirements of injury, causation, and redressability." *Id.* at 392, 135 P.3d 225.")

1 (Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982);  
2 see also Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851  
3 (1991).) We have previously noted that a petition for a writ of mandamus  
4 is appropriate vehicle to seek disqualification of a judge.” (City of Sparks  
5 v. District Court, 112 Nev. 952, 954, 920 P.2d 1014, 1015-16 (1996).”)

6 Given that a writ is the appropriate vehicle, this motion seeks resolution  
7 utilizing the writ petitions 85251 and 84371 in the interest of judicial efficiency  
8 and to avoid undue hardship on the 75-year-old Appellant.

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

11 Dated this 1st day of December 2023



12 NONA TOBIN

### 13 III. CONCLUSION

14 This motion asks the Court to vacate the 23-36736 dismissal order as moot,  
15 to grant the unconsidered 23-36721 motion to expedite, resolving the appeal by  
16 identifying the fatal jurisdictional defect that Red Rock LLC had no standing to  
17 file motions into the case, mandating that its rogue filings must be stricken and  
18 the 9/10/23 and 3/28/23 orders that granted its improper motions and granted  
19 judgment in favor of non-parties to Appellant’s detriment, are void and mandated  
20 to be replaced by the unopposed proposed 6/27/22 final judgment order as no  
21 timely opposition was filed pursuant to EDCR 2.20(e).



22 NONA TOBIN

23 2664 Olivia Heights Avenue  
24 Henderson NV 89052  
25 (702) 465-2199  
26 nonatobin@gmail.com  
27 In Proper Person

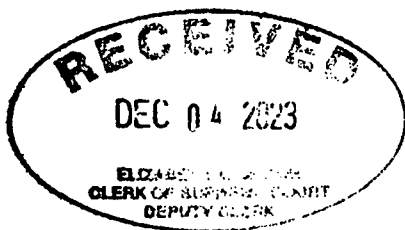
### Certificate of Compliance

1. I hereby certify that this NRAP 40 PETITION FOR REHEARING DISMISSAL ORDER 23-36736 complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because his brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14-point font.
2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 3,276 words.
3. Finally, I hereby certify that I have written this Motion for Rehearing of Petition, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose.
4. I further certify that this Petition for Rehearing complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e) (1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.
5. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 1<sup>st</sup> day of December 2023,

*nona M.*

---





NOTC  
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,

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

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;

Amended Notice Of The Filing Of A NRAP  
40 Petition for Rehearing Dismissal  
Order 23-36736 to Grant Unconsidered  
Motion 23-36721 to Resolve 87183 By  
Identifying The Threshold Jurisdictional  
Defect

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

1 PLEASE TAKE NOTICE that A-21-828840-C Defendant, Counter-Claimant, and  
2 Cross-Claimant, Nona Tobin, In Proper Person, on December 1<sup>st</sup> 2023, but mailed to the  
3 Supreme Court of Nevada this NRAP 40 Petition for Rehearing Dismissal Order 23-36736 to  
4 Grant Unconsidered Motion 23-36721 to Resolve 87183 By Identifying The Threshold  
5 Jurisdictional Defect with Exhibit 1 (Unconsidered motion 23-36721 with 9-volume TOC),  
6 Exhibit 2 (Writ petition 85251 with 40-volume TOC), Exhibit 3 (87183 Docketing Statement  
7 with exhibit TOC), Exhibit 4 (Petition 84371 with 36-volume TOC), Exhibit 5 (NCJD complaint  
8 summary 2021-026) attached herein as Exhibit 1.

9 Dated this 1<sup>st</sup> day of December 2023,

10 

11 \_\_\_\_\_  
12 Nona Tobin  
13 2664 Olivia Heights Avenue  
14 Henderson NV 89052  
15 (702) 465-2199  
16 nonatobin@gmail.com  
17 In Proper Person

18 CERTIFICATE OF SERVICE

19 I, Nona Tobin, hereby certify the foregoing and pursuant to NRCP 5(b) that I on this the  
20 1<sup>st</sup> day of December 2023, I served via the Clark County electronic filing system a true and  
21 correct copy of the NRAP 40 Petition for Rehearing Dismissal Order 23-36736 to Grant  
22 Unconsidered Motion 23-36721 to Resolve 87183 By Identifying The Threshold Jurisdictional  
23 Defect and Exhibit 1 (Unconsidered motion 23-36721 with 9-volume TOC), Exhibit 2 (Writ  
24 petition 85251 with TOC), Exhibit 3 (87183 Docketing Statement with 40-volume TOC), Exhibit  
4 (Petition 84371 with 36-volume TOC), Exhibit 5 (NCJD complaint summary 2021-026) to all  
parties listed in the Odyssey eFileNV service contact list in case A-21-828840-C.

22 

23 \_\_\_\_\_  
24 Nona Tobin

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# Exhibit 1

NRAP 40 Petition for Rehearing Dismissal Order 23-36736  
to Grant Unconsidered Motion 23-36721 to Resolve 87183 By Identifying The Threshold  
Jurisdictional Defect

Exhibit 1 (Unconsidered motion 23-36721 with 9-volume TOC),  
Exhibit 2 (Writ petition 85251 with TOC),  
Exhibit 3 (87183 Docketing Statement with 40-volume TOC),  
Exhibit 4 (Petition 84371 with 36-volume TOC),  
Exhibit 5 (NCJD complaint summary 2021-026)

# Exhibit 1



1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3 NONA TOBIN,

4 APPELLANT,

5 vs.

6 RED ROCK FINANCIAL SERVICES  
7 NATIONSTAR MORTGAGE, LLC,  
8 AND WELLS FARGO, N.A.

9 RESPONDENTS

Supreme Court Case No. 87183  
District Court Case A-21-828840-C

NRAP 40 Petition for Rehearing  
Dismissal Order 23-36736 to Grant  
Unconsidered Motion 23-36721 to  
Resolve 87183 By Identifying The  
Threshold Jurisdictional Defect

10  
11 An Appeal from the Eighth Judicial District Court  
The Honorable Jessica K. Peterson, Presiding

12 Comes now, Nona Tobin, In Proper Person, ("Tobin") to timely move this  
13 Court, pursuant to NRAP 40, to rehear the dismissal order 23-36736, as it created  
14 an unfair, absurd result. It left intact without appeal an unjust vexatious litigant  
15 restrictive order that is tantamount to a lifetime total ban on Appellant's access to  
16 any Nevada Court to redress any grievance of any kind. It gave Respondents and  
17 their attorneys immunity from paying any damages to Appellant for their having  
18 successfully obstructed a fair, evidence-based adjudication of her claims by an  
19 impartial tribunal for 7+ years, causing her to unfairly incur \$400,000+ in costs.  
20 It rendered appeal 87183 of the orders obtained by fraudulent means useless as a  
21 "plain, speedy, and adequate remedy in the ordinary course".

22 Dated December 1<sup>st</sup> 2023

23  
24 

25 NONA TOBIN  
26 2664 Olivia Heights Avenue  
27 Henderson NV 89052  
nonatobin@gmail.com  
In Proper Person

## **Table of Contents**

### **NRAP 40 Petition for Rehearing Dismissal Order 23-36736 to Grant Unconsidered Motion 23-36721 to Resolve 87183 By Identifying The Threshold Jurisdictional Defect**

<b>I. The Relief Sought</b>	
<b>2</b>	
<b>II. Verified Statement Of Points And Authorities</b>	<b>3</b>
A. 23-36736 Dismissal Order basically says none of the orders are appealable.	3
B. The goal of this motion is expeditious resolution via a writ of mandamus as appeal is not an available remedy.	4
C. Dismissing the appeal to get an NRCP 54 (b) certified final order creates an undue burden as the 3/28/23 Order has been treated as final to Appellant's detriment already for eight months.	5
D. Writ petition 85251 was denied previously as premature. It must be granted now to avoid applying a double standard.	5
E. 23-36721 volumes show the district court's lack of jurisdiction must be considered first to avoid unjust damages to Appellant.	6
F. Dismissal without consideration of pending motions causes delay and damages, and appeal would still not a plain, speedy, or adequate remedy.	8
G. A writ is the appropriate vehicle. 85251 and 84371 should be enough.	9
<b>III. Conclusion</b>	<b>10</b>

## List of Exhibits

### Exhibit 1

Unconsidered motion 23-36721 to resolve 87183 by identifying jurisdictional defect that Red Rock LLC had no standing to file into the case

Table of Contents of Nine volumes

**Volume 1 shows Draft complaint v. State Bar** has been stuck since 5/14/23 pending pre-filing approval turning an unjust vexatious litigant restrictive order into a total unconstitutional ban on my use of the Nevada courts if 23-36736 dismissal order is not lifted.

**Volume 2 shows Writ Petition 85251** sought to have the proceedings arrested to prohibit the district court from granting judgment in favor of non-party Red Rock LLC denied as no order

**Volume 3 shows Vacated Post-Judgment Filings and Minute Order** resulted in a de facto stay of Order # 5 allowing non-party Steven Scow to refuse to give me to \$52,211.32 of the \$57,282.32 interpleaded proceeds Red Rock was ordered to pay by 4/28/23

**Volume 4 shows** Doc. #141 DECL RPLY NT 9375 NT 09664 5/18/23 Declaration Nona Tobin Declaration and Reply to non-party Red Rock LLC's Opposition to the Disqualification of Judge Peterson from the decision to set aside the orders obtained by fraud (Part 1) that was inadvertently omitted from the required exhibits to the docketing statement, contains the 10/14/21 Order to Show Cause hearing and 7/7/22 transcript

**Volume 5 shows exhibits** Erroneously omitted Doc. #142 NT 9665 -NT 9711 5/22/23 Exhibits to Declaration would be required if a full appeal is necessary to correct the record as the 3/28/23 order falsely states that the findings are "uncontroverted" when every virtually material fact is false or misleading.

**Volume 6 shows** that the 3/28/23 Order #1 denied the MOSC being withdrawn, but did not grant the unopposed MOSC or deny it in an appealable order and the biggest beneficiaries of this deception are the non-party attorneys as they are above the rule of law protected by the restrictive order against me preventing any complaint against them until the statute of limitations passes

**Volume 7 shows that the 10/19/23 minute order didn't stay 3/28/23 Order #2**, that granted judgment in favor of non-party Red Rock LLC and concealed that Order # 2 the **unopposed** motion to reconsider and renewed motion to strike the non-party's rogue filings were unfairly denied ex parte without notice for not proper purpose on 2/2/23 by giving an unfair exemption to EDCR 2.20(e) without allowing me to have oral argument scheduled for 2/28/23

**Volume 8 shows appeal is futile** after previous appeals precluded unheard claims of the real party in interest by striking the evidence and declaring unheard arguments waived

**Volume 9 shows** why a full appeal would be such a hardship to the parties. A detailed analysis of the complete 10,000-court record is needed if the appeal is not resolved by identifying the jurisdictional defect.

1. A-21-828840-C annotated court record index of Bates-numbered (NT 0001-NT 09922) ordered 152 documents filed from 2/3/21 to 10/19/23

## **Exhibit 2**

Writ petition 85251

Comprehensive Table of Contents

Appendix Volumes 1-40 AA0001-AA5992

<b>Vol</b>	<b>Doc # in vol</b>	<b>Description of A-21-828840-C Documents in the 85251 Appendix</b>
1	1-14	A-21-828840-C filed Docs. # 1-14 2/3/21 complaint for interpleader, 2/17/21 AFF of service, 3/8/21 Tobin counter-claim and cross-claims
2-3	15	Tobin's 3/15/21 RFJN of County 2003-2021 Property Records For APN 191-13-811-052
4-5	17	Tobin's Third-Party Complaint 1. Abuse Of Process 2. Racketeering 3. Fraud, 4. Restitution 5. Exemplary Punitive Damages 6. Sanctions vs. Steven B. Scow; Brody R. Wight; Joseph Hong; Melanie Morgan; David Ochoa; Brittany Wood
6	18, 19, 21	Tobin's 4/4/21 RFJN Unadjudicated Claims; & 4/7/21 RFJN of NRS, NRCP, NRPC, NRPC and Sun City Anthem CC&Rs & bylaws; 4/7/21 RFJN of NRS, NRCP, NRPC, NRPC and Sun City Anthem CC&Rs & bylaws; 4/9/21 RFJN 1st action discovery issues
7	20 & 23-27	NSM/WF 4/9/21 answer, #22 Tobin 1st mot to distribute, #23 Notice of 5/18/21 hearing of MTD #24 4/15/21 Tobin MSJ, #27 Notice of 5/18/21 hearing of MSJ
8	28, 29	#28 Non-party Red Rock LLC's rogue motion to dismiss #29 Notice of 5/18/21 hearing
8 to 14	28	#28 Non-party Red Rock LLC's rogue motion to dismiss (MDSM) and exhibits. None of the 1,000+ pages of exhibits contained any verified evidence that refuted any of the unanswered 3/8/21 claims
15	30, 31	Tobin OPPS to Red Rock MDSM; #31 NSM/WF OPPS to MTD
16	31	#31 NSM/WF OPPS to MTD with exhibits A-M that are padding, refute nothing, misrepresents the law when Akerman knows there is no law that supersedes NRS 116.31164 to give Red Rock/Scow the right to refuse to

distribute the excess proceeds in full immediately after the sale without litigation

17 32-35 Motions and oppositions

40-44 NOTA John Thomson for Tobin because an evidentiary hearing was scheduled for 5/18/21 to hear Tobin's motion #22 for the proceeds as the sole claimant, Tobin's MSJ #24 as no party responded to #14 3/8/21 claims, and hear Red Rock LLC's #28 MDSM #43 granted MDSM, denied MSJ, didn't hear MTD because Scow and the bank attorney said it was "premature" so #43 order dismissed all Tobin's claims with prejudice. Thomson quit and was replaced by Susan Carver, P. Sterling Kerr

18 46, , Tobin attempts to take the NSM and WFs default, all oppose MRCN and 50-54, Tobin fired attorney Carver and returned to pro se status, NSM fired Akerman 57, and Akerman admits #62 Wells Fargo is not their client, only Nationstar is.

19 60-62

62-72 #74 RTRAN 11/16/21 hearing #68-72 orders to deny Tobin MRCN and grant NSM/WF MTS, and tells bank attorney to draft order to amend the 9/1021 order to include that all Tobin's claims vs. NSM/WF are precluded as wells as claims against Red Rock

20 75-77, #75 Tobin moves for evidentiary hearing to address orders that contain false findings not supported by evidence 1/11/22 #83 Order granted Akerman withdrawal as counsel for NSM and WF

21 81 1/10/22 Nona Tobin's Reply To Nationstar's And Wells Fargo's Joinder To Non-party 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 (d)(3)(FRAUD ON THE COURT) And Motion For Attorneys' Fees And Costs Pursuant To EDCR 7.60(b)(1) AND (3), NRS 18.010(2); - #77 and 78 many exhibits are put into the record to combat the 12/28/21 non-party motion for a restrictive order and the 12/29/21 NSM/WF joinder

22 to 26 80 1/10/22 Nona Tobin's Reply To Red Rock Financial Services LLC's rogue 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 - #77 and 78 many exhibits are put into the record to combat the 12/28/21 non-party motion for a restrictive order and the 12/29/21 NSM/WF joinder

27 to 34 91 Duplicated in error and failed to include doc # 90 2nd motion for the interpleaded proceeds volumes 35-38 contain 50 exhibits that establish Tobin's standing to get 100% of the interpleaded funds plus interest and penalties for them being unlawfully withheld and for Nationstar lying about being the beneficiary and lying about WF's role plus contain three exhibits to correct the

35-38

prior order as they misidentify non-party Red Rock LLC as the Plaintiff and counter-defendant and conflate it with the real party and contain false statements contradicted by verified evidence in the record

#92 notice of 7/7/22 hearing of Tobin's #90 2nd motion to distribute the interpleaded proceeds to her with interest and penalties as the sole claimant.

38 91 -95 #93 Nonparty objects and filed counter-motion for vexatious litigant

95-97 #95 5/25/22 order denying Tobin's #75 motion for an evidentiary hearing  
Tobin files an 6/27/22 OPPC (#96) to no-party Red Rock's 2nd rogue motion for a vexatious litigant restrictive order and moves to strike the non-party's rogue filings and adopt a proposed final judgment order that denies the non-party's rogue motion to dismiss and grants Tobin's #14 claims as unopposed

39

40 Register of actions, comprehensive TOC of appendix 40-volumes

### **Exhibit 3**

87183 Docketing Statement  
Table of Contents of Exhibits  
SC 23-31014

### **Exhibit 4**

Uninvestigated NCJD complaint 2021-026 Pending when  
Judge Kishner recused herself and case was reassigned to Judge Peterson

### **Exhibit 5**

Petition 84371 For Writs for The Enforcement Of The Judicial  
and Professional Codes Of Conduct SC 22-08149  
Comprehensive Table of Contents SC 22-08152  
36-Volume Appendix TOBIN 0001- TOBIN 5282

## **NONA TOBIN'S PETITION FOR WRIT OF MANDAMUS**

### **VOL. PETITION 84371 APPENDIX TABLE OF CONTENTS**

- 1 22-08156 vol 1A-15-720032-C orders obtained by fraud
- 2 22-08160 vol 2 A-19-799890-C AND A-21-828840-C orders obtained by fraud
- 3 22-08162 vol 3 appeal ord...on 2017 Bar complaint
- 4 22-08163 vol 4 Bar comps Hong and Wood.
- 5 22-08164 vol 5 NCJD attachments 1-7.
- 6 22-08165 vol 6 NCJD 8-12.
- 7 22-08167 vol 7 NCJD 13-14.
- 8 22-08168 vol 8 NCJD 15 1...comp to 201203 order.

- 9 22-08169 vol 9 NCJD attach 16 stricken part 1.
- 10 22-08170 vol 10 NCJD attach 16 stricken part 2 AG.
- 11 22-08171 vol 11 NCJD 16 part 3 190417 EXHIBITS
- 12 22-08172 vol 12 NCJD 16 ...rt 4 190417 EXHIBITS 4
- 13 22-08173 vol 13 NCJD 16...disclosed proofs of service.
- 14 22-08174 vol 14 NCJD 16...rt 6 190417 EXHIBIT 12 .
- 15 22-08175 vol 15 annotated orders.
- 16 22-08176 vol 16 MVAC MINV part 1.
- 17 22-08178 vol 17 MINV part 2.
- 18 22-08179 vol 18 MINV part 3.
- 19 22-08180 vol 19 MNTR.
- 20 22-08181 vol 20 190729..S 38.310 and A19 comp.
- 21 22-08182 vol 21 210308 AACC.
- 22 22-08183 vol 22 210322 TPC part 1.
- 23 22-08184 vol 23 210322...NCJD communications.
- 24 22-08185 vol 24 RFJN property record part 1.
- 25 22-08186 vol 25 RFJN property record part 2.
- 26 VOL 26.RFJN UNADJUDICATED CLAIMS 210407 LAWS 210409 NRCP 16.1 DISCLOSURES
- 27 22-08187 vol 27 220223 complaint Melanie Morgan
- 28 22-08190 vol 28 220228.. complaint Wright Finlay Zak
- 29 22-08191 vol 29 220301 B comp Steven Scow part 1.
- 30 22-08192 vol 30.220301 comp Steven Scow part 2
- 31 22-08194 vol 31 220301 B...n Scow Ex F-H5.part 3
- 32 22-08195 vol 32 220306..comp Ochoa Clarkson part 1 A-D.
- 33.1 22-08196 vol 33.1 .Ochoa Clarkson .F non-meritorious claims
- 33.2 22-08198 vol 33.2 Ochoa Clarkson part 2 E, F, H-1 (Exhibit H and H-1 More disputed facts about 4/18/19 order erroneously misnumbered & in Volume 33)
- 34 22-08199 vol 34 Ochoa Clarkson part 3 EX G, H, H-1
- 35 22-08200 vol 35 failed pro se attempts to get written findings of attorney misconduct.rder attorney misconduct.;
- 36 22-08218 vol 36 A-21-828840-C transcripts

## I. THE RELIEF SOUGHT

This motion seeks to expeditiously resolve the appeal in the manner described in the unconsidered motion 36-36721, i.e., to resolve appeal 87183 by identifying the fatal jurisdictional defect of the district court's lack of jurisdiction to grant the rogue motions of non-party Red Rock Financial Services LLC ("Red Rock LLC") without forcing Appellant to file a third petition for a writ or initiate another appeal.

Appellant's substantive rights have been abridged without just cause, and appeal is not an adequate remedy and dismissal to require a new appeal would be a grave miscarriage of justice. A writ of mandamus is the appropriate vehicle to determine the rights and liabilities of all the parties.

All the claims of all the parties can be resolved in the most equitable and expeditious manner possible by granting the unconsidered 23-36721 motion utilizing already-filed documents<sup>1</sup> as needed instead to avoid the necessity of requiring the Court and the parties to invest the time and expense in another full appeal or another writ petition in order to provide relief that has already been too long delayed.

Petition 85251 for a Writ of Mandamus and/or Prohibition is now ripe, and it alone could be sufficient for the single determination that the district court did not have personal jurisdiction over Red Rock Financial Services LLC ("Red Rock

---

<sup>1</sup> The existing-filed documents include the unconsidered pending documents, motion 23-36721 (exhibit 1) and the nine volumes supporting the 23-36721 motion, the 87183 docketing statement and exhibits (TOC of exhibits and docketing statement is in Exhibit 2), the Writ Petition 85251 and its 40-volume appendix (Exhibit 3 has 57-page TOC of 5,992 page appendix), and the original 3/15/22 Writ Petition 84371 and 98-page TOC of its 36-volume appendix are in exhibit 5. The alternative to using these existing documents is the 10,000-page full court record (indexed and BATE-numbered in 23-36721 Volume 9) that will be needed if jurisdiction is returned to the district court to conduct an evidentiary hearing and decide the 4/26/23 tolling motion to set aside the 3/28/23 order pursuant to NRCP 59 and NRCP 60 and develop an appealable final judgment order that's certified as resolving all the claims of all the parties.



1 LLC”) and erred in granting its motions. This determination resolves the appeal  
2 fairly and efficiently as it results in mandating that the district court grant  
3 Appellant’s unopposed motions to strike the non-party’s rogue filings and adopt  
4 the 6/27/22 proposed final judgment order as unopposed, and the appeal is  
5 equitably resolved utilizing the exact same legal standard as was previously used  
6 in this dispute.

7 **II. VERIFIED STATEMENT OF POINTS AND AUTHORITIES**

8 I, Nona Tobin, declare and state, under penalty of perjury of the laws of the  
9 State of Nevada, as follows:

10 I believe dismissal of my appeal (23-36736) without consideration of the  
11 pending documents filed is unfairly damaging to me and to the public interest. It  
12 unfairly gives immunity to wrongdoers. It fails to address the threshold issue that  
13 the district court acted outside its jurisdiction to give standing to non-party,  
14 disinterested Red Rock LLC to grant its motions and to issue judgment in favor  
15 of other non-parties, most particularly, to the attorneys involved in this dispute  
16 who successfully obstructed a fair, evidence-based adjudication of my claims for  
17 the past 7+ years. It will unnecessarily multiply the proceedings if the threshold  
18 jurisdiction determination that Red Rock LLC is not a party is not made first.

19 **A. 23-36736 Dismissal Order basically says none of the orders are appealable.**

20 On 11/13/23, Order 23-36736 dismissed the appeal on jurisdictional  
21 grounds, ruling that the order denying the judge’s disqualification is more  
22 appropriately handled by a writ of mandamus. Other orders were deemed  
23 unappealable as not timely and not certified (NRCp (b)) as a final judgment order  
24 that resolved all the claims of all the parties.

25 The order misapprehended numerous aspects of the 3/28/23 order that  
26 purported to be the final judgment order in a normal interpleader action. The  
27 confusion is understandable as it was a meritless action that did not meet the  
28

1 NRCF 22 legal standard to be a valid interpleader. (See 23-36721 Volume 5) (I  
2 was the only defendant who had a recorded claim after 6/3/19 to give standing to  
3 assert a claim for the excess proceeds from the 8/15/14 sale and no adverse  
4 interests). It was allowed to morph into an unjust, improper, and  
5 unconstitutionally-broad vexatious litigant restrictive order by a novice judge who  
6 had been on the bench one month when the case was reassigned to her because  
7 Judge Kishner, the subject of a 1/27/21 NCJD complaint related to the 1<sup>st</sup> action,  
8 recused herself. (Exhibit 1 shows the uninvestigated NCJD complaint 2021-026,  
9 rejected by staff attorneys as untimely, that was pending when Judge Peterson  
10 took the case. It was the impetus for the judicial portion of the 84371 Petition for  
11 Writs for the Enforcement of the Judicial and Professional Codes of Conduct.

12 The dismissal order misapprehended that the 4/26/23 motion to disqualify  
13 incorporated a concurrently filed tolling motion that Judge Wiese did not address  
14 on the merits in the 5/30/23 order denying disqualification nor did he hear and  
15 decide the tolling motion. He simply ruled that Judge Peterson was not  
16 disqualified from adjudicating it, despite the fact that it would be asking her to  
17 adjudicate misconduct that she is accused of being implicated in. Timeliness will  
18 not be addressed in full at this point.

19 **A. The goal of this motion is expeditious resolution via a writ of mandamus**  
20 **as appeal is not an available remedy.**

21 The goal of this unconsidered motion 23-36721 is expeditious resolution  
22 via a writ of mandamus based on a finding that appeal is not a plain, speedy or  
23 adequate remedy in this case, and seeks findings that a writ is therefore the  
24 appropriate vehicle to equitably satisfy all claims of all parties in that the two writ  
25 petitions (84371 and 85251), in conjunction with other pending unconsidered  
26 notices (23-28978 and 23-29427) and other existing documentation in the  
27 docketing statement are sufficient for this Court to identify the jurisdictional  
28 defect that Red Rock LLC was not an interested party with standing, and therefore,

1 orders that granted its rogue motions are void and the proposed 6/27/22 final  
2 judgment order must be granted as unopposed.

3 **B. Dismissing the appeal to get an NRCP 54 (b) certified final order creates**  
4 **an undue burden as the 3/28/23 Order has been treated as final to**  
5 **Appellant's detriment already for eight months.**

6 Judge Peterson didn't hear and decide the tolling motion to set aside the  
7 order pursuant to NRCP 59 or 60 because, as she stated in her 5/3/23 affidavit,  
8 that the 3/28/23 order was final. (Doc. #139).

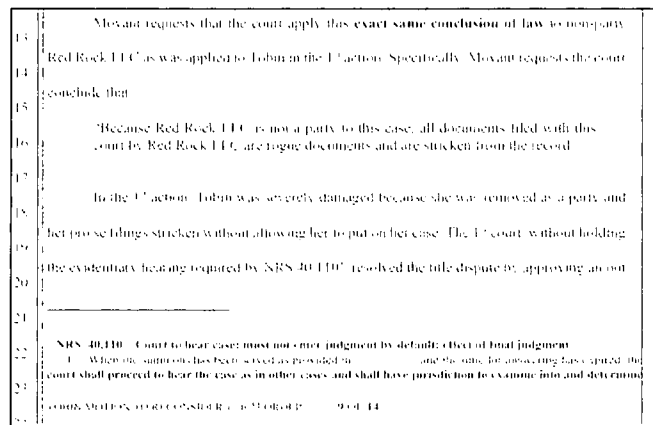
9 "22. Affiant is unsure what the point of disqualification if granted would be. A final Order  
10 was issued on March 28, 2023, ordering the funds to be disbursed to Defendant in this  
11 matter. No Notice of Appeal has been filed as to that Order and a Motion to Disqualify is  
12 not a tolling Motion. As such, this case is over and there is nothing left for Affiant to  
13 adjudicate."

14 The 23-36736 motion Exhibit Volume 3 shows that the district court treated  
15 only parts of the 3/28/23 order as final in ways that were detrimental to me.  
16 Volume 3 shows Judge Peterson granted a de facto stay to enforce the 3/28/23  
17 Order #5 for Red Rock to pay me \$52,211.32 of the interpleaded proceeds by  
18 4/28/23 when she vacated my motion to enforce, MOSC and motion to waive the  
19 \$500 appeal bond, while leaving in place the restrictive Order (#3) and Order #2,  
20 (the denial of my unopposed motion to strike the rogue filings of the non-party  
21 and reconsider the 1/16/23 order that granted the non-party's motion for attorney's  
22 fees and failed to put in an appealable order that my previous motion to strike the  
23 rogue filings of the non-party had been denied) unless I win on appeal. Since  
24 Steven Scow unlawfully converted and withheld for 9+ years the \$57,282.32  
25 excess proceeds from the 8/15/14 foreclosure sale of my deceased fiancé's home,  
26 falsely claimed he had a right to keep them unless I dropped my other claims when  
27 the controlling statute NRS 116.31164 says otherwise, and he had succeeded in  
28 obstructing my three civil claims to get them as the sole claimant, and he  
29 disobeyed the 3/28/23 Order #5, to pay me \$52,211.32 because I filed an appeal,

1 letting him drag this out for another couple years by forcing me to to file another  
2 appeal simply rewards his misconduct.

3 **C. Writ petition 85251 was denied previously as premature. It must be**  
4 **granted now to avoid applying a double standard.**

5 The 23-36736 motion Exhibit Volume 2 shows that denied my motion to  
6 reconsider and motion to strike the non-party's rogue filings, but the court broke  
7 a lot of court rules to deny UNOPPOSED motions and conceal it.



16 Writ Petition 85251 was not considered because the Court's extraordinary  
17 intervention was not deemed warranted as the order appeal would eventually have  
18 been an available option. NRAP 4(d) Pan, 120 Nev. at 225, 88 P.3d at 841.

19 However, it would be unfair to use that excuse again, given that exhibits to  
20 23-376 (Volumes 1, 6 and 7) show that the 3/28/23 orders were unappealable by  
21 design and intentionally shifted the heavy burden on me to be stuck with  
22 detrimental rulings caused by their misconduct unless I win an appeal.

23 **D. 23-36721 volumes show the district court's lack of jurisdiction must be**  
24 **considered first to avoid unjust damages to Appellant.**

25 For example, if Dismissal Order 23-36736 stands with no other action, the  
26 unjust, improper vexatious litigant restrictive order (#3) imposed without notice,  
27 due process, or an opportunity to oppose, will continue to be an unconstitutional  
28 total ban on my access to all Nevada courts for the rest of my life even though the

1 motions were made by a non-party who was not prejudiced in any way by the  
2 orders of the court, who had no interest in and filed no compulsory claim for the  
3 excess proceeds had no standing to oppose them being paid to me, the sole  
4 claimant, and had no standing to obstruct my good faith efforts to claim them.

5 The court exceeded its jurisdiction in this meritless interpleader action  
6 when the case wasn't dismissed immediately on 3/8/21 when I filed the only  
7 timely compulsory counter claim for the \$57,282.32 interpleaded proceeds.<sup>2</sup> NRS  
8 116.31164 required immediate distribution of the proceeds after the 8/15/14 HOA  
9 foreclosure sale. Red Rock gave them to Steven Scow on 8/28/14 with instructions  
10 to remit the excess proceeds checks to the court for immediate distribution. Scow  
11 filed for interpleader in Red Rock's name 6+ years later when Red Rock did not  
12 have standing to be the plaintiff. The Court acted outside its jurisdiction when it  
13 granted the non-party Red Rock LLC's successful motion (Doc. #28) to dismiss  
14 all my claims with prejudice, albeit unwittingly because Scow unethically  
15 conflated the party and the non-party into a single entity and confused the Court.  
16 Nevertheless, I have been unfairly damaged by fact that I have to appeal Scow's  
17 misconduct while Scow gets away with impersonating Red Rock and non-party  
18 Red Rock LLC to cover up that he converted and kept \$57,282.32 of my money  
19 since 8/28/14 and succeeded in defaming me to get me wrongfully branded a  
20 vexatious litigant so I can't use any Nevada court to file a complaint against him  
21 unless I win on another appeal or unless this Court sees the injustice.

22 Volumes 1 and 6 show that the 3/28/23 Order #1 was written to be  
23 unappealable by not denying the unopposed MOSC in an appealable order. The

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24  
25 <sup>2</sup> *Arguello v. Sunset Station, Inc.*, 127 Nev. 365, 368, 252 P.3d 206, 208 (2011) (explaining  
that this court reviews standing de novo)

26 *Moore v. Univ. Med. Ctr. of S. Nev.*, No. 69367, at \*2 (Nev. App. Jan. 13, 2017) ("The district  
27 court clearly erred ...by entering judgment without a trial in favor of a party that never even  
pled a claim for relief").

1 biggest beneficiaries of this deception are the non-party attorneys who didn't file  
2 any opposition to the MOSC or refute any of evidence verified complaints that  
3 their professional misconduct obstructed a fair adjudication of my claims as  
4 altered the outcome of the A-15-720032-C, A-16-730078-C, A-19-799890-C,  
5 and/or A-21-828840-C proceedings by excessive undue influence over attorneys  
6 but because of the restrictive order, they are untouchable.

7 The 23-36736 Volume 7 shows exactly how the 3/28/23 Order #2 concealed  
8 that the court denied the UNOPPOSED motion to reconsider when no party had  
9 timely filed the written opposition required by EDCR 2.20(e), and the court gave  
10 them an unfair exemption at the same improper ex parte hearing at which time the  
11 court "declared" that I was a vexatious litigant in absentia and that Red Rock LLC  
12 was a party as a matter of some unspecified law.

13 **E. Dismissal without consideration of pending motions causes delay and**  
14 **damages, and appeal would still not a plain, speedy, or adequate remedy.**

15 If the Court dismisses appeal 87183 without considering all the documents  
16 already submitted, it will be seriously detrimental to the health of the 75-year-old  
17 appellant.

18 If I am forced to persevere with this appeal, my doctor told me today it  
19 could well be to the death, if I don't quickly bring the stress level down. I actually  
20 do not believe I could survive another full appeal or writ petition when everything  
21 has come to naught because my opponents have successfully cheated to win.

22 Yet, a total ban on an innocent person's access to all the Nevada Courts  
23 would be so severely damaging a precedent that I would feel compelled to fight it  
24 in the public interest. All Nevada HOA homeowners are damaged by my being  
25 unjustly restricted from using the courts to complain about HOA attorneys taking  
26 away my substantive rights, including disenfranchising me and the 2,000 other  
27 people that voted for me when I was unlawfully removed from my elected HOA  
28 Board seat by those HOA attorneys who have since been kept from running for

1 six years and severely damaged my reputation based on their false accusations  
2 that I was profiting from my elected seat by this quiet title litigation and who  
3 enabled the theft of my property by concealing and misrepresenting HOA records.

4 It would be unfair to dismiss my appeal and then force me to start a new  
5 one or file a new petition for a writ instead of simply dismissing the non-party  
6 Red Rock LLC, as it didn't have standing<sup>3</sup> to file the improper motions for a  
7 restrictive order against me. The 3/28/23 Order pages 10 to 13 claims to have met  
8 all the "Jordan Factors" and that the findings are uncontroverted. Both statements  
9 are false, but appeal has been rendered useless as a remedy because the Court  
10 refused to allow my opposition to be attached as so the court record is inaccurate.

11 *Carson Ready Mix, Inc. v. First Nat. Bank of Nev.*, 97 Nev. 474, 476, 635  
12 P.2d 276, 277 (1981) ("We cannot consider matters not properly appearing  
13 in the record on appeal.") ;

14 *Nev. Policy Research Inst. v. The Eighth Judicial Dist. Court of the State*,  
15 No. 86459, at \*2 (Nev. May 23, 2023)" NCJC Rule 2.6(A) requires a judge  
16 to "accord to every person who has a legal interest in a proceeding, or that  
17 person's lawyer, the right to be heard according to law." Similarly,  
18 including in the record proposed FFCL that were considered by the court  
19 promotes a party's right to be heard."

20 **F. A writ is the appropriate vehicle. The two I filed should be enough.**

21 *Towbin Dodge, LLC v. Eighth Judicial District Court*, 121 Nev. 251, 254-  
22 55 (Nev. 2005) "A writ of mandamus is available to compel the  
23 performance of an act that the law requires as a duty resulting from an  
24 office, trust or station, (NRS 34.160.) or to control an arbitrary or  
25 capricious exercise of discretion. (Round Hill Gen. Imp. Dist. v. Newman,  
26 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981))

27 A writ of mandamus will not issue, however, if petitioner has a plain,  
28 speedy and adequate remedy in the ordinary course of law. (NRS 34.170.)  
29 Further, mandamus is an extraordinary remedy, and it is within the  
30 discretion of this court to determine if a petition will be considered.

31 <sup>3</sup> *Medina v. Baker*, No. 77316-COA, at \*3 (Nev. App. June 13, 2019) ("the Nevada Supreme Court has long  
32 required "an actual justiciable controversy as a predicate to judicial relief." *Stockmeier v. Nevada Dep't of*  
33 *Corr. Psychological Review Panel*, 122 Nev. 385, 393, 135 P.3d 220, 225 (2006) (quotation marks  
34 omitted), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 181 P.3d  
35 670 (2008). To demonstrate an actual controversy, a litigant must satisfy the "standing requirements of injury,  
36 causation, and redressability." *Id.* at 392, 135 P.3d 225.")

1 (Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982);  
2 see also Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851  
3 (1991).) We have previously noted that a petition for a writ of mandamus  
4 is appropriate vehicle to seek disqualification of a judge.” (City of Sparks  
5 v. District Court, 112 Nev. 952, 954, 920 P.2d 1014, 1015-16 (1996).”)

6 Given that a writ is the appropriate vehicle, this motion seeks resolution  
7 utilizing the writ petitions 85251 and 84371 in the interest of judicial efficiency  
8 and to avoid undue hardship on the 75-year-old Appellant.

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

11 Dated this 1st day of December 2023



12 NONA TOBIN

### 13 III. CONCLUSION

14 This motion asks the Court to vacate the 23-36736 dismissal order as moot,  
15 to grant the unconsidered 23-36721 motion to expedite, resolving the appeal by  
16 identifying the fatal jurisdictional defect that Red Rock LLC had no standing to  
17 file motions into the case, mandating that its rogue filings must be stricken and  
18 the 9/10/23 and 3/28/23 orders that granted its improper motions and granted  
19 judgment in favor of non-parties to Appellant’s detriment, are void and mandated  
20 to be replaced by the unopposed proposed 6/27/22 final judgment order as no  
21 timely opposition was filed pursuant to EDCR 2.20(e).



22 NONA TOBIN

23 2664 Olivia Heights Avenue  
24 Henderson NV 89052  
25 (702) 465-2199  
26 nonatobin@gmail.com  
27 In Proper Person



## Exhibit 1

Unconsidered motion to resolve 87183  
by identifying the jurisdictional defect  
that Red Rock LLC had no standing to  
file into the case

## Table of Contents of Exhibits

SC 23-36721

Exhibit 1

FILED

NOV 13 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *Melissa J. Miller*  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
APPELLANT,

Supreme Court Case No. 87183  
District Court Case A-21-828840-C

vs.

RED ROCK FINANCIAL SERVICES  
NATIONSTAR MORTGAGE, LLC,  
AND WELLS FARGO, N.A.

Motion to immediately resolve appeal  
87183 at the docketing statement stage  
pursuant to NRAP 14(3) by  
"identifying jurisdictional defects."

RESPONDENTS

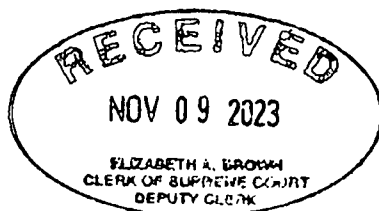
An Appeal from the Eighth Judicial District Court

The Honorable Jessica K. Peterson, Presiding

Comes now, Appellant Nona Tobin, In Proper Person, to respectfully move the Court to immediately resolve appeal 87183 at the docketing statement phase pursuant to NRAP 14(3) by "identifying jurisdictional defects" by granting Appellant's 85251 petition for a writ of prohibition and or mandamus that was previously denied as premature. Movant seeks to avoid the great hardship of a full appeal that would necessitate this Court's review of the full 10,000-page A-21-828840-C court record to allow Appellant to meet her burden of proof that clear and convincing evidence exists in the court record that establishes the orders must be set aside pursuant to NRCP 60(b)(3) (fraud) and NRCP 60(d)(3) and fraud on the court.

*nona M.*

NONA TOBIN  
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Henderson NV 89052  
(702) 465-2199  
nonatobin@gmail.com  
In Proper Person



23-36721

Certificate of Service

Pursuant to NRAP 25(d), I certify that on this 6<sup>th</sup> day of November 2023, I served a true and correct copy of the foregoing Motion to immediately resolve appeal 87183 at the docketing statement stage pursuant to NRAP 14(3) by “identifying jurisdictional defects.” as follows:

☐ by transmitting via email to the email address and/or via U.S. mail at the address set forth below:

For Red Rock Financial Services.

Steven B. Scow (Nevada Bar No. 9906)  
King Scow Koch Durham, LLC  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052  
Telephone: (702) 833-1100  
sscow@kskdllaw.com

For Nationstar Mortgage LLC and Wells Fargo, N. A.  
Sean B. Kirby  
Nevada Bar No. 14224  
TROUTMAN PEPPER HAMILTON SANDERS LLP  
8985 S. Eastern Ave., Suite 200  
Las Vegas, NV 89123 (Nevada Office)  
Tele: (470) 832-5572  
SEAN.KIRBY@TROUTMAN.COM



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nonatobin@gmail.com  
*In Proper Person*

## TABLE OF CONTENTS OF EXHIBITS IN VOLUMES

### Volume 1

**Draft complaint for declaratory relief v. State Bar** stuck pending pre-filing approval since 5/14/23 has turned an unjust vexatious litigant restrictive order into a total unconstitutional ban on my use of the Nevada courts pending completion of this appeal. This motion seeks to expedite the appeal by identifying the fatal jurisdictional defect.

1. 5/14/23 Gmail Tobin requesting Chief Judge's pre-filing approval
2. Draft complaint for declaratory relief v. State Bar
3. Complaint Exhibit 1: 9/10/19 rejected individual docketing statement
4. Complaint Exhibit 2: 3/15/22 petition for writ rejected for excess pages
5. Complaint Exhibit 3: 1/03/23 motions to change to false claims/whistleblower

### Volume 2

**Petition 85251 for a Writ of Prohibition and/or Mandamus** sought to have the proceedings arrested to prohibit the district court from granting judgment in favor of non-party Red Rock LLC.

1. 85251 8/30/22 petition for writ of prohibition and/or mandamus (22-27290)
2. 85251 9/19/22 denial order (22-27372)
3. 85251 9/27/22 petition to rehear (22-30234)
4. 85251 11/15/22 order denying rehearing (22-35951)
5. 85251 12/02/22 petition for en banc (22-37993)
6. 85251 12/22/22 denial of en banc review (22-40135)

### Volume 3

**10/19/23 Minute Order Vacated Post-Judgment Filings** resulted in de facto stay of 3/28/23 Order #5 of the five 3/28/23 orders.

Quoted here are the **five orders appealed in the 3/28/23 judgment order**.

Only Order #5 was unfairly stayed by 10/19/23 minute order for no other reason than Steven Scow didn't deposit the interpleaded funds with the Court so he got away with violating the order with Judge Peterson's tacit blessing.

IT IS HEREBY ORDERED THAT:

1. Defendant Nona Tobin's Omnibus Motion (i.e., the (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) is DENIED.
2. Defendant Nona Tobin's Motion to Reconsider (i.e., the Motion to Reconsider 1/16/23 Order and Renewed Motion to Strike Non-Party Red Rock Financial Services LLC's Rogue Filings) is DENIED.
3. Defendant Nona Tobin is hereby declared a vexatious litigant and is enjoined from filing any complaint that has not been first reviewed and approved by the Chief Judge of the District Court consistent with the procedures outlined in the conclusions of law. Ms. Tobin's repetitious, rogue, harassing, and unmeritorious motions in this case confirm the necessity of such an order.
4. Defendant Nona Tobin is further enjoined from filing any motion or paper into this case except: (1) a timely notice of appeal of the denial of her Motion to Reconsider, (2) an opposition to Red Rock's Brunzell affidavit in support of legal fees, and (3) an objection to the amount that Ms. Tobin will receive from the Excess Proceeds. These three filings must first be submitted to the Department 8 inbox for review prior to filing. Any filing from Ms. Tobin that is not first sent and screened by the Department 8 inbox will be dismissed and rejected. If any of Ms. Tobin's proposed filings presents an argument other than the three aforementioned grounds, then Ms. Tobin's filing will be returned to her as unfiled.
5. The Excess Proceeds from the foreclosure sale of the Property total \$57,282.32, and per Red Rock's complaint, \$3,500 was withheld as costs, expenses, and fees to commence this action. Red Rock is awarded fees and costs of \$5,165.00 from the Excess Proceeds, and the balance of \$52,117.32 shall be disbursed to Defendant Nona Tobin no later than thirty (30) calendar days following the final entry of this order.

**Volume 3 Exhibits Vacated Post-Judgment Filings and Minute Order to Vacate**

- 3.1 Doc ID# 149 MENF MOSC Nona Tobin Motion For An Order To Enforce And Motion For An Order To Show Cause Regarding Contempt And Motion for an Exemption to Post a \$500 Appeal Bond
- 3.2 Doc ID# 151 Non-party Red Rock LLC's rogue Opposition to Tobin motions
- 3.3 Doc ID# 152 Tobin reply to non-party rogue opposition

3.4 10/19/23 Minute Order vacated the 10/26/23 hearing claiming the appeal divested the court of jurisdiction after she refused to recuse herself on 5/3/23 (Doc. # 139) and the non-party opposed recusal on 5/10/23 (Doc. #140) because she allegedly could exercise judicial discretion without bias on any remaining issues.

Red Rock refused to pay me \$52,211.32 of the \$57,282.32 interpleaded excess proceeds from the 8/15/14 sale that NRS 116.31164 mandated Red Rock disburse immediately after the sale. Judge Peterson granted non-party Red Rock LLC's motion for \$5,165 attorney fees to be paid to Red Rock on the grounds that I was not allowed to complain in my 5/30/22 2<sup>nd</sup> amended motion for the interpleaded funds should be paid to me as the sole claimant with interest and penalties by law as Red Rock had been required to give me the money back in 2014, and that my argument that Nationstar is judicially estopped from claiming that either it or Wells Fargo ever had a valid claim to be the beneficiary of the 1<sup>st</sup> deed of trust due to its inconsistent false claims is not allowed. Judge Peterson concluded, despite the actual law and facts that I'm not allowed to argue that Steven Scow is a fraudster or that the foreclosure sale was wrongful because all my claims are precluded by the 6/30/22 order of affirmance in 82294.

The 10/19/23 order is a de facto stay of order #5 pending completion of my appeal of all five orders. Red Rock, Scow, Nationstar and Wells Fargo, and non-party Red Rock LLC don't have to do anything and can simply sit back and reap the benefit of my being restricted from filing any complaint against them as the statute of limitations will certainly have run out by the time a full appeal of this is done. The statute of limitations is four years for the State Bar to address a complaint, given that the request I submitted on 5/14/23 for pre-filing approval of the complaint against the State Bar has been sitting without approval or denial on the Chief Judge desk for six months.

#### **Volume 4**

Part of the tolling motion to set aside the order per NRCP 59 and 60, erroneously omitted from the Docketing Statement filed on 9/21/23 (SC 22-31014)

Part 1 - Doc. #141 DECL RPLY NT 9375 NT 09664 5/18/23 Declaration Nona Tobin Declaration and Reply to non-party Red Rock LLC's Opposition to the Disqualification of Judge Peterson from the decision to set aside the orders obtained by fraud

1.1 RTRAN Exhibit 1 **10/14/21 Transcript** Order to Show Cause Hearing NT 09426- NT 09434

shows the court knew Red Rock, Nationstar and Wells Fargo did not timely file a responsive pleading to the counter-claims when the non-party filed a motion to dismiss and was hoping they had not been properly served

1.2 RTRAN Exhibit 2 **7/07/22 Transcript** Hearing where the court **denied** both 1) my 6/27/22 unopposed motion to strike the non-party's rogue filings to adopt the 6/27/22 proposed order and 2) the non-party's rogue motion for a vexatious litigant restrictive order NT 09467 Note that the 7/07/22 transcript was given to Steven Scow, but the court never filed my 7/07/22 transcript request to give it to me and only filed the transcript into the court record on 5/1/23 as Doc. # 136 as my insistence. This transcript shows that the false statements that Steven Scow put in the 3/28/23 order were not innocent errors, they were fraudulent misrepresentations and concealments.

This is why a full appeal would be such a hardship to the parties. A detailed analysis of the complete 10,000-court record is needed if the appeal is not resolved by identifying the jurisdictional defect.

#### **Volume 5**

Volume 5 NT 09666 to NT 09711 is my reply to non-party Red Rock LLC's **improper opposition to my motion to disqualify Judge Peterson** for improper ex parte communications, improperly declaring non-party Red Rock LLC a party and improperly declaring me a vexatious litigant at the improper ex parte hearing for filing an MOSC and for filing a motion to reconsider the order that granted the non-party's rogue motion for attorney's fees and for filing a renewed motion to strike the non-party's rogue filings.

NT 9624 - NT 9659 is the set of corrections I made in one day after Steven Scow delivered the final judgment order he drafted to the Judge for signature the same day he gave it to me. There was no place for signature to sign approval as to form or content, and Judge Peterson refused to let me correct the record and prohibited me in the order from filing any motions to correct the record so the final judgment order falsely states that the findings are "uncontroverted" when every virtually material fact is false or misleading.

Erroneously omitted from the Docketing Statement filed on 9/21/23 (SC 22-31014)

Part 2 - Doc. #141 NT 9375 NT 09664 5/18/23 Declaration Nona Tobin Declaration and Reply to non-party Red Rock LLC's Opposition to the Disqualification of Judge Peterson from the decision to set aside the orders obtained by fraud  
Doc. #142 NT 9665 -NT 9711 5/22/23 Exhibits to Declaration

#### **Volume 6**

**The court forgot to deny my motion for an order to show cause but the court broke a lot of rules to refuse to approve a proposed order submitted pursuant to EDCR 2.23(b) to grant an unopposed motion.**

3/28/23 Order #1 was not stayed when Order #5 was. This shows Judge Peterson by Order #1 denied my motion to withdraw my motion for an order to show cause, but that there is no order to deny the unopposed MOSC. On 2/21/23 I submitted a proposed order to Judge Peterson to sign granting the unopposed order to show cause why written findings of attorney misconduct should not be forwarded to the State Bar. Instead of granting or denying the unopposed MOSC, I was declared a vexatious litigant in absentia on 2/2/23 because I had filed the MOSC and it and the two RFJNs re the Bar complaints vs. Brittany Wood and Joseph Hong were on the court's docket, but none of us were there I had filed to withdraw the MOSC as part of a package to try to settle the case and it was on the court's docket for 2/8/23. The exhibits in this volume show that I in good faith tried to get Judge Peterson to sign an order to grant the unopposed MOSC, and I tried in good faith to get the state Bar to lift its onerous gatekeeping requirement. In the end, the State Bar stood



firm in its refusal to investigate anything without written findings, and Judge Peterson threatened me with contempt if I followed normal court procedures. I am stuck with remedies and no rights until this appeal is done.

1. 2/21/23 Gmail Tobin to Assistant State Bar Counsel Pattee requesting voluntary relief from the need to get MOSC
2. 2/21/23 9:59 AM Gmail Tobin to Court (EDCR 2.23(b)) with proposed order
3. 2/21/23 proposed FFCO to grant unopposed MOSC
4. 2/21/23 Court rejection Gmail returned order granting unopposed MOSC stating:

Your proposed order or document requiring a judge's signature to the court has been returned for the following reason(s): Per the Court's prior return reason which stated as follows: 'The Court held a Hearing on February 2, 2023 and advanced all of the other Motions to that date. You chose not to attend that Hearing. The Order will be prepared by Mr. Scow and will thoroughly detail what the Court ordered at the Hearing that you failed to attend. Please stop submitting documents into OIC. Thank you.' Therefore the order is once again being returned. The next submission into OIC will result in the court issuing an order to show cause as to why you should not be held in contempt.

#### **Volume 7**

**3/28/23 order denied my motion to reconsider and motion to strike the non-party's rogue filings, but the court concealed that it broke a lot of rules to deny unopposed motions.**

**The 10/19/23 minute order didn't stay 3/28/23 Order #2**, but it granted judgment in favor of non-party Red Rock LLC by concealing that Order # 2 my motion to reconsider and renewed motion to strike the non-party's rogue filings when they were unopposed and refused to sign an order that was properly submitted pursuant to EDCR 2.23(b) to strike the non-party's rogue filings to adopt my 6/27/22 unopposed proposed final judgment order.

1. Doc. # 120 Tobin Motion to Reconsider 1/16/23 Order granting non-party's motion for attorney fees & Renewed Motion to Strike Red Rock LLC's Rogue Filings

2. Doc. # 121 Clerks' **Notice of 2/28/23 Hearing** Tobin Motion to Reconsider & Renewed Motion to Strike Non-Party's Rogue Filings
3. 2/2/23 4:44 PM Notification of Service of 1-page 2/2/23 minutes
4. 2/2/23 4:44 PM 1-page minutes served denying unrelated motions
5. 2/10/23 3:35 PM Gmail Tobin to Court to submit a proposed order to grant unopposed motions
6. 2/15/23 2:27 PM Gmail from Court to Tobin "Proposed Order Returned"
7. Proposed Order

#### **Volume 8**

**82294 documents showing that a full appeal is an undue hardship after previous appeals precluded unheard claims of the real party in interest by striking the evidence and declaring unheard arguments waived**

The instant motion seeks to expedite appeal 87183 by striking Non-Party Red Rock LLC rogue filings rather than a full appeal which would be a great hardship after all I have been subjected to already because no Court has ever conducted an evidentiary hearing to force my opponents to meet their burden of proof or allow me to meet mine.

1. 22-00442 1/5/22 Appellant's case 82294 motions to set aside 79295 order of affirmance pursuant to NRCp 12(b)(1) and/or NRCp 60(b)(3) and NRCp 60(b)(3) to amend opening brief and to suspend briefing scheduled pending A-21-828840-C judgment and petition for writ of mandamus motions filed
2. Exhibit 10 draft arguments I proposed to amend the appellant's opening brief were all ignored and deemed waived.
3. 22-01848 order granting motion to file 10-page supplemental opening brief and reply brief
4. 22-03689 pro se supplemental opening brief
5. 22-4111 pro se reply brief

#### **Volume 9**

Identifying the fatal jurisdictional flaw and striking the rogue filings of non-party Red Rock LLC to adopt the 6/27/22 unopposed proposed final judgment order per the now-ripe petition 85251 resolves the 87183 appeal in the docketing statement stage avoids asking this Court to review the complete 10,000-page court record.

A full appeal to set aside the orders pursuant to NRCP 60(b)(3)(fraudulent misrepresentation and NRCP 60(d)(3)(fraud on the court) places an onerous burden of proof on the appellant to prove that her opponents' fraud occurred by a showing of the clear and convincing evidence in the full court record that her opponents and the judge say doesn't exist or is "frivolous" and "lacking factual or legal merit."

1. A-21-828840-C annotated court record index of Bates-numbered (NT 0001-NT 09922) ordered 152 documents filed from 2/3/21 to 10/19/23

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1 The district court did not have personal jurisdiction over Red Rock Financial  
2 Services LLC ("Red Rock LLC"), given that 1) Red Rock LLC did not file the A-  
3 21-828840-C complaint, 2) did not file or serve any claims against any party, 3) no  
4 attorney filed a notice of appearance to represent it, 4) no party filed any claims  
5 against, 5) it never filed an NRCP 24 motion to intervene asserting that it had an  
6 interest to protect, 6) it never had any contract with Sun City Anthem, the HOA that  
7 conducted the sale, 7) it never had any interest in the interpleaded proceeds. See  
8 **Volumes 2 and 5**

9  
10 *Moore v. Univ. Med. Ctr. of S. Nev.*, No. 69367, at \*2 (Nev. App. Jan. 13, 2017) ("The district  
11 court clearly erred by failing to apply the Nevada Revised Statutes, the Nevada Rules of Civil  
12 Procedure, and applicable precedent from our supreme court, and by entering judgment without  
13 a trial in favor of a party that never even pled a claim for relief")

14 *Pacific States Sec. Co. v. District Court*, 48 Nev. 53 (Nev. 1924)

15 "Parties are those who are named as such in the record, and who are properly served with  
16 process, or enter their appearance. 20 R.C.L. p. 662; *Womach v. City of St. Joseph*, 201 Mo.  
17 467, 100 S.W. 443, 10 L.R.A. (N.S.) 140."

18 The district court erred by "declaring" non-party Red Rock LLC was the  
19 Plaintiff and the same party as the Plaintiff Red Rock. No facts, law, or evidence  
20 support this declaration or belief, only Judge Peterson's totally misplaced faith in  
21 Steven Scow's candor. (**Volumes 2, 4, 5, 7, 8**)

22 **B. The controlling statute required Red Rock to distribute the excess**  
23 **proceeds immediately after the sale.**

24 Red Rock was required to take its fees before it paid off the HOA lien. No  
25 attorney fees were authorized to be deducted from the proceeds that Red Rock  
26 declared were "2763 White Sage Drive Excess Funds". All the fees that Red Rock  
27 was legally allowed to take, it took before it paid the HOA \$2,701.04 on 8/21/14.  
28 The court erred in granting attorney fees to Red Rock both because additional fees  
are unauthorized and because they were granted improperly, outside the court's

1 jurisdiction by granting fees are by granting the non-party Red Rock LLC's rogue  
2 motion (Doc. # 93). This motion is asking this Court to resolve this dispute on the  
3 jurisdictional grounds of striking the non-party's rogue filings to avoid a full appeal  
4 that I would prevail on if the Court considered the law and the clear and convincing  
5 evidence that exists in the 10,000-page full Court record. The only reason I have not  
6 prevailed to date is due to the success of my opponents in suppressing and  
7 misrepresenting the verified documentary evidence. In other words, my opponents  
8 have cheated to win by preventing my case from being fairly heard.

9 The interpleader complaint should have been dismissed as improper in 2021  
10 after giving the \$57,282.32 to me as sole claimant with interest and penalties by  
11 granting my 4/12/21 1<sup>st</sup> motion (Doc. #22). Nationstar and Wells Fargo should have  
12 been dismissed when the answer they failed on 4/9/21 (Doc. #20) did not include the  
13 compulsory (NRCP 13(a)(1)) counter-claim for the excess proceeds.

14 NRS 116.31164(3)(c)(2013)

15 3. After the sale, the person conducting the sale shall:

16 (c) Apply the proceeds of the sale for the following purposes in the following order:

17 (1) The reasonable expenses of sale;

18 (2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the  
19 unit for sale, including payment of taxes and other governmental charges, premiums on hazard and  
20 liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other  
21 legal expenses incurred by the association;

22 (3) Satisfaction of the association's lien;

23 (4) Satisfaction in the order of priority of any subordinate claim of record; and

24 (5) Remittance of any excess to the unit's owner.

25 See **Volume 2** for petition 85251 documents provide the facts and argument  
26 sufficient to support striking the non-party's rogue filings and Volumes 1, 3, and 7  
27 to provide additional support for the premise that the issue is now ripe for judicial  
28 determination as the final judgment order has been entered. I ask this Court to weigh  
"the hardship to the parties of withholding court consideration." It will be an  
exceptionally great hardship to me if the Court declines to resolve this appeal by  
applying the law to non-party Red Rock LLC exactly the way it was applied to me  
when my pro se filings were stricken unheard without appeal.

1 Standing to appeal – must be a party to the action to be aggrieved pursuant to NRAP 3A(a)  
2 Valley Bank of Nev. v. Ginsburg, 110 Nev. 440, 446, 874 P.2d 729,  
3 734 (1994).

4 Kenney v. Hickey, 60 Nev. 187, 189, 105 P.2d 192, 192 (1940) (defining aggrieved party as  
5 "one whose personal right is injuriously affected by the adjudication, or where the right of  
6 property is adversely affected or divested thereby"); NRAP 3A(a) (only an aggrieved party  
7 has standing to appeal).

8 Beazer Homes Holding Corp. v. Eighth Judicial Dist. Court of State, 291 P.3d 128, 133 (Nev.  
9 2012) ("Under Nevada law, an action must be commenced by the real party in interest—"one  
10 who possesses the right to enforce the claim and has a significant interest in the  
11 litigation." Szilagyi v. Testa, 99 Nev. 834, 838, 673 P.2d 495, 498 (1983); see NRCP 17(a). Due  
12 to this limitation, a party generally has standing to assert only its own rights and cannot raise  
13 the claims of a third party not before the court. See Deal, 94 Nev. at 304, 579 P.2d at 777; see  
14 also Warth v. Seldin, 422 U.S. 490, 499, 95 S.Ct. 2197, 45 L.Ed.2d 343 (1975)")

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**C. Two factors determine if an issue is "ripe" weigh toward this Court  
reconsidering that writ petitions 85251 and 84371 are ripe for  
judicial determination.**

13 Conf. Tribes Bands of Yakama v. U.S., 296 F. App'x 566, 567 (9th Cir. 2008) ("The Supreme  
14 Court has developed a two-part test for analyzing whether a controversy is sufficiently ripe.  
15 Courts must "evaluate (1) the fitness of the issues for judicial resolution, and (2) the hardship  
16 to the parties of withholding court consideration." Id. at 808, 123 S.Ct. 2026")

16 Great hardship has already been endured by this court withholding  
17 consideration in case 84371, i.e., by denying that petition because this Court's  
18 "extraordinary and discretionary" intervention was not warranted, the State Bar's  
19 draconian gatekeeping requirement of forcing a victim to get a judge to issue written  
20 findings of attorney misconduct before the State Bar will investigate. The resulted  
21 in an unfair restrictive order and this appeal. The Supreme Court must make the State  
22 Bar do its job rather than leave the burden with the victim. As it stands, the legal  
23 profession is ungoverned because the rules are not enforced and the attorneys in this  
24 case have stolen from me and 100% blocked me from using any Nevada court or the  
25 State Bar to get any kind of relief. Where there is no remedy, there is no right. So,  
26 they have taken away not just my money but all my rights, and the law, although on  
27 my side, is powerless to stop them.

1  
2 **D. Procedural requirements for issuing a vexatious litigant restrictive**  
3 **order were not met, but so what? The ban against my using any**  
4 **Nevada court for any reason has already been total for six months.**

5 NRS 155.165 I don't meet the definition of a vexatious litigant. Steven Scow does.

6 None of my filings in this case met this definition as I was the sole interested  
7 party with standing to assert a claim for the interpleaded proceeds.

8 I always acted in good faith I never filed any motion or objection that I  
9 couldn't support with facts, evidence, and law. I filed nothing in the 10,000-page  
10 court record indexed in Volume 9 in bad faith, for improper purpose, or with the  
11 intent to harass.

12 **NRS 155.165 Finding of vexatious litigant; sanctions; standing of interested party and**  
13 **vexatious litigant under certain circumstances.**

14 1. The court may find that a person, including, without limitation, a personal  
15 representative or trustee, is a vexatious litigant if the person files a petition, objection, motion  
16 or other pleading which is without merit, intended to harass or annoy the personal representative  
17 or a trustee or intended to unreasonably oppose or frustrate the efforts of an interested person  
18 who is acting in good faith to enforce his or her rights. The court may find that a personal  
19 representative or trustee is a vexatious litigant if the personal representative or trustee has  
20 expended the funds of the estate or trust to unreasonably oppose the good faith efforts of an  
21 interested person to enforce his or her rights.

22 According to Jordan v. State, Dep't of Motor Vehicles, before imposing a  
23 vexatious litigant bar, a district court must comply with these four factors:

- 24 (1) give litigants notice and "an opportunity to oppose the order before it [is] entered";  
25 (2) compile an adequate record for appellate review, including "a listing of all the  
26 cases and motions that led the district court to conclude that a vexatious litigant order  
27 was needed";  
28 (3) make substantive findings of frivolousness or harassment; and  
(4) tailor the order narrowly so as "to closely fit the specific vice encountered."  
Ringgold-Lockhart v. County of L.A., 761 F.3d 1057, 1062 (9th Cir. 2014) (quoting  
De Long v. Hennessey, 912 F.2d 1144, 1147-48 (9th Cir. 1990))

29 The court did not comply with the Jordan factors, but the 3/28/23 order  
30 fraudulently misrepresented that the court did comply with the Jordan factors and  
31 fraudulently misrepresented that the court granted (which it didn't) Red Rock's  
32 6/13/22 motion (it was the non-party's motion) and 6/13/22 motion declared me a



1 vexatious litigant at the 7/7/22 hearing (**Volume 4** 7/07/22 transcript, NT 09467 -,  
2 says otherwise).

3 **E. Four factors should have guided judicial discretion to NOT stay order**  
4 **# 5 pending MY appeal rather than a minute order that accepted the non-**  
5 **party's rogue opposition to my MENF and MOSC as to why Scow shouldn't**  
6 **be sanctioned for unlawfully keeping my money since 2014 and filing this**  
7 **meritless interpleader action telling the judge not to give the money he**  
8 **converted to the sole claimant?**

9 (1) whether the stay applicant has made a strong showing that he is likely to  
10 succeed on the merits;

11 (2) whether the applicant will be irreparably injured absent a stay;

12 (3) whether issuance of the stay will substantially injure the other parties  
13 interested in the proceeding; and

14 (4) where the public interest lies

15 *Nken v. Holder*, 556 U.S. 418, 434 (2009)

16 It was bad enough for the judge to allow parties and non-parties who have no interest in  
17 the interpleaded funds to file oppositions for 2+ years to the court ordering the distribution to  
18 me as the sole claimant of money no one had a legal right to withhold after 2014, and agree  
19 with them that I was a vexatious litigant for building a court record that proved they had no  
20 standing and that the law was on my side. But the 3/28/23 order finally specifically ordered Red  
21 Rock to pay me \$52,211.32 by 4/28/23 and it is shocking to me that Judge Peterson condoned  
22 that by refusing to simply order Red Rock to comply and issue an OSC.

23 It added insult to injury to leave me subjected to an all-encompassing unjust restrictive  
24 order that prevents me from complaining in any Nevada Court or to the State Bar about the  
25 corrupt attorneys that have obstructed my getting a fair evidence-based adjudication of my  
26 claims for 7+ years. But by the mere thoughtless minute order to vacate the MENF and MOSC,  
27 for no good reason, allegedly because jurisdiction shifted to the Court of Appeals (when it  
28 hadn't shifted on 5/3/23 when she refused to recuse herself from the final decisions of the case  
(Doc. # 139) or when non-party Red Rock LLC opposed her disqualification (Doc. #140))) with  
no consideration or legal analysis or balancing of the equities or the hardship to the respective  
parties by granting a de facto stay to the final judgment order in a meritless interpleader action

1 while allowing to stand the unjust restrictive order that prevents the victim from having access  
2 to any legal remedies.

## 3 **II. DECLARATION UNDER PENALTY OF PERJURY**

4 1. I, Nona Tobin, declare and state, under penalty of perjury under the laws of  
5 the State of Nevada, as follows:

### 6 **A. My Motion: Resolve appeal by striking the rogue filings of the non-** 7 **party to adopt the unopposed 6/27/22 proposed final judgment order**

8 2. By this motion, I seek to expedite the resolution of appeal 87183  
9 expeditiously and equitably by striking the non-party's rogue filings in exactly the  
10 same manner as mine were stricken unheard without appeal when I was unfairly  
11 removed as a party from the 1st action in 2019.

12 3. Appeal 87183 can be swiftly resolved by simply identifying that the Court  
13 acted outside its jurisdiction to grant the final judgment orders entered on 3/28/23  
14 improperly and unfairly by granting the rogue motions of non-party Red Rock  
15 LLC. By granting the non-party's rogue motions, the court gave preferential  
16 treatment to the Respondents and unfairly exempted Respondents from complying  
17 with Court rules (NRCP 12(a) or (b) and EDCR 2.20(e)) that mandated responsive  
18 pleadings and written oppositions to motions, severely damaging me thereby.

19 4. In Petition 85251 (**Volume 2**) I have already supplied the facts and  
20 arguments sufficient to justify striking the non-party Red Rock LLC's rogue  
21 filings and to mandate that my unopposed 6/27/22 proposed final judgment order  
22 as filed on be granted. The petition was previously denied, as the final judgment  
23 had not been entered in 2022. However, the final judgment order containing five  
24 orders, was entered on 3/28/23, and it is now ripe for judicial determination.

25 5. The immediate trigger for this motion to expedite my 7th appeal is the  
26 10/19/23 minute order that vacated my 9/21/23 motion to enforce the 3/28/23  
27 Order #5 for Red Rock to pay me \$52,211.32 by 4/28/23 while Steven Scow was  
28

1 exempted from responding to MOSC that was vacated by the 10/19/23 minute  
2 order while **Volume 1** shows I am stuck with a total unconstitutional restriction  
3 on my access to all legal remedies while my opponents are essentially above the  
4 law. Where there is no Remedy, there is no Right.

5 6. This motion provides the Court with an elegant solution to expedite and  
6 resolve appeal 87183 by granting petition 85251 (**Volume 2**) or alternatively, by  
7 determining that 3/28/23 Order #2 to deny the motion to reconsider the 1/16/23  
8 order that granted attorney fees and denied the renewed motion to strike the non-  
9 party's rogue filings was also improper due to judicial misconduct (improper ex  
10 parte, manipulation of minutes, differential application of court rules, refusal to  
11 resolve factual dispute by evidence or arrive at conclusions of law by and void as  
12 it is unsupported by facts, evidence or law as the court rules were preferentially  
13 applied to benefit Respondents. See **Volume 7**. Both non-party Red Rock LLC  
14 and I were misrepresented in the 3/28/23 order: "by filing the Motion to  
15 Reconsider, Ms. Tobin specifically violated the Court's specific admonitions to  
16 avoid filing further frivolous motions." (§31, NT 08880) and Plaintiff Red Rock  
17 and non-party Red Rock LLC were ludicrously conflated into a single legal entity

18 "38. Moreover, the Court has denied Tobin's repeated requests to find that  
19 Red Rock is not a party to the litigation when Red Rock is the plaintiff who  
20 filed the interpleader complaint, thereby commencing this action. Tobin  
21 provided no legal basis as to why the Court should reconsider the prior  
orders. The Motion to Reconsider is denied." (§38, NT 08881).

22 Judge Peterson allowed Steven Scow ("Scow"), attorney for both the Plaintiff  
23 Red Rock and the Non-Party Red Rock LLC, to draft the 3/28/23 final judgment  
24 order, and as such, signed an order that is fraught with false statements that have  
25 been fraudulently misrepresented as "uncontroverted."

26 Scow knows that Plaintiff Red Rock, whom he filed an IAFD to represent,  
27 is not the same legal entity as the Red Rock LLC under whose name he filed the  
28

1 rogue motions to dismiss and the motions for attorney fees and for a vexatious  
2 litigant restrictive order. Scow knows that Red Rock LLC is not the Plaintiff and  
3 is not the Counter-Defendant just as surely as he knows Donald Trump and  
4 Donald Trump Jr. are not the same person, and as surely as he knows Donald  
5 Trump Jr. was never the President of the United States. Scow also knows that he  
6 dissembled effectively enough to convince Judge Peterson of the lie so he was  
7 able to draft the order making his lie come out of her mouth.

### 8 III. CONCLUSION

9 My goal with this motion is to resolve this appeal expeditiously now without  
10 me being forced to file an appellant's opening brief, now due on 12/27/23. If this  
11 motion fails, I will be forced to petition the Court for a delay in the deadline of the  
12 opening brief to produce physically the entire 10,000-page court record (as pro se  
13 appellants are not permitted to use the Court's electronic filing system.

14 A full appeal to set aside the A-21-828840-C orders pursuant to NRC  
15 60(b)(3)(fraudulent misrepresentation and NRC 60(d)(3)(fraud on the court) places  
16 the burden of proof on the appellant to establish that this fraud occurred by clear and  
17 convincing evidence. Meeting that burden requires this Court analyzing the full  
18 10,000-page court record that I have built from the previous Court records where  
19 my opponents succeeded in suppressing my evidence and getting my pro se filings  
20 stricken unheard. By reviewing my previously suppressed, unfairly stricken verified  
21 evidence, this Court will see that my claims have been unfairly precluded and I was  
22 wrongfully removed as a party as an individual and all my filings stricken as rogue  
23 because my clear and convincing verified evidence proves 1) Red Rock and SCA  
24 attorneys produced false evidence and concealed the HOA's official records to  
25 conceal that this HOA sale was fraudulently conducted without notice to anyone  
26 with a known interest, and was void as Red Rock rejected assessments that cured the  
27 default three times and void as Red Rock did not have proper HOA Board  
28

1 authorization to sell the property, and 2) the SCA attorneys did not enforce the  
2 4/27/12 Red Rock contract allowing Red Rock to be unjustly enriched by not  
3 indemnifying the HOA and shifting litigation costs to homeowners, 3) SCA  
4 attorneys turned a blind eye to Red Rock keeping the excess proceeds from SCA  
5 sales when the FSR/Red Rock contracts were terminated, 4) SCA attorneys to and  
6 unlawfully manipulated the composition of the Board to exert excessive control and  
7 usurp the authority of the HOA Board, 5) Nationstar and Jimijack's fraudulent out  
8 of court deal covered up the fraudulent reconveyance of the defective inadmissible  
9 title without adjudication and laundering the \$355,000 payoff, 6) Joel Stokes and  
10 Brian and Debora Chiesi circumvented the judicial process by their attorney Brittany  
11 Wood and Josph Hong lying to the court to evade their duty to go to trial to defend  
12 their void deeds against mine and to obstruct my right to a fair trial to defend my  
13 deed.

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

16 Dated this 6<sup>th</sup> day of November 2023

17 

18 \_\_\_\_\_  
19 NONA TOBIN  
20 2664 Olivia Heights Avenue  
21 Henderson NV 89052  
22 (702) 465-2199  
23 nonatobin@gmail.com  
24 *In Proper Person*  
25  
26  
27  
28

Exhibit 2

Writ petition 85251

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AA0001-AA5992

Exhibit 2

NO. 85251

FILED

AUG 30 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
PETITIONER,

vs.

EIGHTH JUDICIAL DISTRICT  
COURT;

THE HONORABLE JESSICA K.  
PETERSON (DEPARTMENT 8)

RESPONDENT.

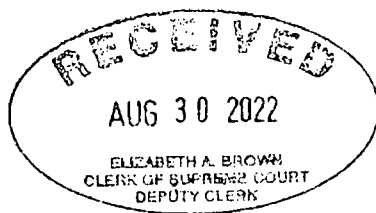
Courts of Appeal Cases 79295, 82294, 82234, 82294, 82294-COA, 84371  
Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

PETITION FOR WRIT OF  
PROHIBITION AND/OR  
MANDAMUS

Comes now, Nona Tobin, In Proper Person, to petition this Court to arrest the proceedings in the Eighth Judicial District Court case A-21-828840-C to prevent Respondent Court from acting outside its jurisdiction and from its disparate application of the law and court rules. In the interest of judicial economy and to prevent irreparable harm to Petitioner Tobin, this petition for extraordinary writ relief requests that this Court exercise its discretion to address the issue prior to entry of a final judgment order.

*nona M.*

NONA TOBIN, AN INDIVIDUAL  
2664 Olivia Heights Avenue  
Henderson NV 89052  
(702) 465-2199  
nonatobin@gmail.com



22-27290

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Certificate of Compliance

1. I hereby certify that this PETITION FOR A WRIT OF PROHIBITION AND/OR MANDAMUS complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because his brief has been prepared in a proportionally spaced typeface using Microsoft Word 2016 in Times New Roman 14-point font.
2. I further certify that this brief complies with the page- or type-volume limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is proportionately spaced, has a typeface of 14 points or more, and contains 3,819 words.
3. Finally, I hereby certify that I have written this Petition, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose.
4. I further certify that this Petition complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e) (1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found.
5. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 27<sup>th</sup> day of August 2022,



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NONA TOBIN

### Certificate of Service


Pursuant to NRAP 25(d), I certify that on this 28<sup>th</sup> day of August 2022, I served a true and correct copy of NONA TOBIN'S PETITION FOR WRIT OF PROHIBITION AND/OR MANDAMUS AND 40-volume APPENDIX as follows:

☐ by serving via the Clark County Electronic Filing System to the Respondent Jessica Peterson and all parties listed in the Odyssey efileNV service contact list in case A-21-828840-C.

<u>VOLUME 1 AA0001 - AA0151</u>	<u>VOLUME 21 AA2851 - AA2986</u>
<u>VOLUME 2 AA0152 - AA0322</u>	<u>VOLUME 22 AA2987 - AA3166</u>
<u>VOLUME 3 AA0346 - AA0547</u>	<u>VOLUME 23 AA3167 - AA3338</u>
<u>VOLUME 4 AA0548 - AA0720</u>	<u>VOLUME 24 AA3339 - AA3505</u>
<u>VOLUME 5 AA0721 - AA0841</u>	<u>VOLUME 25 AA3506 - AA3619</u>
<u>VOLUME 6 AA0842 - AA0928</u>	<u>VOLUME 26 AA3620 - AA3778</u>
<u>VOLUME 7 AA0947 - AA0992</u>	<u>VOLUME 27 AA3779 - AA3920</u>
<u>VOLUME 8 AA0992 - AA1107</u>	<u>VOLUME 28 AA3921 - AA4117</u>
<u>VOLUME 9 AA1108 - AA1183</u>	<u>VOLUME 29 AA4118 - AA4301</u>
<u>VOLUME 10 AA1284 - AA1449</u>	<u>VOLUME 30 AA4302 - AA4427</u>
<u>VOLUME 11 AA1450 - AA1561</u>	<u>VOLUME 31 AA4428 - AA4617</u>
<u>VOLUME 12 AA1562 - AA1737</u>	<u>VOLUME 32 AA4618 - AA4810</u>
<u>VOLUME 13 AA1738 - AA1916</u>	<u>VOLUME 33 AA4811 - AA4945</u>
<u>VOLUME 14 AA1917 - AA2073</u>	<u>VOLUME 34 AA4946 - AA5052</u>
<u>VOLUME 15 AA2074 - AA2207</u>	<u>VOLUME 35 AA5053 - AA5147</u>
<u>VOLUME 16 AA2208 - AA2363</u>	<u>VOLUME 36 AA5148 - AA5313</u>
<u>VOLUME 17 AA2364 - AA2513</u>	<u>VOLUME 37 AA5314 - AA5492</u>
<u>VOLUME 18 AA2514 - AA2608</u>	<u>VOLUME 38 AA5492 - AA5690</u>
<u>VOLUME 19 AA2609 - AA2740</u>	<u>VOLUME 39 AA5691 - AA5878</u>
<u>VOLUME 20 AA2741 - AA2850</u>	<u>VOLUME 40 AA5879 - AA5992</u>

☐ by transmitting via U.S. Priority mail two hard copies of the petition and a DVD of the petition and 40-volume appendix to: Supreme Court of Nevada, 201 South Carson St., Suite 201 Carson City NV 89701

☐ by personally delivering, on August 29th, 2022, three boxes of the petition, the tables of contents, and 40 volumes of the Pro Se Appendix to Supreme Court of Nevada, 408 E. Clark Ave., Las Vegas NV 89101

  
NONA TOBIN

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4/16/21	Non-Party Red Rock LLC's Rogue Motion To Dismiss Tobin 3/8/21 AACC - Part 3	<u>10</u>	AA1284	AA1449
4/16/21	Non-Party Red Rock LLC's Rogue Motion To Dismiss Tobin 3/8/21 AACC - Part 4	<u>11</u>	AA1450	AA1561
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## I. JURISDICTIONAL AND ROUTING STATEMENT

NRAP 21(a) requires petitions for writs of mandamus or prohibition to be filed with the Supreme Court. However, a petition for the rehearing of a related appeal (82294-COA) is currently pending before the Court of Appeals, and granting this petition will moot 82294-COA as to Nationstar Mortgage LLC (“Nationstar”) and Red Rock Financial Services (“Red Rock”) and support reversal as to the other Respondents in that appeal.

Further, if the Court of Appeals mandates Respondent Court to grant Petitioner’s unopposed Proposed Final Judgment Order (39, AA5842-AA5863), the probability of an appeal of case A-21-828840-C by any party drops from 100% to zero. Therefore, this petition for a writ of prohibition and/or mandamus is appropriately referred to the Court of Appeals.

## II. THE RELIEF SOUGHT

Petition seeks an order that prohibits Respondent Court from granting a non-party’s rogue motions and that mandates Respondent Court to strike all rogue filings and grant Petitioner’s Proposed Final Judgment Order as otherwise unopposed.



### III. ISSUE PRESENTED FOR REVIEW

Given that the Respondent Court unequivocally granted improper, unsupported and untimely motions, including rogue ones filed by a non-party, this Petition is for an order to prohibit acts in excess of jurisdiction and to mandate Respondent Court to strike improper, untimely and rogue filings by a non-party and to grant Petitioner's unopposed proposed final order (Vol. 39, AA5842-AA5863).

### IV. PETITIONER'S VERIFIED STATEMENT OF FACTS

I, Nona Tobin, declare and state, under penalty of perjury of the laws of the State of Nevada, as follows:

On 3/8/21, as a pro se, I timely filed compulsory NRCP 13(a)(1) counter-claims (Vol. 1, AA0020-AA0151) against Plaintiff/Counter-Defendant Red Rock for 1) **Interpleader** (for the interpleaded excess proceeds plus eight years interest (NRS 116.31164(3)(c)(2013)); 2) **Fraud** (in the sale and in the falsification of records to court to cover it up); 3) **Unjust Enrichment &/or Conversion** (unlawful fees, falsified accounts, failure to distribute excess proceeds in 2014 to me as the sole claimant); 4) **Lift the Corporate Veil** (concealing in previous discovery who the Red Rock partners are), and 5) **Racketeering** (HOA sales conducted without mandated notice or due process and failure to timely distribute multiple 2014 sale

excess proceeds), and a petition for sanctions pursuant to NRCP 11(b)(1)(2)(3) and/or (4), NRS 18.010(2), NRS 207.407(1), NRS 42.005.

On 3/8/21, I also filed cross-claims (NRCP 13(g) (Vol. 1, AA0020-AA0151) against Nationstar and Wells Fargo<sup>1</sup> for 1) **Fraud** (Nationstar collected a debt it was not owed from me who did not owe it and tricked the A-15-720032-C court (false statements in filings and at hearings, improper (NCJC 2.9) ex parte communications) into blessing an out of court "settlement" that excluded me, an NRCP 19(a)(1)(A)&(B) necessary party); 2) **Unjust Enrichment &/or Conversion** (NRS 104.3301 (no standing to enforce the promissory note),<sup>2</sup> and 3) **Racketeering**<sup>3</sup>, and

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<sup>1</sup> Wells Fargo is an A-21-828840-C Cross-defendant, but will not be discussed herein as Wells Fargo's role is confusing and irrelevant to this petition: 1) Wells Fargo has never ever previously been a party in this dispute; 2) has never signed anything related to its representation (EDCR 7.40(b)(1)); 3) Wells Fargo has no claims adverse to me; 4) has made no claim for the proceeds, and 5) my proposed final judgment order asks Wells Fargo for no damages.

<sup>2</sup> Laws/rules related to Nationstar's abusing the HOA quiet title civil action process to collect on debts it is not owed: (NRS 116.31162(6)(2013)): Nationstar never recorded a notice of default or foreclosed on the 7/22/04 1<sup>st</sup> deed of trust extinguished by the 8/15/14 HOA sale; Nationstar violated the Planned Unit Development Rider (PUD Rider), section F. Remedies provision by its fraudulent Jimijack "settlement".

<sup>3</sup> Nationstar also abused the HOA quiet title civil action to circumvent Nevada's anti-foreclosure fraud law AB284 (2011) as to multiple HOA foreclosures.

a petition for sanctions against Nationstar<sup>4</sup> for misconduct that got me unfairly removed as a party, as an individual, from the 1<sup>st</sup> action and abridged my rights to appeal (NRAP 3A(a)); Nationstar filed no responsive pleading, and its joinder to the rogue motion to dismiss was untimely. Nationstar did not timely (or ever) answer my 3/8/21 cross-claims and petition for sanctions. On 4/15/21, I filed a motion for summary judgment that was denied without consideration of the evidence that showed Nationstar was judicially estopped (Nobin, LLC v. County of Clark, 120 Nev. 736, 743 (Nev. 2004)) from falsely claiming to be owed a debt or having standing to enforce the promissory note of a deceased borrower against his estate.

On 11/10/21, I filed a three-day notice of intent to take Nationstar's default (Vol. 40, AA5975-AA5979). On 11/16/21, the Court verbally rejected by three-day notice of default despite the facts that 1) Nationstar never filed a responsive pleading to my cross-claims or petition for sanctions; (2) Nationstar never filed a mandatory counter-claim for the interpleaded proceeds (NRCP 13(a)(1)); 3) its joinder to the rogue, untimely motion to dismiss was untimely (EDCR 2.20(d)).

On 12/14/21, I filed a motion (Vol. 21, AA2851-AA2881) for an evidentiary hearing to set aside orders that were obtained by fraud and fraud on the court (NRCP 60(b)(3)(d)(3)) that was denied without good cause, considering that three District

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<sup>4</sup> Nationstar's improper ex parte communications (NCJC 2.9, NRPC 8.4(d)); abusive litigation practices (NRS 18.010(2), EDCR 7.60(b)(1) & (3)), fraud on the court (NRCP 60(b)(3) and (d)(3))

Courts have failed to conduct the evidentiary hearing mandated by NRS 40.110(1) and Petitioner's claims of fraud, and the fraud on the court perpetrated to cover it up, have never been adjudicated (NRCP 60(b)(3) & (d)(3)).

*Manuela Rubio v. Nevada*, 124 Nev. 1032, 1044 (Nev. 2008) ("As other jurisdictions have required, we recognize that district courts should hold an evidentiary hearing for colorable claims of affirmative misrepresentation")

*Estate of Adams ex rel. Estate v. Fallini*, 386 P.3d 621, 625 (Nev. 2016) ("[W]hen a judgment is shown to have been procured by fraud upon the court, no worthwhile interest is served in protecting the judgment." *Id.* at 653, 218 P.3d at 858 ")

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

Dated this 27th day of August 2022

  
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NONA TOBIN

V. POINTS AND AUTHORITIES SUPPORTING PETITION

**A. A writ of prohibition and/or mandamus is Petitioner's only adequate legal remedy, and the standard of review is de novo.**

*NuVeda, LLC v. The Eighth Judicial Dist. Court of the State*, No. 82649, 4 (Nev. 2021) ("Where a party contends in a petition for a writ of prohibition that the district court has exceeded or is about to exceed its jurisdiction, we review that issue **de novo**. See *Fulbright & Jaworski LLP v. Eighth Judicial Dist. Court*, 131 Nev. 30, 35, 342 P.3d 997, 1001 (2015)"

Respondent Court acted outside its jurisdiction by entering orders<sup>5</sup> that granted motions and oppositions of a non-party filed on multiple dates,<sup>6</sup> and by accepting untimely and improper filings both from parties and from a non-party.<sup>7</sup>

**B. Plaintiff Red Rock Financial Services filed an unwarranted complaint for interpleader.**

On 2/16/21, Plaintiff Red Rock Financial Services, a partnership (EIN 88-0358132), (“Red Rock”) served a complaint to interplead the excess proceeds from an 8/15/14 HOA sale that its attorney had failed to remit to the court in 2014 as instructed.

Plaintiff Red Rock faced no “multiple liabilities” as it had distributed the \$57,282.32 excess proceeds “after the sale” in 2014 as required by NRS 116.31164(3)(c)(2013) by giving a check made out to the Clark County District Court to its attorney Steven Scow (“Scow”) (Vol. 36, AA5195- AA5198) on 8/28/14

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<sup>5</sup> Orders not supported by facts or evidence that granted relief to a non-party: 9/10/21 (Vol. 18, AA2576-AA2604); 11/30/21 (Vol. 38, AA5493-AA5515); 11/30/21 (Vol. 18, AA2825-AA2834); 11/30/21 (Vol. 18, AA2835-AA2841); 5/25/22 (Vol. 37, AA5416);

<sup>6</sup> Rogue filings by non-party: 4/16/21 (Vols. 8, 9, 10, 11, 12, 13, and 14, AA0994-AA2073); 4/27/21 (17, AA2364-AA2367); 4/29/21 (17, AA2368-2403); 5/11/21 (17, AA2510-AA2513); 10/22/21 (19, AA2649-AA2702); 12/28/21 (Vol. 21, 2919-AA2979); 6/13/22 (Vol. 38, AA5556-AA5575)

<sup>7</sup> Untimely &/or improper filings: 4/16/21 (Vols. 8, 9, 10, 11, 12, 13, and 14, AA0994-AA2073); 5/3/21 (Vol. 17, AA2404-AA2419); 4/9/21 (Vol. 7, AA0947-AA0951); 4/26/21 (Vols 15 & 16, AA2102-AA2363); 4/27/21 (17, AA2364-AA2367); 10/15/21 (Vol. 20, AA2766-AA2785); 12/29/21 (Vo. 21, AA2919-AA2979)

with instructions to interplead them. Scow failed to remit multiple excess proceeds checks to the court and, without legal authority, has retained them for years while filing multiple motions (4/16/21-Vols. 8-14, AA0994-AA2073, & 6/23/20-Vol. 11, AA1450-AA1461) to dismiss Tobin's legitimate claims for them (Vol. 8, AA1029; 11, AA1461-AA1560; 14, AA-1986-AA2073) as the sole claimant.

**C. Counter-Defendant Red Rock never answered my 3/8/21 counter-claims and petition for sanctions.**

*Bowers v. Edwards*, 79 Nev. 384, 389 (Nev. 1963) ("Under NRCP 7(a) a reply to a counterclaim is a required responsive pleading. Because of his failure to reply, appellant admitted the allegations of the counterclaim. NRCP 8(d).")

Red Rock did not file a responsive pleading to my 3/8/21 counter-claims by the NRCP 12(a)(1)(B) deadline (3/8/21 plus 21 days). On 4/15/21, I filed a motion for summary judgment that the Respondent Court denied disregarding that Counter-Defendant Red Rock NEVER filed a responsive pleading to answer my claims nor did Counter-Defendant Red Rock file a NRCP 12(b)(5) motion to dismiss.

**D. Red Rock LLC is not a party, and its rogue filings are outside the Court's jurisdiction, and must be stricken.**

*Moore v. Univ. Med. Ctr. of S. Nev.*, No. 69367, at \*3 n.2 (Nev. App. Jan. 13, 2017) ("Booke was not a party to the case, and the court therefore lacked jurisdiction to enter any judgment against him.

On 4/16/21, **non-party** Red Rock Financial Services, LLC, ("Red Rock LLC"), (Entity No. E0484542011-5) (Vols. 8-14), **not** Counter-Defendant Red Rock, by and through their shared attorney Steven Scow, filed an unsupported

(EDCR 2.21), untimely (NRCP 12(a)(1)(B)) motion to dismiss on the grounds of claims preclusion. (NRCP 12(b)(5))

Red Rock LLC was not a party as it was not named in the Summons (NRCP 4(a)(1)(A)). No party served (NRCP 4.2) any claims against non-party Red Rock LLC to make it a Cross-Defendant (NRCP 13(h)) or a Third-Party (NRCP 14(a)(4)).

*See NRCP 4(d); Schwob v. Hemsath*, 98 Nev. 293, 294, 646 P.2d 1212, 1212 (1982) ("Without proper service of process the district court acquires no jurisdiction over a party.") (citing *Brockbank v. District Court*, 65 Nev. 781, 201 P.2d 299 (1948); *State v. District Court*, 51 Nev. 206, 273 P. 659 (1929)).")

Non-party Red Rock LLC never filed a NRCP 24 motion to intervene.

Non-party Red Rock LLC has no interest in this dispute, has never been a party in any of the related cases, was never on contract with Sun City Anthem for debt collection, and did not conduct the disputed HOA foreclosure.

Non-party Red Rock LLC never had possession of the interpleaded funds that Plaintiff Red Rock had instructed its attorney Scow to interplead in 2014. (Vol. 36, AA5195-AA5198)

Non-party Red Rock LLC would not be prejudiced in any way if the interpleaded funds were distributed to Tobin, the sole claimant, with eight years interest and A-21-822840-C attorney fees and costs as an NRS 18.010(2) penalty.

Non-party Red Rock LLC is not named in Petitioner's proposed final judgment order and would not be required to pay Tobin anything if the otherwise

unopposed order were mandated by this Court. However, all orders thus far adopted by Respondent Court are “for...one who is not a party to the action.”

*Young v. Nevada Title Co.*, 103 Nev. 436, 442 (Nev. 1987)

(“The district court was without the power to retain jurisdiction over non-parties because it never had such jurisdiction in the first place. A court does not have jurisdiction to enter judgment for or against one who is not a party to the action. *Quine v. Godwin*, 646 P.2d 294, 298(Ariz.Ct.App. 1982); *Fazzi v. Peters*, 440 P.2d 242, 245(Cal. 1968). Accordingly, it is clear the district court erred in entering judgment in favor of non-parties.”)

**E. This petition meets the three requirements for this Court to provide the extraordinary remedy requested: prohibit judicial action outside of jurisdiction and mandating adoption of the unopposed proposed final order.**

*Walker v. Second Judicial Dist. Court*, 476 P.3d 1194, 1196 (Nev. 2020) (“[t]he chief requisites of a petition to warrant the issuance of a [traditional] writ of mandamus are: (1) The petitioner must show a legal right to have the act done which is sought by the writ; (2) it must appear that the act which is to be enforced by the mandate is that which it is the plain legal duty of the respondent to perform, without discretion on his part either to do or refuse; (3) that the writ will be availing as a remedy, and that the petitioner has no other plain, speedy, and adequate remedy.”)

This petition meets all three elements to warrant extraordinary writ relief:

First, the Petitioner has a legal right to an evidence-based adjudication of her claims by a neutral tribunal of competent jurisdiction, but this right has been abridged by three courts failing to hold an evidentiary hearing required to quiet title. (NRS 40.110(1)), and Respondent Court’s granting rogue motions from a non-party.

Second, the Respondent Court has a duty to decide disputes by correctly and uniformly applying the law and court rules after consideration of verified evidence,



but this court instead acted outside its jurisdiction and refused to conduct an evidentiary hearing, failed to strike rogue filings, and granted relief to a non-party.

Third, if this Court denies the Petition, this Court would be giving the Respondent Court permission to act outside its jurisdiction, unfairly shifting the burden of proof, from opposing parties (who did not file the motion to dismiss) to the Petitioner, i.e., Petitioner would be forced to appeal to prove that the elements of claims preclusion were not met, instead of the parties having to prove they were met.

*Hoffman v. Second Judicial Dist. Court of Nev.*, No. 60119, at \*6-7 (Nev. Dec. 16, 2013) (“The burden of establishing preclusion lies with the party claiming it. Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice and Procedure: Jurisdiction*, § 4405, at 110 (2d ed. 2002)”).

That is unfair in any case, but even more so here, due to the special circumstances in this case. Petitioner’s access to an evidence-based adjudication of claims, her right to fully and fairly litigate claims in any of the related District Court cases, and her appeal rights have already been repeatedly abridged, and her claims, including of fraud on the court, have never been heard on their merits.

**F. Respondent Court must be mandated to adopt the Proposed Final Judgment Order as unopposed pursuant to (EDCR 2.20(e)).**

On 6/27/22, I filed a motion (39, AA5838-AA5841) to grant my Proposed Final Judgment Order (39, AA5842-AA5863) and to deny the 6/13/22 rogue motions (39, AA5556-AA5575) of non-party Red Rock LLC for a vexatious litigant order against me and for attorneys’ fees and costs for non-party Red Rock LLC.

The non-party had no standing to file into the case but was allowed to. Further, reimbursing attorney fees for rogue filings of a non-party is unwarranted and contrary to Court rules. Nevertheless, on 7/7/22 Respondent Court issued a bench order against Petitioner to pay the non-party's attorney fees and costs.

Here, as in every other order in this case, the Respondent Court denied Petitioner's motions, despite the fact that no party filed any proper or timely opposition to the motion for the proposed final judgment order (EDCR 2.20(c)).

This is the third District Court that decided the title dispute and the fate of the undistributed proceeds without consideration of the evidence. Petitioner has never been provided a full and fair opportunity to litigate, and Petitioner's opponents have been unfairly relieved of meeting their burden of proof that the legal doctrine of claims preclusion applies to the facts of this case.

*Carrillo v. Penn Nat'l Gaming, Inc.*, 172 F. Supp. 3d 1204, 1211 (D.N.M. 2016) ("A party asserting the defense of claim preclusion must establish that: "1) there was a final judgment in an earlier action, 2) the earlier judgment was on the merits, 3) the parties in the two suits are the same, and 4) the cause of action is the same in both suits." *Id.* Claim preclusion does not apply unless the party had a full and fair opportunity to litigate the issue in the prior proceeding. *Id.* at 59.")

**G. Nationstar never answered 3/8/21 cross-claims/ petition for sanctions, and its joinder to the untimely, rogue motion to dismiss was itself untimely.**

Respondent did not enforce the rules requiring a timely responsive pleading from Nationstar. Instead, Respondent accepted its untimely joinder to the non-party Red Rock LLC's untimely, rogue motion to dismiss.

On 4/9/21 (Vol. 7, AA0947-AA0951) Nationstar filed an untimely (NRCP12(a)(1)(A)(i)) answer to Red Rock's complaint that did not include the **compulsory** counter-claim for the excess proceeds. (NRCP 13(a)(1)). Then, after stating that neither bank had any interest in the interpleaded funds, on 4/26/21 they filed an opposition to the interpleaded funds, in which they have no interest, being distributed by the court to Tobin, the sole claimant (Vol 15 & 16 AA2102-AA2363).

On 5/3/21, Nationstar filed an untimely (EDCR 2.20(d)), unsupported (EDCR 2.21) joinder to non-party Red Rock LLC's 4/16/21 rogue (NRCP 4(a)(1)(A), NRCP 10(a)), untimely (NRCP12(a)(1)(B)), unsupported (EDCR 2.21) motion to dismiss Tobin's 3/8/21 counter-claims.

The Court granted Nationstar's defective joinder to non-party Red Rock LLC's rogue motion on 11/16/21 (20, AA2791-AA2811) by order entered on 11/30/21 (20, AA2835-AA2841) and denied Tobin's 12/14/21 motion for an evidentiary hearing to set aside the 11/30/21 order as obtained by fraud (21, AA2851-AA2881) by order prepared by the non-party entered on 5/25/22. (39, AA5691-AA5710).

**H. If this petition to mandate that Tobin's proposed judgment order is granted, non-party Red Rock LLC has no NRAP 3A(a) standing to appeal.**

Previously in this dispute, Petitioner was unfairly deprived of her rights to appeal as an individual (79295 SC 19-37046) due to the false narrative created by opposing counsels, and accepted by the Court (despite all evidence to the contrary).

that she was NOT a party as an individual in the 1<sup>st</sup> action and therefore had no right to appeal (NRAP 3A(a)) even though she had, in fact, been a party and was, in fact, aggrieved by losing her property without mandated notice or due process.

In this case, it is incontrovertible that Red Rock LLC is not a party. This Petition to strike its rogue filings must be granted, and the Court must equally apply the NRAP 3A(a) standard to ensure non-party Red Rock LLC has no right to appeal. *Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994).

Further, none of the A-21-828840-C counter- or cross-defendants have a right to appeal if Respondent Court is mandated to adopt Petitioner's proposed order as they failed to file any timely opposition in the district court proceedings.

Counter-Defendant Red Rock and Cross-Defendants Nationstar and Wells Fargo also failed to file any responsive pleading to Tobin's 3/8/21 counterclaims and crossclaims and petitions for sanctions and can't object if this Court mandates that the non-party's rogue motion to dismiss must be stricken.

**I. Non-party Red Rock LLC's rogue motion to dismiss, if not stricken, must be converted to a motion for summary judgment pursuant to NRCP 12(d).**

Even if the motion to dismiss were not filed by a non-party and were not untimely, Respondent erred by failing to accept all allegations in the complaint as true and erroneously accepting the unsupported misrepresentations in the motion.

*Seput v. Lacayo*, 122 Nev. 499, 501 (Nev. 2006) ("A motion to dismiss under NRCP 12(b)(5) is subject to a rigorous standard of review on appeal. "All factual allegations in the complaint are [viewed] as true, and all inferences are drawn in

favor of the non-moving party." Further, "[a] complaint should only be dismissed if it appears beyond a reasonable doubt that the plaintiff could prove no set of facts, which, if true, would entitle him to relief. Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief." The district court's conclusions of law are subject to our de novo review.")

The Court considered matters outside the pleadings presented by Petitioner,<sup>8</sup> and by the non-party Red Rock LLC's rogue, untimely motion to dismiss that contained over 1,000 pages of exhibits requesting judicial notice of matters outside the pleadings<sup>9</sup>. Respondent wrongly granted the non-party's unsupported rogue motion to dismiss in its entirety in an order entered on 9/10/21 (Vol. 18, AA2576-AA2604) after refusing to conduct the evidentiary hearing that was stipulated to by the parties in an order entered on 7/27/21 (Vol. 18, AA2524-AA2533) and denying Petitioner's motion for summary judgment on the inapplicable grounds of claims preclusion. (Vol. 7, AA0968-AA0991; Vol. 18, AA2534-AA2574)

*Rose v. Hald*, 373 P.3d 957 (Nev. 2011) ("If a motion to dismiss is made under NRCp 12(b)(5) and matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as a summary judgment motion. *Linthicum v. Rudi*, 122 Nev. 1452, 1455, 148 P.3d 746, 748 (2006).")

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<sup>8</sup> (Vol. 2, AA0152-AA345; Vol. 3, AA0346-AA0547; Vol. 6, AA0842-AA0928; Vols. 22, 23, 24, 25, 26, AA2987-AA3778; Vols. 27, 28, 29, 30, 31, 32, 33, 34, AA3779-AA5052; Vols. 35, 36, 37, 38, AA5053-AA5554 & AA5653-AA5690), "NRCp 12 (d) converts an NRCp 12(b)(5) motion to dismiss into a NRCp 56 motion for summary judgment, but the Respondent Court failed to do that and failed to allow Petitioner "a reasonable opportunity to present all the material that is pertinent to the motion".

VI. CONCLUSION

A writ of prohibition and/or mandamus, arresting the A-21-828840-C proceedings prior to entry of a final judgment order, is Petitioner's only adequate legal remedy to prevent Respondent Court from acting outside its jurisdiction and to mandate Respondent Court to strike all rogue, untimely or improper filings and to adopt Petitioner's unopposed proposed final judgment order.

Dated this 27<sup>th</sup> day of August 2022

A handwritten signature in black ink, appearing to read "nona M. i.", written over a horizontal line.

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

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## VOLUME 5 AA0721 - AA0841

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DATE	<u>VOLUME 8 AA0992 - AA1107</u>	EX.	BATES
4/16/21	Clerk's notice of hearing non-party Red Rock Financial Services LLC's motion to dismiss Tobin's 3/8/21 AACC and petition for sanctions (attached to motion to dismiss as exhibit 9)		AA0993 AA0993
4/16/21	<b>PART 1 - NON-PARTY Red Rock Financial Services, LLC's ROGUE</b> Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions		VOL. 8-14 VOL. 8-14 AA0994 AA2073
4/16/21	EXHIBIT 1 Tobin/Hansen Trust UNHEARD 1/31/17 cross-claim vs. Sun City Anthem and all fictitious defendants for Quiet Title & Equitable Relief, HOA CC&Rs Due Process Violations, Fraudulent Concealment	1	AA1011 AA1107
	1/31/17 parties		AA1013 AA1015
	statement of facts		AA1016 AA1020
	1st COA Quiet title		AA1021 AA1021
	2nd COA Noncompliance with HOA CC&Rs		AA1022 AA1025
	3rd COA Civil Conspiracy		AA1026 AA1027
	4th COA Fraudulent Concealment		AA1028 AA1028
	5th COA Unjust Enrichment		AA1029 AA1029
	6TH COA Breach of Contract		AA1030 AA1033
	1/31/17 EXHIBIT 1- LIEN	1.1	AA1034 AA1035
	1/31/17 EXHIBIT 2- 1ST COLLECTION NOTICE	1.2	AA1036 AA1038
	1/31/17 EXHIBIT 3- CHECKS, LEDGER, RTR	1.3	AA1039 AA1045
	1/31/17 EXHIBIT 4 –	1.4	AA1046 AA1051

NOD, RESCISSION OF NOD,  
FORECLOSURE DEED

1/31/17 EXHIBIT 5- 1.5 AA1052 AA1055  
NOS, OMBUDSMAN COMPLIANCE  
RECORD

1/31/17 EXHIBIT 6- 1.6 AA1056 AA1059  
HOA REFUSED TO PROVIDE  
MINUTES

1/31/17 EXHIBIT 7- 1.7 AA1060 AA1067  
NRS FORECLOSURE STATUTES 2013

1/31/17 EXHIBIT 8- 1.8 AA1068 AA1084  
SCA CC&RS

1/31/17 EXHIBIT 9- 1.9 AA1085 AA1103  
SCA BYLAWS

1/31/17 EXHIBIT 10- 1.10 AA1104 AA1107  
2011 SCA POLICY FOR GOVERNING  
DOCUMENT ENFORCEMENT

## VOLUME 9 AA1108 - AA1183 TOC

DATE	<u>VOLUME 9 AA1108 - AA1183</u>	EX.	BATES
4/16/21	<b>PART 2 –</b> <b>NON-PARTY Red Rock Financial</b> <b>Services, LLC's ROGUE Motion to</b> Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions		VOL. 8-14 VOL. 8-14 AA0994 AA2073
4/16/21	Exhibit 2 – Sun City Anthem 2/5/19 partial MSJ as to the quiet title claim of the Hansen Trust ONLY - not directed at Tobin's quiet title claim	2	AA1109 AA1283
2/5/19	Exhibit 1- HOA CC&Rs excerpt	2.1	AA1109
2/5/19	Exhibit 2 – SCA 250-SCA 255 Red Rock's falsified 8/15/14 ledger	2.2	AA1134 AA1139

2/5/19 Exhibit 3- 9/17/12 letter (SCA 642) Red Rock alleges was sent for which no proof of service was disclosed and Tobin disputes receiving	2.3	AA1141	AA1142
2/5/19 Exhibit 4- 9/20/12 letter Red Rock alleges was sent to Tobin's address (not to the property address) for which there is no proof of service (only a senders copy). Tobin also disputes receiving it and disputes that she attached it to her 10/3/12 letter to the HOA.	2.4	AA1144	AA1145
2/5/19 Exhibit 5- Tobin 10/3/12 letter (SCA 627) with two wrong and duplicated (SCA 628 and SCA 635) attachments	2.5	AA1147	AA1151
2/5/19 Exhibit 6- Red Rock's 1st collection notice (SCA 622) claimed \$495.36 after delinquency was cured on 10/18/12 by check 143 that was the correct attachment to Exhibit 5. AA1159 is SCA 618 that shows the "Association Allocation Detail" that credits check 143 to cure the delinquency of the 7/1/12-9/30/12 quarterly installment of assessments plus the \$25 late fine (NRS 116A.640(8)).	2.6	AA1152	AA1155
2/5/19 Exhibit 7- 12/14/12 lien was recorded without prior notice for \$925.76 when \$275 assessments were delinquent and a \$25 late fine was due and owing.	2.7	AA1161	AA1162
2/5/19 Exhibit 8 – 3/12/13 NOD demanded \$2,475.33 when \$550 assessments were delinquent and \$50 late fee was due	2.8	AA1163	AA1164
2/5/19 Exhibit 9- 4/3/13 rescission of the 3/12/13 NOD that was relied on in the foreclosure deed recitals	2.9	AA1165	AA1166
2/5/19 Exhibit 10- SCA 547 4/8/13 2nd NOD demanded \$2,752.66 as of 4/4/13 when \$875 assessments were delinquent and \$75 late fine was due	2.10	AA1167	AA1168

2/5/19 Exhibit 11- SCA372 2/12/14 Recorded Notice of Sale that was cancelled on 5/15/14 by notice to the Ombudsman and included in its contemporaneous compliance log on 6/2/14 (See AA1055)	2.11	AA1169	AA1172
2/5/19 Exhibit 12- Miscellaneous deceptive proofs of services that obfuscate that there are no proofs of service for any notices that were disputed	2.12	AA1173	AA1205
2/5/19 Exhibit 13- SCA 349 Priority posting confirmations	2.13	AA1206	AA1215
2/5/19 Exhibit 14- SCA 37? Permission for publication of foreclosure sale and authority to conduct foreclosure sale signed by Dan Folgeron and dated 1/9/14	2.14	AA1216	AA1245
2/5/19 Exhibit 15- Tobin 075-079 shows the HOA was aware that Tobin had accepted an auction.com high bid of \$367,500 on 5/8/14, but the HOA, Red Rock and Nationstar all concealed that Nationstar's 5/28/14 offer of \$1,100 (one year of assessments) voided the 8/15/14 HOA sale for \$63,100. All those parties also concealed that Red Rock misrepresented Nationstar's offer to the HOA Board as "an owner request for waiver" and that they falsified the court records to cover it up.	2.15	AA1246	AA1252
2/5/19 Exhibit 16 8/15/14 foreclosure deed	2.16	AA1253	AA1265
2/5/19 Exhibit 17- 10/13/14 part of an email chain between Tobin and Craig Leidy that shows Tobin attempted to make a claim for the excess proceeds in September 2014 but was rebuffed by Red Rock who falsely stated said that the excess proceeds had been given to the court for interpleader	2.17	AA1266	AA1269
2/5/19 Exhibit 18 8/9/17 order granting Thomas Lucas/ Opportunity Homes LLC's MSJ against Tobin	2.18	AA1270	AA1281

and the Hansen Trust which had nothing to do with how the sale was conducted, and was based solely on the Hansen Trust's Tobin's breach of contract claim since the listing contract Tobin had was with Thomas Lucas's broker and not with Lucas and Lucas had already filed a disclaimer of interest in the property on 3/13/17. The HOA misrepresented that order.

2/5/19 Exhibit 19- 1/3/14 RFRS progress report shows that the HOA knew that Red Rock had without any legal authority rejected a super-priority offer from Miles Bauer on 5/9/13 when only nine months of assessments were delinquent and so the sale should have been voided in its entirety, and was not valid as to a non-existent sub-priority portion of the lien.	2.19	AA1282	AA1283
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## VOLUME 10 AA1284 - AA1449 TOC

DATE	<u>VOLUME 10 AA1284 - AA1449</u>	EX.	BATES
4/16/21	<b>PART 2 – NON-PARTY Red Rock Financial Services, LLC's ROGUE Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions</b>		VOL. 8-14 VOL. 8-14 AA0994 AA2073
4/16/21	non-party Red Rock LLC's <b>Exhibit 3- Tobin's 3/5/19 opposition to the HOA's MSJ and Nationstar's joinder</b>	3	AA1284 AA1400
3/5/19	Nona Tobin's Declaration under penalty of perjury		AA1303 AA1312
	<b>EXHIBIT 1- 7/3/03 Gordon &amp; Marilyn Hansen DEED</b>	3.1	AA1313 AA1317
	<b>EXHIBIT 2- 7/10/04 DEED</b>	3.2	AA1318 AA1322
	<b>EXHIBIT 3 -</b>	3.3	AA1323 AA1353

GORDON B. HANSEN TRUST, dated  
8/22/08, INSTRUMENT

EXHIBIT 4- 8/27/08 Gordon B. Hansen Trust DEED	3.4	AA1354	AA1358
EXHIBIT 5 – Gordon B. Hansen 1/14/12 DEATH CERTIFICATE	3.5	AA1359	AA1360
EXHIBIT 6 – TOBIN CHECK 143 THAT CURED THE ORIGINAL DELINQUENCY ON 10/3/12	3.6	AA1361	AA1362
EXHIBIT 7 – 11/5/12 collection notice and Pages 1334- 1337 of the Resident Transaction Report that shows how Red Rock <b>erased the page numbers</b> from the sequentially-numbered ACCOUNTS ledger	3.7	AA1363	AA1370
EXHIBIT 8 – 12/12/14 LIEN	3.8	AA1371	AA1373
EXHIBIT 9 – 3/12/13 NOTICE OF DEFAULT	3.9	AA1374	AA1375
EXHIBIT 10 – 4/3/13 RESCISSION OF 3/12/13 NOTICE OF DEFAULT	3.10	AA1376	AA1377
EXHIBIT 11 – 5/29/13 pay off demand \$3,055.47 when NINE months \$825 assessments were delinquent and \$75 late fine was authorized.	3.11	AA1378	AA1383
EXHIBIT 12 – 2/12/14 NOTICE OF SALE that was cancelled by notice to the Ombudsman on 5/15/14 and logged by a Nevada State employee on 6/2/14.	3.12	AA1384	AA1386
EXHIBIT 13 – 3/28/14 Red Rock pay off demand of \$4,962.64 that was concealed in discovery and shows Red Rock falsified its other ledgers.	3.13	AA1387	AA1387

IRS Form W-9 identifies FirstService Residential LLC dba Red Rock Financial Services as the debt collector. Red rock financial Services LLC has no standing in any of the cases related to this dispute.	AA1388	AA1393
Page 6 of the concealed 3/28/14 ledger can be compared to other Red Rock ledgers to see how Red Rock's accounts have been falsified. See AA1139, AA1593	AA1394	AA1395
EXHIBIT 14 – 5/26/16 copy of Ombudsman's notice of sale compliance log, opened on 2/13/14 and closed on 6/2/14 by statement "Notice of Sale Cancelled: Owner Retained". Note the authenticated 4/15/19 version of the Ombudsman compliance log is in the court record	3.14	AA1396 AA1397
EXHIBIT 15 – 8/15/14 foreclosure deed that never was delivered to the Ombudsman as required by NRS 116.31164(3)(b) (AA1066)	3.15	AA1398 AA1400
EXHIBIT 4- Order entered on 4/18/19 that granted HOA MSJ and Nationstar's joinder (1st action)	4	AA1401 AA1415
EXHIBIT 5 – Final judgment order entered on 6/24/19 in 1st action	5	AA1416 AA1429
EXHIBIT 6 – Tobin's 6/3/20 1st amended complaint in the 2nd action	6	AA1430 AA1449

## VOLUME 11 AA1450 - AA1561 TOC

DATE	<u>VOLUME 11 AA1450 - AA1561</u>	EX.	BATES
4/16/21	PART 4 – NON-PARTY Red Rock Financial Services, LLC's ROGUE Motion to		VOL. 8-14 VOL. 8-14 AA0994 AA2073

**Dismiss Counterclaimant Nona Tobin's  
Counterclaim and Petition for Sanctions**

4/16/21 EXHIBIT 7 7 AA1450 AA1461

Red Rock's 6/23/20 A-19-79980-C motion  
to dismiss all Tobin's claims pursuant to  
NRCP 12 (b)(5) and NRCP 12(b)(6)

6/23/20 EXHIBIT 1 – 7.1 AA1461 AA1561

Tobin/Hansen Trust 1/31/17 cross-claim  
vs. the HOA & all fictitious defendants  
repeats Vol. 8, AA1011-AA1107, and it  
doesn't support the non-party's motion any  
more the 2<sup>nd</sup> time it was attached than it did  
the first.

Tobin/Hansen Trust UNHEARD 1/31/17  
cross-claim vs. Sun City Anthem and all  
fictitious defendants for  
Quiet Title & Equitable Relief,  
HOA CC&Rs Due Process Violations,  
Civil Conspiracy,  
Fraudulent Concealment,  
Unjust Enrichment,  
Breach of Contract

## **VOLUME 12 AA1562 - AA1737 TOC**

<b>DATE</b>	<b><u>VOLUME 12 AA1562 - AA1737</u></b>	<b>EX.</b>	<b>BATES</b>
<b>4/16/21 PART 5 –</b>			
<b>NON-PARTY Red Rock Financial</b>		<b>VOL. 8-14</b>	<b>VOL. 8-14</b>
<b>Services, LLC's ROGUE Motion to</b>		<b>AA0994</b>	<b>AA2073</b>

AA5902



**Dismiss Counterclaimant Nona  
Tobin's Counterclaim and Petition for  
Sanctions**

Volume 12 is Exhibit 2 to Red Rock's  
6/23/20 A-19-799890-C NRCP 12(b)(5)  
motion to dismiss that was filed as  
Exhibit 7 to non-party Red Rock LLC's  
4/16/21 A-21-828840-C NRCP 12(b)(5)  
motion to dismiss which is Volumes 8 to  
14 of this writ appendix.

Volume 12 is the 2/5/19 HOA partial  
MSJ. It has 19 deceptive, disputed  
exhibits. The 19 exhibits in this volume  
were from the inaccurate, incomplete,  
and falsified Red Rock foreclosure file.  
None of the counter-MSJs Petitioner  
filed or the motion to vacate the order  
granting it were ever heard after  
opposing parties successfully created the  
false narrative that Petitioner was not a  
party and got her verified evidence,  
dispositive pre-trial motions and her  
post-trial motions stricken unheard,  
allowing her opponents to unfairly  
prevail without her being able to appeal.

6/23/20 Exhibit 7.2 is 2/5/19 –  
the HOA's 2/5/19 partial MSJ as to the  
quiet title claim of the Hansen Trust (and  
was not directed at Tobin's quiet title  
claim or any of the five other causes of  
action) is supported by 19 exhibits, some  
of which are the falsified Red Rock  
records.

7.2      AA1562      AA1583

Exhibit 2 –  
Sun City Anthem 2/5/19 partial MSJ as  
to the quiet title claim of the Hansen  
Trust ONLY - not directed at Tobin's  
quiet title claim

2

2/5/19 Exhibit 1- HOA CC&Rs excerpt	7.2.1	AA1584	AA1587
2/5/19 Exhibit 2 SCA 250-SCA 255 Red Rock's falsified 8/15/14 ledger	7.2.2	AA1588	AA1594
2/5/19 Exhibit 3 9/17/12 letter (SCA 642) Red Rock alleges was sent for which no proof of service was disclosed and Tobin disputes receiving	7.2.3	AA1595	AA1597
2/5/19 Exhibit 4 9/20/12 letter Red Rock alleges was sent to Tobin's address (not to the property address) for which there is no proof of service (only a senders copy). Tobin also disputes receiving it and disputes that she attached it to her 10/3/12 letter to the HOA.	7.2.4	AA1598	AA1599
2/5/19 Exhibit 5 Tobin 10/3/12 letter (SCA 627) with two wrong and duplicated (SCA 628 and SCA 635) attachments	7.2.5	AA1600	AA1605
2/5/19 Exhibit 6 Red Rock's 1st collection notice (SCA 622) claimed \$495.36 after delinquency was cured on 10/18/12 by check 143 that was the correct attachment to Exhibit 5. AA1159 is SCA 618 that shows the "Association Allocation Detail" that credits check 143 to cure the delinquency of the 7/1/12-9/30/12 quarterly installment of assessments plus the \$25 late fine (NRS 116A.640(8)).	7.2.6	AA1606	AA1614
2/5/19 Exhibit 7 12/14/12 lien was recorded without prior notice for \$925.76 when \$275 assessments were delinquent and a \$25 late fine was due and owing.	7.2.7	AA1615	AA1616

2/5/19 Exhibit 8 3/12/13 NOD demanded \$2,475.33 when \$550 assessments were delinquent and \$50 late fee was due	7.2.8	AA1617	AA1618
2/5/19 Exhibit 9 4/3/13 rescission of the 3/12/13 NOD that was relied on in the foreclosure deed recitals	2.9	AA1619	AA1620
2/5/19 Exhibit 10 SCA 547 4/8/13 2nd NOD demanded \$2,752.66 as of 4/4/13 when \$875 assessments were delinquent and \$75 late fine was due	2.10	AA1621	AA1622
2/5/19 Exhibit 11 SCA372 2/12/14 Recorded Notice of Sale that was cancelled on 5/15/14 by notice to the Ombudsman and included in its contemporaneous compliance log on 6/2/14 (See AA1055)	2.11	AA1623	AA1625
2/5/19 Exhibit 12 deceptive. There were no proofs of service of any disputed notices.	2.12	AA1626	AA1660
2/5/19 Exhibit 13 SCA 349 Priority posting confirmations	2.13	AA1661	AA1669
2/5/19 Exhibit 14 SCA 37? Permission for publication of foreclosure sale and authority to conduct foreclosure sale signed by Dan Folgeron dated 1/9/14	2.14	AA1670	AA1699
2/5/19 Exhibit 15 Tobin075-079 shows the HOA was aware that Tobin had accepted an auction.com high bid of \$367,500 on 5/8/14, but the HOA, Red Rock and Nationstar all concealed that Nationstar's 5/28/14 offer of \$1,100 (one year of assessments) voided the 8/15/14 HOA sale for \$63,100. Those parties also	2.15	AA1700	AA1706

concealed that Red Rock misrepresented Nationstar's offer to the HOA Board as "an owner request for waiver" and that they falsified the court records to cover it up.

2/5/19 Exhibit 16	2.16	AA1707	AA1719
8/15/14 foreclosure deed			

2/5/19 Exhibit 17	2.17	AA1720	AA1723
10/13/14 part of an email chain between Tobin and Craig Leidy that shows Tobin attempted to make a claim for the excess proceeds in September 2014 but was rebuffed by Red Rock who falsely stated said that the excess proceeds had been given to the court for interpleader			

2/5/19 Exhibit 18	2.18	AA1724	AA1735
8/9/17 order granting Thomas Lucas/Opportunity Homes LLC's motion for summary judgment against Tobin and the Hansen Trust which had nothing to do with how the sale was conducted, and was based solely on the Hansen Trust's Tobin's breach of contract claim since the listing contract Tobin had was with Thomas Lucas's broker and not with Lucas and Lucas had already filed a disclaimer of interest in the property on 3/13/17. The HOA misrepresented that order to falsely imply that it was the law of the case.			

2/5/19 Exhibit 19	2.19	AA1736	AA1737
1/3/14 RRFS progress report shows that the HOA knew that Red Rock, without any legal authority, rejected a super-priority offer from Miles Bauer on 5/9/13 when only nine months of assessments were delinquent, and so the sale should have been voided in its			

entirety, and was not valid as to a non-existent sub-priority portion of the lien.

## VOLUME 13 AA1738 - AA1916 TOC

DATE	<u>VOLUME 13 AA1738 - AA1916</u>	EX.	BATES
4/16/21	<b>PART 1</b> <b>NON-PARTY Red Rock Financial Services, LLC's ROGUE Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions</b>		VOL. 8-14 AA0994    VOL. 8-14 AA2073
3/5/19	6/23/20 Exhibit 3 –	7.3	AA1738    AA1916
DECL	Tobin 3/5/19 opposition to the HOA partial MSJ as to the Hansen Trust quiet title claim and Nationstar's joinder.  Volume 13 is Exhibit 7.3 to Red Rock's 6/23/20 A-19-799890-C NRCP 12(b)(5) motion to dismiss that was filed as Exhibit 7 to non-party Red Rock LLC's 4/16/21 A-21-828840-C NRCP 12(b)(5) motion to dismiss which is Volumes 8 to 14 (AA0994-AA2073) of this writ appendix.  Volume 13 is Petitioner's 3/5/19 Declaration under penalty of perjury opposing the unsupported 2/5/19 MSJ in Volume 12.  Red Rock in its 6/23/20 motion to dismiss misrepresented what Tobin's declaration said to the A-19-799890-C court.  Non-party Red Rock LLC's 4/16/21 ROGUE motion to dismiss repeated the misrepresentation of Tobin's 3/5/19 verified evidence to the A-21-828840-C court.		

# VOLUME 14 AA1917 - AA2073 TOC

DATE	<u>VOLUME 14 AA1917 - AA2073</u>	EX.	BATES
4/16/21	<b>PART 1 - NON-PARTY Red Rock Financial Services, LLC's ROGUE Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions</b>  Volume 14 is Exhibits 8 & 9 to non-party Red Rock LLC's 4/16/21NRCF 12(b)(5) motion to dismiss which is Volumes 8 to 14 (AA0994-AA2073) of this writ appendix.  Non-party' Red Rock LLC's 4/16/21 Exhibit 8 is the A-19-79980-C order to dismiss with prejudice that Red Rock got by misrepresenting the facts and the court record and concealing that the orders in the 1st action had been obtained by fraud.		VOL. 8-14 AA0994      VOL. 8-14 AA2073
12/3/20 NODP	12/3/20 order dismissing Tobin's claims with prejudice	8	AA1917      AA1941
10/27/20 OPPS	Tobin's 10/27/20 objections disputing the findings of fact in the 12/3/20 order  Volume 14 also contains Exhibit 9 to non-party Red Rock LLC's 4/16/21 ROGUE motion to dismiss as AA1942 - AA2073. This duplicates Tobin's unanswered 3/8/21 AACC found in Volume 1, AA0121-AA0151.		AA1932      AA1941
3/8/21 AACC	Tobin's 3/8/21 AACC in the interpleader action (3rd action)  Tobin's unanswered 3/8/21 AACC contains 22 exhibits supporting claims of Fraud, Racketeering, & Conversion	9	AA1942      AA2073  AA1986      AA2073

# VOLUME 15 AA2074 - AA2207 TOC

DATE	<u>VOLUME 15 AA2074 - AA2207</u>	EX. BATES
4/26/21	Nona Tobin's Opposition to non-party Red Rock Financial Services LLC' <b>ROGUE</b> Motion to Dismiss Tobin's Counter-claim and Motion for Sanctions Pursuant to NRCP 11(b)(1)(2)(3)(4). NRS 18.010(2) NRS 207.470(1), NRS 42.005	AA2074 AA2101
4/26/21	<b>Wells Fargo, N.A. and Nationstar Mortgage LLC's Limited Opposition to Defendant Nona Tobin's Motion for an Order to Distribute Interpleaded Proceeds</b>  Neither bank filed a mandatory counter-claim for the excess proceeds when they filed an untimely answer to Red Rock's complaint on 4/9/21, and therefore neither bank had any standing to oppose how the interpleaded funds were distributed. Nevertheless, without answering Tobin's 3/8/21 cross claims against them and petition for sanctions against Nationstar, the court erroneously allowed them to file an opposition to the distribution of the interpleaded proceeds to Tobin, the sole claimant. Their 4/26/21 opposition should have been stricken, but the court allowed them to oppose and introduce 13 exhibits (A-M) as requests for judicial notice.  Exhibit A-6/16/15 Jimijack Irrevocable Trust Vs. Bank Of America & Sun City Anthem A-15-720032-C (Concealed A-16-730078-C Nationstar Vs. Opportunity Homes LLC (A-16-730078-C) COMPLAINT	AA2102 AA2363 Vols 15- Vols 15- 17 17
	Exhibit B- 6/17/16 Order Granting Ln Part Nationstar Mortgage, LLC's Motion To Substitute Party, To Intervene: And Set Aside Default Judgment	B AA2120 AA2122
	Exhibit C-3/31/17 Disclaimer of Interest LUCAS AND F. BONDURANT LLC	C AA2123 AA2131

Exhibit D- 8/26/16 Order Granting Motion to Consolidate And Denying Motion For Summary Judgment	D	AA2132	AA2134
Exhibit E- 1/11/17 Order Granting Applicant Nona Tobin's Motion to Intervene as An Individual & as Trustee of Gordon B. Hansen Trust, dated 8/22/08. Nationstar Misrepresented This Order at An Ex Parte Meeting (4/23/19) With The A-15-720032- C Judge To Get Tobin Unfairly Removed As A Party Without Her Claims Being Adjudicated Or Her Evidence Of Superiority Of Title Being Considered.	E	AA2135	AA2138
Exhibit F- 2/1/17 Nona Tobin's Answer To Plaintiff's Complaint And Counter-Claim Was Never Heard As It Was Deemed Precluded	F	AA2139	AA2178
Exhibit G- 1/31/17 Tobin's CRCM v. SCA Exhibits 1 & 2 are in volume 15.	G	AA2179	AA2199
Exhibit I – 12/14/12 Lien For Delinquent Assessments		AA2200	AA2201
	G.1		
Exhibit 2- 11/5/12 First Collection Notice		AA2202	AA2207
	G.2		

## VOLUME 16 AA2208 - AA2363 TOC

DATE	<u>VOLUME 16 AA2208 - AA2363</u>	EX.	BATES
4/26/21	<b>Wells Fargo, N.A. and Nationstar Mortgage LLC's Limited Opposition to Defendant Nona Tobin's Motion for an Order to Distribute Interpleaded Proceeds</b>		Vol 15-16 Vol 15-16 AA2102 AA2363
	Exhibit G –	G.3- G.10	AA2208 AA2273



1/31/17 Tobin/Hansen Trust's Cross-Claim Exhibits 3-10

Exhibit H-

H AA2274 AA2278

4/12/19 Notice Of Settlement Nationstar And Jimijack "Settled" Non-Existent Claims In Order To Evade Judicial Scrutiny Of The Evidence Against Them And By Excluding Tobin Or The Hansen Trust As Necessary Parties Under Rule 19, Obstructed Tobin's Claims From Being Heard On Their Merits. After This "Settlement" Nationstar Dismissed All Of Its A-15-720032-C And A-16-730078-C Claims Without Adjudication.

Exhibit I

I AA2279 AA2282

6/3/19 Sub Reconvey. Without Legal Authority, Nationstar Substituted the Wrong trustee, Reconveyed the Title To Non-Party Joel Stokes Instead Of To Tobin, The Heir Of The Deceased Borrower, And Released The Lien Of The Disputed 7/22/04 1st Deed Of Trust By Falsely Claiming That Nationstar Mortgage Llc Dba Mr. Cooper Was Both The Trustee And The Beneficiary When It Fact, Mr. Cooper Was Neither And Not Even A Party To Any Of The Cases In The Dispute.

Exhibit J

J AA2283 AA2297

6/24/19 A-15-720032-C Trial Order At Which No Party Who Had A Current Recorded Title Claim Was Admitted And All Documentary Evidence And Witnesses Were Excluded.

Exhibit K

K AA2298 AA2306

4/12/21 Order Of Affirmance Should Be Set Aside As The A-15-720032-C Orders Were Obtained By Means Of Fraud And Fraud On The Court.

Exhibit L  
Tobin's 8/7/19 A-19-799890-C Complaint  
That Had To Be Filed In Order To Beat  
The 8/14/19 Statute Of Limitations After  
Tobin Was Unfairly Removed From The  
A-15-720032-C Case Due To The Ex  
Parte Misrepresentations Of Opposing  
Counsels.

L      AA2307    AA2337

Exhibit M  
12/3/20 A-19-799890-C Order That  
Dismiss All Tobin's Claims Against All  
Defendants With Prejudice, Expunged Her  
Lis Pendens As If They Had Never Been  
Recorded, And Sanctioned Her For Filing  
The Complaint, Even Though The  
Elements Of Claims Preclusion Were Not  
Met And She Has Never Had A Full And  
Fair Opportunity To Litigate Her Claims  
Due To Abusive Litigation Tactics And  
Professional Misconduct Of Her  
Opponents.

M      AA2338    AA2363

# VOLUME 17 AA2364 - AA2513 TOC

DATE	<u>VOLUME 17 AA2364 - AA2513</u>	BATES
4/27/21	Non-party Red Rock LLC's <b>ROGUE</b> Joinder to Wells Fargo, N.A. and Nationstar Mortgage LLC's improper Limited Opposition to Defendant Nona Tobin's Motion for an Order to Distribute Interpleaded Proceeds	AA2364 AA2367
4/29/21	Non-party Red Rock LLC's <b>ROGUE</b> Opposition to Nona Tobin's Motion for Summary Judgment	AA2368 AA2403
5/3/21	Wells Fargo, N.A. and Nationstar Mortgage LLC's untimely, unsupported Joinder to non-party Red Rock LLC's <b>ROGUE</b> , untimely, unsupported 4/16/21 Motion to Dismiss Counter-claimant Nona Tobin's 3/8/21 Counterclaim and Petition for Sanctions	AA2404 AA2419
5/4/21	Nona Tobin's Reply to Nationstar's & Wells Fargo's Opposition to Tobin's Motion to Distribute Proceeds (in which the banks claimed no interest on 4/9/21 and 4/26/21) and to Their Untimely 5/3/21 Joinder to non-party Red Rock LLC's <b>ROGUE</b> untimely 4/16/21 Motion to Dismiss; and Tobin's Reply to Support Tobin's Motion for Summary Judgment Vs. Nationstar & Wells Fargo Joinder to Opposition to Motion who never filed a responsive pleading to refute Tobin's 3/8/21 cross-claims and petition for sanctions and who 5/3/21 joinder to non-party Red Rock LLC's rogue 4/16/21 motion to dismiss was untimely and outside the court's jurisdiction.	AA2420 AA2445
5/5/21	Wells Fargo, N.A. and Nationstar Mortgage LLC's Joinder to non-party Red Rock LLC's improper, <b>ROGUE</b> Opposition to Nona Tobin's Motion for Summary Judgment	AA2446 AA2476
5/9/21	Nona Tobin's Reply to non-party Red Rock LLC's improper, <b>ROGUE</b> Joinder To Nationstar's & Wells Fargo's improper Opposition To Tobin Motion To Distribute Proceeds. Neither fiduciary (to the HOA that fired it in 2015) nor non-party Red Rock LLC	AA2477 AA2489

have standing to oppose how funds in which they have no interest are distributed, given that Tobin is the sole claimant. Neither Red Rock nor non-party Red Rock LLC have the funds in their possession or face any potential "multiple liabilities" as Red Rock instructed Scow in 2014 to distribute the excess proceeds after the sale in the manner defined by law.

5/9/21	Nona Tobin's Reply to non-party Red Rock LLC's <b>ROGUE</b> and improper Opposition To Motion For Summary Judgment And Motion To Amend Third Party Complaint	AA2490 AA2509
5/11/21	Non-party Red Rock LLC's <b>ROGUE</b> Reply in Support of Its Motion to Dismiss Counterclaimant Nona Tobin's Counterclaim and Petition for Sanctions	AA2510 AA2513

## VOLUME 18 AA2514 - AA2608 TOC

DATE	<u>VOLUME 18 AA2514 - AA2608</u>	BATES
5/18/21	Hearing minutes	AA2514 AA2514
6/21/21	Minute order to schedule evidentiary hearing on 7/15/21	AA2515 AA2515
6/22/21	Notice of Appearance of John W. Thomson as counsel for Nona Tobin	AA2516 AA2517
6/26/21	Stipulation and order rescheduling evidentiary hearing to 8/18/21	AA2518 AA2523
7/27/21	Notice of entry of stipulation and order rescheduling evidentiary hearing on 8/19/21 (changed from 8/18/21 by the Court)	AA2524 AA2533
8/19/21	Recorder's transcript	AA2534 AA2574
9/8/21	Minute order to show cause why 3/22/21 Third-Party Complaint should not be dismissed for lack of service	AA2575 AA2575
9/10/21	Order granting non-party Red Rock Financial Services, LLC's motion to dismiss Tobin's 3/8/21 AACC and petition for sanctions with prejudice pursuant to NRCP 12(b)(5) res judicata	AA2576 AA2588

9/10/21	Notice of entry of Order granting non-party Red Rock Financial Services, LLC's <b>ROGUE</b> motion to dismiss Tobin's 3/8/21 AACC and petition for sanctions with prejudice pursuant to NRCp 12(b)(5) res judicata	AA2589 AA2604
9/15/21	Substitution of Tobin Attorneys from Thomson to P. Sterling Kerr	AA2605 AA2608

## VOLUME 19 AA2609 - AA2740 TOC

DATE	<u>VOLUME 19 AA2609 - AA2740</u>	BATES
10/8/21	Tobin Motion for Reconsideration	AA2609 AA2626
10/10/21	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	AA2627 AA2631
10/10/21	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	AA2632
10/13/21	Notice Of Entry Of Order For Voluntary Dismissal Of Third-Party Claims Without Prejudice	AA2632 AA2644
10/21/21	Wells Fargo, N.A. And Nationstar Mortgage LLC's Opposition To Nona Tobin's Motion For Reconsideration	AA2645 AA2648
10/22/21	NON-PARTY Red Rock LLC's <b>ROGUE</b> 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	AA2649 AA2702
10/29/21	Reply In Support Of Motion For Reconsideration	AA2703 AA2712
11/9/21	Motion To Withdraw As Counsel Of Record (P. Sterling Kerr For Nona Tobin)	AA2713 AA2716
11/9/21	Nona Tobin's Declaration In Support Of Her Motion To Reconsider The Order Entered On September 10, 2021 That Dismissed With Prejudice Tobin's Counterclaims And Petition For Sanctions Pursuant To Vs. NRCp 11 (B)(1)(2)(3) And/Or (4), NRS 18.010(2), And NRS	AA2717 AA2740

## **VOLUME 20 AA2741 - AA2850 TOC**

<b>DATE</b>	<b><u>VOLUME 20 AA2741 - AA2850</u></b>	<b>BATES</b>
10/13/21	Notice Of Entry Of Order of Voluntary Dismissal of Third-Party Claims Without Prejudice	AA2741 AA2748
10/14/21	Minutes Order To Show Cause Hearing	AA2749 AA2749
10/14/21	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	AA2750 AA2765
10/15/21	Wells Fargo, N.A. And Nationstar Mortgage LLC's Motion To Strike Nona Tobin's Notices Of Intent To Default	AA2766 AA2785
10/16/21	Motion To Withdraw (Akerman LLP For Nationstar And Wells Fargo) Hearing Not Requested	AA2786 AA2790
11/16/21	Recorder's Transcript of hearing	AA2791 AA2811
11/16/21	Minutes of hearing	AA2859 AA2859
11/17/21	Order Granting P. Sterling Kerr leave to Withdraw as counsel for Tobin	AA2812 AA2816
11/19/21	Notice of Entry Order Withdraw PSK	AA2817 AA2824
11/30/21	Notice of Entry of Order denying Tobin motion for reconsideration	AA2825 AA2834
11/30/21	Order Clarifying September 10, 2021 and Mooting Notice of Default and Motion to Strike	AA2835 AA2841
11/30/21	Notice of Entry of Order denying Tobin motion for reconsideration	AA2842 AA2850

# VOLUME 21 AA2851 - AA2986 TOC

DATE	<u>VOLUME 21 AA2851 - AA2986</u>	EX. BATES
12/14/21	Nona Tobin's Motion For Evidentiary Hearing To Set Aside Sept 10, 2021 Order And Nov 30, 2021 Orders Per NRCP 60(b)(3) (FRAUD) NRCP 60 (d)(3)(FRAUD ON THE COURT) Motion For Attorneys' Fees Costs Per EDCR 7.60(b)(1) & (3)	AA2851 AA2881
12/14/21	Clerk's Notice of Hearing	AA2882 AA2882
12/14/21	MOTION	AA2883 AA2913
12/14/21	Order Granting Motion for Akerman LLC to withdraw as counsel for Nationstar & Wells Fargo	AA2914 AA2917
12/15/21	Minute Order	AA2918 AA2918
12/28/21	Non-party Red Rock Financial Services LLC's <b>ROGUE</b> 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 (d)(3) (Fraud on the Court) and Motion for Attorneys' Fees and Costs Pursuant to EDCR 7.60(b)(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	AA2919 AA2979
12/29/21	Nationstar/Wells Fargo improper joinder to non- party Red Rock LLC's <b>ROGUE</b> , improper opposition to an evidentiary hearing and counter-motions	AA2980 AA2983
12/29/21	NOTA Notice of Appearance – Schnitzner/ Troutman Pepper LLC Replaced Akerman LLP for Nationstar and Wells Fargo	AA2984 AA2986

# VOLUMES 22-26 AA2987 - AA3778 TOC

On 1/10/22 Petitioner filed a Reply to Nationstar's & Wells Fargo's improper joinder to non-party Red Rock LLC's rogue opposition to Tobin's motion for an evidentiary hearing. This Reply had many exhibits that will be needed if an appeal is needed.

The exhibits are labeled 1-26 for convenience and span Volumes 22-26. This Reply was inadvertently BATES-numbered before non-party Red Rock's opposition and counter-motions that can be found in Volumes 27-34, AA-3779-AA5052, and its exhibits are numbered 2.1 to 2.38.

These two Replies with exhibits were filed to create a court record that showed that claims preclusion cannot apply because opposing parties' and their attorneys' abusive litigation tactics and creating the false narrative that Petitioner was not a party in as an individual in the 1<sup>st</sup> action rose to the level of fraud on the court and prevented a fair adjudication of ANY party's claims.

DATE	<u>VOLUME 22 AA2987 - AA3166</u>	EX.	BATES
1/10/22	<b>Nona Tobin's Reply To Nationstar's And Wells Fargo's improper Joinder To Non-party Red Rock Financial Services LLC'S Rogue 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 (d)(3)(FRAUD ON THE COURT) And Motion For Attorneys' Fees And Costs Pursuant To EDCR 7.60(b)(1) AND (3), NRS 18.010(2); And, non-party Red Rock LLC's rogue, improper Countermotion For Abuse Of Process; For A Vexatious Litigant Restrictive Order Against Nona Tobin And For Attorney Fees And Costs</b>		VOLS 22-26 AA2987 VOLS 22-26 AA3778
1/10/22	Exhibit 1 - Complaint Against Melanie Morgan, Esq. - NEVER HEARD	1	AA3034 AA3039
1/10/22	Exhibit 2 - Tobin 3/3/17 Motion For Order To Void The Sale - NEVER HEARD	2	AA3040 AA3062
1/10/22	Exhibit 3 - Tobin 4/10/19 Motion For Summary Judgment - NEVER HEARD	3	AA3063 AA3092



1/10/22 Exhibit 4 - Tobin Sworn Affidavit In Support Of Motion To Intervene - NEVER HEARD	4	AA3093	AA3130
1/10/22 exhibit 5- Tobin 3/28/17 Deed	5	AA3131	AA3134
1/10/22 exhibit 6 - Nationstar's Rescinded (3139) 12/1/14 Claim To Be BANA's Successor In Interest To Own The 7/22/04 1st Deed Of Trust	6	AA3136	AA3139
1/10/22 exhibit 7 - Tobin's 3/14/19 Verified Attorney General Complaint Against Nationstar- NEVER HEARD	7	AA3161	AA3166

<b>DATE</b>	<b><u>VOLUME 23 AA3167 - AA3338</u></b>	<b>EX.</b>	<b>BATES</b>
1/10/22 exhibit 8- EXHIBIT TO AG COMPLAINT HOA debt collectors wield an unlawful level of power	8	AA3191	
1/10/22 exhibit 9- 3/12/19 TOBIN COUNTER MOTION FOR SUMMARY JUDGMENT - NEVER HEARD	9	AA3193	AA3208
1/10/22 Exhibit 10- EXHIBITS TO TOBIN COUNTER MOTION FOR SUMMARY JUDGMENT- NEVER HEARD	10	AA3209	AA3307
1/10/22 exhibit 11- Register Of Actions A-16-730078-C Shows NRCP 60 Motion To Vacate 4/18/19 Order - NEVER HEARD	11	AA3308	AA3309
1/10/22 exhibit 11- Tobin 4/24/19 Motion To Vacate Sun City Anthem Motion For Summary Judgment And Nationstar Mortgage Joinder Thereto And Countermotion For Summary Judgment - NEVER HEARD	11	AA3310	AA3338

<b>DATE</b>	<b><u>VOLUME 24 AA3339 - AA3505</u></b>	<b>EX.</b>	<b>BATES</b>
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1/10/22 Exhibit 12- Authenticated Nevada's CIC Ombudsman HOA Foreclosure Compliance Records	12	AA3339	AA3358
1/10/22 Exhibit 13 - 3/5/19 Declaration Of Nona Tobin In Support Of Opposition To Sun City Anthem Community Association's Motion For Summary Judgment	13	AA3359	AA3367
1/10/22 exhibit -14 Craig Leidy 5/11/18 Declaration In Support Of Tobin Motion For Summary Judgment	14	AA3368	AA3369
1/10/22 exhibit -15 Tobin 5/11/18 Declaration Corrected Exhibit To 4/24/19 Motion To Vacate 4/17/19 Order- NEVER HEARD	15	AA3370	AA3376
1/10/22 exhibit -16 MVAC & Motion For Summary Judgment-- NEVER HEARD	16	AA3277	AA3381
1/10/22 exhibit 17- Nona Tobin's 7/22/19 Motion For A New Trial Per Rule 54 (b) And Rule 59(a)(1) (A)(B)(C)(F). - NEVER HEARD	17	AA3282	
1/10/22 exhibit 18- EXHIBIT 1 TO NONA TOBIN'S UNHEARD MOTION FOR A NEW TRIAL PER RULE 54 (B) AND RULE 59(1)(A)(B)(C)(F) - NEVER HEARD	18	AA 3395	AA3411
1/10/22 exhibit 19- EXHIBIT 2A NONA TOBIN 6/21/19 DECLARATION IN SUPPORT OF HER UNHEARD RULE 24 MOTION TO INTERVENE INTO A -15- 720032-C AS AN INDIVIDUAL - NEVER HEARD	19	AA3412	AA3419
1/10/22 exhibit 20 - EXHIBITS TO DECLARATION OF NONA TOBIN- dated June 21, 2019 - UNHEARD	20	AA3420	AA3505

**DATE**

**VOLUME 25 AA3506 - AA3619**

**EX. BATES**

AA5920

1/10/21	1/10/22 exhibit 21- Exhibit 2b Nona Tobin 6/20/19 Declaration In Support Of Her Rule 24 Motion To Intervene Into A -15-720032-C AS AN INDIVIDUAL - NEVER HEARD	21	AA3506	AA3519
	1/10/22 exhibit -22 EXHIBITS TO TOBIN 6/20/19 DECL- NEVER HEARD	22	AA3520	AA3619

<b>DATE</b>	<b><u>VOLUME 26 AA3620 - AA3778</u></b>	<b>EX.</b>	<b>BATES</b>
1/10/21	1/10/22 exhibit -23 TOBIN - 4/24/19 MVAC AND MSJ - NEVER HEARD	23	AA3620 AA3691
	1/10/21 exhibit -24 - 7/29/19 Tobin Motion To Dismiss Pursuant To NRS 38.310(2) - NEVER HEARD	24	AA3692 AA3702
	1/10/22 exhibit 25- Exhibits To Tobin 7/29//19 Motion To Dismiss Pursuant To NRS 38.310(2)- - NEVER HEARD	25	AA3703 AA2745
	1/10/22 exhibit 26- 4/23/19 Transcript Of Ex Parte Meeting Between Judge Kishner And Attorneys For Nationstar And Jimijack That Derailed Petitioner's Case And Unfairly Obstructed Her Access To Litigate Or Appeal As An Individual.	26	AA3746 AA3778

## **VOLUMES 27 - 34 AA3779 – AA5052 TOC**

<b>DATE</b>	<b><u>VOLUME 27 AA3779 - AA3920</u></b>	<b>EX.</b>	<b>BATES</b>
1/10/22	<b>NONA TOBIN'S REPLY TO NON-PARTY 12/28/21 RED ROCK FINANCIAL SERVICES LLC'S ROGUE OPPOSITION TO NONA TOBIN'S MOTION FOR AN EVIDENTIARY HEARING TO SET ASIDE SEPTEMBER 10, 2021 ORDER AND NOVEMBER 30,2021 ORDERS PURSUANT TO NRCP60(b)(3) (FRAUD) AND NRCP 60(b)(3)(FRAUD ON THE COURT) AND MOTION FOR ATTORNEYS' FEES AND COSTS PURSUANT TO EDCR 7.60(b)(1) AND (3),</b>		<b>VOLS VOLS 27-34 27-34 AA3779 AA5052</b>

**NRS 18.010(2);AND ROGUE  
COUNTERMOTION FOR ABUSE OF  
PROCESS; FOR A VEXATIOUS  
LITIGANT RESTRICTIVE ORDER  
AGAINST NONA TOBIN AND FOR  
ATTORNEY FEES AND COSTS**

1/10/22 exhibit 2.1 LIST 211214 JUSTIFICATION FOR EVIDENTIARY HEARING	2.1	AA3781	AA3781
1/10/22 exhibit 2.2 List three motions filed 1/2/22 into appeal 82294	2.2	AA3785	AA3788
1/10/22 exhibit 2.3 SUMMARIZES UNREFUTED FACTS AGAINST RED ROCK	2.3	AA3788	AA3789
1/10/22 END NOTES		AA2799	AA3842
1/10/22 exhibit 2.4 SCA BYLAWS 3.20/3.18 ANNOTATED that prohibited Red Rock from controlling funds collected for the HOA	2.4	AA3842	AA2843
1/10/22 exhibit 2.5 Partial list of FALSIFIED Red Rock files	2.5	AA3842	AA2843
1/10/22 exhibit 2.6 Analysis Of The Order Of Affirmance - Date Nationstar Filed False Statements	2.6	AA2843	AA2872
1/10/22 exhibit 2.7- Nationstar Is Judicially Estopped From Claiming To Be Owed A Debt From the 7/22/04 1 <sup>st</sup> deed of trust	2.7	AA3844	
1/10/22 exhibit 2.8- PUD RIDER Nationstar violated by its 2/12/19 joinder and its 6/3/19 reconveyance	2.8	AA3851	
1/10/22 exhibit 2.9 Tobin/Hansen Trust's five causes of action vs. Jimijack in the 2/1/17 AACC or in the 2/1/17 CRCM vs. Lee were NOT HEARD at trial.	2.9	AA3855	AA3857
1/10/22 exhibit 2.10	2.10	AA3858	

Tobin was the only party who had verified evidence. Claims preclusion defense was designed to suppress it and cover up that opposing parties did not have any evidence to prove superiority of title or prove that the sale had been conducted with proper notice and due process.

1/10/22 exhibit 2.11 2.11 AA3859

Tobin was a party as an individual in all captions, but opponents misrepresented the facts and the court record to get her removed as a party in the 1<sup>st</sup> action and get her pro se filings stricken as rogue.

1/10/22 exhibit 2.12 AA3861

Sun City could not properly proceed to foreclose because Red Rock rejected assessments three times that cured the delinquency.

1/10/22 exhibit 2.12 2.12 AA3868

Tobin's allegations of fraud, unfairness and oppression are included in her 3/8/21 counter-claim against Red Rock

1/10/22 exhibit 2.13 2.13 AA3869

500 pages of evidence of irregularities in the sale that were submitted to the court on 5/23/19 RPLY hyperlinked TOC

1/10/22 exhibit 2.14 2.14 AA3873 AA3920

DRAFT ARGUMENTS TO AMEND APPELLANTS 82294 OPENING

<b>DATE</b>	<b><u>VOLUME 28 AA3921- AA4117</u></b>	<b>EX. BATES</b>
1/10/22	1/10/22 exhibit 2.15 EXHIBIT 4 To Tobin 1/10/22 Reply Was Tobin 4/17/19 600 Pages Of Evidence To Support A Joiner To Nationstar's Motion For	2.15 AA3921

Summary Judgment Vs. Jimijack That Was Stricken From The A-15-720032-C Record At The Ex Parte Meeting Between Jimijack And Nationstar Attorneys And Judge Kishner.

1/10/22 exhibit 2.16	2.16	AA3949	AA3959
Table Of Contents Of 4/17/19 stricken Tobin Exhibits			
1/10/22 exhibit 2.17	2.17	AA3960	AA3979
4/17/19 STRICKEN Exhibit 1 Ombudsman Authenticated Records			
1/10/22 exhibit 2.18	2.18	AA3980	AA3985
4/17/19 STRICKEN Exhibit 2 - Resident Transaction Report			
1/10/22 exhibit 2.19	2.19	AA39686	AA4117
4/17/19 STRICKEN Exhibit 3 2012-2014 Sun City Anthem Board Agendas			

<b>DATE</b>	<b><u>VOLUME 29 AA4118- AA4301</u></b>	<b>EX.</b>	<b>BATES</b>
1/10/22	1/10/22 exhibit 2.20	2.20	AA4118 AA4154
	4/17/19 STRICKEN Exhibit 3 2012-14 SCA BOARD AGENDAS continued @ 6/26/14 SCA Board agenda		
	1/10/22 exhibit 2.21	2.21	AA4155 AA4159
	4/17/19 STRICKEN Exhibit 4 2012-14 Excerpts SCA Board Minutes Related To Foreclosures Or Debt Write Offs		
	1/10/22 exhibit 2.22	2.22	AA4160 AA4180
	Exhibit 5 4/17/19 STRICKEN Red Rock's Falsified 12/5/13 Minutes Misrepresenting HOA Board Approval Of The Sale		
	1/10/22 exhibit 2.23	2.23	AA4181 AA4229
	Exhibit 6 4/17/19 STRICKEN Relevant NRS 111, NRS116, NRS 205, NRS240 Provisions		
	1/10/22 exhibit 2.24	2.24	AA4230 AA4254
	4/17/19 STRICKEN Exhibit 7 Table Of Authorities		
	1/10/22 exhibit 2.25	2.25	AA4255 AA4274

4/17/19 STRICKEN AB284 (2011) Nevada's  
Anti-Foreclosure Fraud Law

1/10/22 exhibit 2.26

2.26 AA4275 AA4286

4/17/19 STRICKEN EXHIBIT 8 SCA  
Response To Tobin INTERROGATORIES

1/10/22 exhibit 2.27

2.27 AA4287 AA4301

4/17/19 STRICKEN EXHIBIT 9  
SCA Response To Tobin REQUEST FOR  
PRODUCTION OF DOCUMENTS

**DATE** **VOLUME 30 AA4302 - AA4427**

**EX. BATES**

1/10/22 1/10/22 exhibit 2.28

2.28 AA43002 AA4411

4/17/19 STRICKEN EXHIBIT 10 - No SCA  
Proofs Of Service Were Authenticated. No  
Proofs For Any Disputed Notices.

1/10/22 exhibit 2.29

2.29 AA4412 AA4427

4/17/19 STRICKEN Exhibit 11 Relevant  
Proofs Of Service - No Proofs Of Service For  
Any Of The Notices Tobin Disputed.

**DATE** **VOLUME 31 AA4428 - AA4617**

**EX. BATES**

1/10/22 1/10/22 exhibit 2.30

2.30 AA4428 AA4436

4/17/19 STRICKEN EXHIBIT 12 Claims  
Against Nationstar Tobin drafted 12/26/18

1/10/22 exhibit 2.31

2.31 AA4437 AA4543

4/17/19 STRICKEN EXHIBIT A  
4/14/19 Declaration Of Nona Tobin With 16  
Exhibits

1/10/22 exhibit 2.32

2.32 AA4454 AA4554

5/23/19 Reply To HOA, Nationstar & Jimijack  
Opposition To Tobin Motion For  
Reconsideration With 11 Exhibits

1/10/22 exhibit 2.33

2.33 AA4554 AA4617

Exhibits 1 & 2 (TOBIN AND CRIAG LEIDY  
Declarations) To Tobin 5/23/19 Reply To  
Opposition To Tobin Motion For  
Reconsideration

<b>DATE</b>	<b><u>VOLUME 32 AA4618 - AA4810</u></b>	<b>EX. BATES</b>
1/10/22	1/10/22 exhibit 2.34 5/23/19 Exhibit 2 continued (LEIDY DECL) SFR INVEST. POOL VS. US BANK, 130 Nev., Advance Opinion 75	2.34 AA4618 AA4655
	1/10/22 exhibit 2.35 5/23/10 Exhibit 3 To Tobin 5/23/19 Reply Proudfit Declaration In Support Of Nona Tobin's Motion To Reconsider Sun City Anthem's Motion For Summary Judgment And Nationstar Mortgage LLC's Joinder Thereto (Exhibit 5 To Tobin 1/10/22 Reply To RRFS LLC Opposition To Evidentiary Hearing)	2.35 AA4656 AA4665
	1/10/22 exhibit 2.36 5/23/19 Reply Exhibits 3-7 Ignored and Misconstrued By The Court In 5/31/19 Order Denying Reconsideration	2.36 AA4666 AA4810

<b>DATE</b>	<b><u>VOLUME 33 AA4811 - AA4945</u></b>	<b>EX. BATES</b>
1/10/22	1/10/22 exhibit 2.37 Continuation Of 5/23/19 Exhibits Misconstrued by The Court Based On The False Narrative That Tobin Was Not A Party In A-15-720032-C As An Individual	2.37 AA4811 AA4945

<b>DATE</b>	<b><u>VOLUME 34 AA4946 - AA5052</u></b>	<b>EX. BATES</b>
1/10/22	1/10/22 exhibit 2.38 Continuation Of 5/23/19 Exhibits Misconstrued By The Court Based On The False Narrative That Tobin Was Not A Party In A-15-720032-C As An Individual That Were Entered Into The A-21-82884-C Court Record As Exhibit 5 To Tobin's 1/10/22 Reply To	2.38 AA4946 AA5052



NON-PARTY RED ROCK LLC'S Opposition  
To An Evidentiary Hearing

## **VOLUME 35 AA5053 - AA5147 TOC**

<b>DATE</b>	<b><u>VOLUME 35 AA5053 - AA5147</u></b>	<b>EX. BATES</b>
5/30/22	<b>EXHIBITS TABLE OF CONTENTS 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 NRS18.010(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</b>	AA5053 AA5147
	<b>EXHIBIT 1</b> Tobin 1/31/17 cross-claim pages 18-19 5th COA claim for the proceeds - NEVER HEARD	1 AA5065 AA5067
	<b>EXHIBIT 2</b> NESO 9/20/17 Order to dismiss Tobin's claims (including claim for the proceeds) without prejudice to complete mediation	2 AA5068 AA5074
	<b>EXHIBIT 3</b> Tobin 8/7/19 Complaint Pages 1-3 explanation as to why claims not heard in prior case. Pages 20- 21 3rd COA to claim excess proceeds	3 AA5075 AA5080
	<b>EXHIBIT 4</b> Tobin 8/7/19 Complaint Pages 21-26 4th COA abuse of process explanation of attorney misconduct in the prior proceedings that prevented adjudication of Tobin's claims (was excluded from amended complaint on the advice of counsel)	4 AA5081 AA5087
	<b>EXHIBIT 5</b> Tobin 6/3/20 1st Amended Complaint 2nd COA Pages 16-17 Tobin's 2nd civil claim for the proceeds that was dismissed with prejudice on the	5 AA5088 AA5090

inapplicable grounds of res judicata and failure to join the HOA as a necessary party

EXHIBIT 6

6 AA5091 AA5103

12/3/20 A-19-799890-C order dismissing Tobin's claims, including claim for undistributed proceeds, with prejudice per res judicata & failure to join HOA as a necessary party Pages 20-28 Exhibit 2 Tobin's objections were omitted from order.

EXHIBIT 7

7 AA5104 AA5107

Tobin's 1st amended motion to distribute the proceeds to Nona Tobin as the sole claimant

EXHIBIT 8

8 AA5108 AA5124

Nationstar dismissed its A-15-720032-C claims against Opportunity Homes LLC and F. Bondurant LLC on 2/20/19 without adjudication or production of evidence to prove its claim to title

EXHIBIT 9

9 AA5125 AA5135

Nationstar dismissed its A-15-720032-C claims against all fictitious defendants, including Tobin in both her capacities, without adjudication and without production of any evidence to support Nationstar's title claims

EXHIBIT 10

10 AA5136 AA5141

Nationstar dismissed its A-15-720032-C claims against Jimijack Irrevocable Trust without adjudication or evidence to make a fraudulent out of court deal with Jimijack that excluded deed-holder Tobin and stripped her of her individual rights to appeal.

EXHIBIT 11

11 AA5142 AA5147

Nationstar's and Wells Fargo's untimely (NRCP 12(a)(1)(A)(i)) answer made no claim for the interpleaded proceeds.

# VOLUME 36 AA5148 - AA5313

DATE	VOLUME 36 AA5148 - AA5313	EX. BATES
5/30/22	<b>Part 2 EXHIBITS 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 NRS18.010(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</b>	
	Exhibit 12 Nationstar's 's Lack Of Standing To Oppose Tobin's Claims	12 AA5148 AA5156
	Exhibit 13 A-21828840-C Register Of Actions	13 AA5157 AA5163
	Exhibit 14 Republic Services Disclaimer Of Interest	14 AA5164 AA5167
	Exhibit 15 Tobin 3/28/17 Deed	15 AA5168 AA5172
	Exhibit 16 Republic Services 1st Lien Release	16 AA5173 AA5175
	Exhibit 17 Republic Services 2nd Lien Release	17 AA5175 AA5176
	Exhibit 18 Wells Fargo's 3/12/15 Lien Release	18 AA5177 AA5180
	Exhibit 19 Nationstar's 12/1/14 False Recorded claim to be BANA's successor Claim	19 AA5181 AA5183
	Exhibit 20 Nationstar's 3/8/19 <b>post-discovery</b> Rescission Of Its 12/1/14 False Claim TO BE BANA'S Successor	20 AA5184 AA5187
	Exhibit 21	21 AA5188 AA5190

ROBO-SIGNED Nationstar's 2nd false recorded claim to be the beneficiary of the 7/22/04 1<sup>st</sup> deed of trust extinguished by the disputed HOA sale

Exhibit 22 Nationstar's Fraudulent 6/3/19 Substitution of the wrong Trustee And Reconveyance Of 7/22/04 Deed Of Trust it was lying about owning 22 AA5191 AA5194

Exhibit 23 RRFS 047 Red Rock's 8/28/14 Instruction To Scow To Interplead The Excess Proceeds 23 AA5195 AA5196

Exhibit 24 RRFS 048 Excess Proceeds Check Scow Failed To Remit To The Payee 24 AA5197 AA5198

Exhibit 25 Ombudsman Compliance Log that had contemporaneous record that Red Rock notified the Ombudsman that the 2/12/14 notice of sale was cancelled and "the owner retained" 25 AA5199 AA5229

"SCA Board Secretly Sold a dozen houses in 2014" Sun City Anthem Foreclosures For Which There is no Record Of The Excess Proceeds being distributed per NRS 116.31164(3)(c)(2013) or being given to the HOA Board when Red Rock's contract was terminated in 2015 as required by SCA bylaws 3.18/3.20. 25.1 AA2530 AA5232

Sworn Affidavit Irma Mendez Re Joel Just Direct Sales To Investors Without Auction 25.2 AA5233 AA5243

Exhibit 26 RRFS 041 Payment Stub Shows Red Rock Collected All Fees And Expenses Before Cutting The \$57,282.32 Excess Proceeds Check 26 AA5244 AA5245

Exhibit 27 Red Rock's 2/3/21 Interpleader Complaint Conceals That Red Rock Instructed Scow To Interplead The Excess Proceeds In 2014 27 AA5246 AA5243

Exhibit 28 Red Rock's Improper Opposition To The Court's Distributing Interpleaded Proceeds To Sole Claimant 28 AA5254 AA5258

EXHIBIT 29 Nationstar's Copy of 7/15/04 Hansen promissory note -Shows No Lender Has 29 AA5259 AA5262

The Original Note And No Standing To Enforce  
The Note Pursuant to NRS 104.3301

EXHIBIT 30 RRFS 119 is Nationstar's rejected 30 AA5263 AA5264  
super-priority offer

EXHIBIT 31 Nationstar's last hour of discovery 31 AA5265 AA5274  
supplemental response to Tobin's interrogatories

EXHIBIT 32 TOBIN 5/8/14 Agreement to sell to 32 AA5273 AA5279  
auction.com high bidder MZK

EXHIBIT 33 Nationstar's disregarded the 33 AA5280 AA5283  
Remedies provision of the PUD Rider

EXHIBIT 34 Nationstar's 2/12/19 joinder falsely 34 AA5284 AA5288  
claims to be BANA's successor, BUT SIMPLY  
STOLE TOBIN'S PROPERTY BY FALSELY  
CLAIMING TO BE OWED A DEBT

EXHIBIT 35 Order entered on 4/18/19 granted 35 AA5289 AA5303  
the HOA's MSJ to quiet title vs. the Hansen Trust  
and Nationstar's 2/12/19 joinder relied entirely on  
Red Rock's unverified, FALSIFIED RECORDS

EXHIBIT 36 Nationstar's 3/21/19 MSJ vs. 36 AA5304 AA5310  
Jimijack - Contradicts Nationstar's Claim To Be  
BANA's Successor

# **VOLUME 37 AA5314 - AA5492 TOC**

<b>DATE</b>	<b><u>VOLUME 37 AA5314 - AA5492</u></b>	<b>EX. BATES</b>
5/30/22	EXHIBIT 37 Nationstar 5/3/19 opposition to Tobin's motion for reconsideration	37 AA5314 AA5417
5/30/22	EXHIBIT 38 5/31/19 ORDER DENYING MOTION FOR RECONSIDERATION MISCONTRUES THE EVIDENCE.	38 AA5418 AA5325
5/30/22	EXHIBIT 39 Complaint to the California Secretary of State regarding notary violations	39 AA5326 AA5325
5/30/22	EXHIBIT 40 BANA's 4/12/12 assignment was invalid as it had no notary record. Therefore, even if BANA had not assigned its interest, if any, to Wells Fargo on 9/9/14, BANA did not have any interest to assign to Nationstar on 12/1/14	40 AA5333 AA5332
5/30/22	EXHIBIT 41 Nationstar refused to produce proof of its claims or to refute Tobin's claims	41 AA5336 AA5343
5/30/22	EXHIBIT 42 Nationstar's 6/25/20 joinder to Red Rock's motion to dismiss mis-represented the court record and concealed that it had filed no claims against Tobin, had DISMISSED ALL its filed claims without adjudication and was prohibited by the RUD Rider remedies provision from confiscating Tobin's property without foreclosing.	42 AA5344 AA5348
5/30/22	EXHIBIT 43 Red Rock's 6/25/20 motion to dismiss was unsupported by any verified evidence and misrepresents the law, the facts, the parties, and the court record to get all Tobin's claims, including for the undistributed excess proceeds, dismissed per NRCp 12(b)(5) and NRCp12(b)(6).	43 AA5349 AA5362
5/30/22	EXHIBIT 44	44 AA5363 AA5368

Nationstar's A-16-730078-C 1/11/16 quiet title complaint vs. Opportunity Homes LLC that Nationstar dismissed without adjudication by an NRS 40.110(1)-mandated evidentiary hearing on 2/20/19. See paragraphs 4, 8, 11, 12-14, 19, 21, 22, 24-27, 31 for false, misleading or conflated claims that are part of the reason Nationstar is judicially estopped from claiming it is, or ever was, the beneficiary of the 7/22/04 1<sup>st</sup> deed of trust that was extinguished by the HOA sale.

5/30/22 EXHIBIT 45

45 AA5369 AA5376

Nationstar's 4/12/16 motion to substitute for BANA, set aside default or to intervene both FALSELY claims to be BANA's successor in interest as of 12/1/14 and to have been the beneficiary at the time of the 8/15/14 sale as BANA's successor.

5/30/22 EXHIBIT 46

46 AA5377 AA5392

Nationstar's 6/2/16 counterclaim vs. Jimijack claims to be Wells Fargo's successor on 12/1/14 (#15), after BANA assigned its interest, if any, if to Wells Fargo on 9/9/14 (#14). Footnote 5 shows that Nationstar knows BANA had no interest to assign on 9/9/14.

5/30/22 EXHIBIT 47

47 AA5393 AA5396

3/27/17 affidavit by Nationstar Litigation Analyst states twice that Nationstar was the servicer of the Hansen 7/22/04 1st deed of trust, not the beneficiary.

5/30/22 EXHIBIT 48

48 AA5397 AA5405

On 2/28/19, the last day of discovery, Nationstar's supplemental response to Tobin interrogatories contained the conflicting claims that on 2/27/19 it was both the servicer for Wells Fargo and the beneficiary as successor to Wells Fargo.

5/30/22 EXHIBIT 49

49 AA5406 AA5409

Nationstar's untimely joinder to NON-PARTY Red Rock LL'Cs **ROGUE** untimely motion to

dismiss asserts that Nationstar released "Wells Fargo's deed of trust" (Page 3) obfuscating that Nationstar had falsely recorded on 3/8/19 that Nationstar owned the 1st deed of trust that it released on 6/3/19 and that this release removed standing from both banks to claim the proceeds.

5/30/22 EXHIBIT 50

50 AA5410 AA5414

Nationstar / Wells Fargo opposition to Tobin MSJ does not assert a claim for the proceeds or explain how res judicata applies to Tobin's claims of Fraud and Unjust Enrichment/Conversion AND PETITION FOR SANCTIONS for Nationstar's filing and recording false claims to be owed a debt from the Hansen 1st deed of trust that is not owed to Nationstar or Wells Fargo and that Tobin does not owe to anyone.

5/30/22 EXHIBIT 51

51 AA5415 AA5451

Motion to correct notice of entry of order entered on 5/25/22 to:

1. Correct caption.
2. Correct signature page and explain why Tobin declined to sign and
3. Attach Tobin's rejected competing order as Exhibit 1 to the 5/25/22 order.

Exhibit 1 Tobin's competing order to correct false statements

51.1

Exhibit 2 August 19, 2021 Transcript of proceedings

51.2 AA5452 AA5492



# VOLUME 38 AA5492 - AA5690 TOC

DATE	<u>VOLUME 38 AA5492 - AA5690</u>	EX. BATES
5/30/22	<b>Part 3</b>	
	<b>EXHIBITS 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 NRS18.010(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</b>	
	EXHIBIT 51.3 Recorder's Transcript of November 16, 2021 Proceedings	51.3 AA5493 AA5515
	EXHIBIT 51.4 Recorder's Transcript of January 19, 2022 Proceedings	51.4 AA5516 AA5531
	EXHIBIT 52 Motion to correct notice of entry of order entered on 11/30/21 denying reconsideration of 9/10/21 order, to correct Plaintiff in caption, to correct the signature page, and to add Tobin's rejected competing order as Exhibit 1.	52 AA5532 AA5538
	EXHIBIT 52.1 Order Denying Nona Tobin's Motion For Reconsideration Of "ORDER & JUDGMENT ON PLAINTIFF RED ROCK FINANCIAL SERVICES LLC's (sic) MOTION TO DISMISS COUNTER-CLAIMANT NONA TOBIN'S COUNTERCLAIM AND PETITION FOR SANCTIONS AND DEFENDANT/ COUNTERCLAIMANT NONA TOBIN' MOTION FOR SUMMARY JUDGEMENT AND MOTION FOR SANCTIONS"	52.1 AA5539 AA5544
	EXHIBIT 53	53 AA5545 AA5547

Motion to correct notice of entry of order entered on 11/30/21 clarifying the 9/10/21 order:

1. to correct the signature page,
2. to add Tobin's rejected competing order as Exhibit 1, and
3. to add Tobin's 11/23/21 letter to the court as Exhibit 2.

EXHIBIT 53.1

53.1 AA5548 AA5551

11/30/21 Tobin's competing order that shows how the Court disregarded Court rules of timeliness

EXHIBIT 53.2

53.2 AA5552 AA5554

Tobin 11/23/21 letter to the Court

Clerk's Notice of 7/7/22 Hearing

AA5555 AA5555

6/13/22 NON-PARTY RED ROCK FINANCIAL SERVICES LLC'S **ROGUE** 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 **ROGUE** Renewed Counter-Motion For Abuse Of Process; For A Vexatious Litigant Restrictive Order Against Nona Tobin And For Attorney's Fees And Costs

AA5556 AA5575

6/13/22 EXHIBIT 1 TO NON-PARTY RED

1 AA5576 AA5590

ROCK LLC'S **ROGUE** Opposition

Order Entered 4/18/19 That Was Based On Red Rock's Falsified Records and there was no NRS 40.110(1) hearing to determine quiet title

6/13/22 EXHIBIT 2 TO NON-PARTY RED

2 AA5591 AA5635

ROCK LLC'S **ROGUE** Opposition

12/3/20 A-19-799890-C Order Granting Defendant Red Rock Financial Services' Motion To Dismiss Complaint And All Joinders To The Motion That Was Based On Scow's

Misrepresentation Of The Court Record falsely claiming that I was not granted leave to intervene as an individual in the 1<sup>st</sup> action

6/13/22 EXHIBIT 3 TO NON-PARTY RED ROCK LLC'S <b>ROGUE</b> OPPOSITION 138 Nev., Advance Opinion 3.5 (80111) where Red Rock successfully claimed fees after Scow had retained over One Million Dollars in excess proceeds without legal authority (NRS 116.31164(3)(c) (2013)) for eight years after a 2014 HOA sale.	3	AA5617	AA5635
6/21/22 TOBIN'S 6/21/22 REPLY TO NON-PARTY RED ROCK LLC'S <b>ROGUE</b> 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)		AA5636	AA5643
6/21/22 Red Rock agent Christie Marling's 8/28/14 Instructions To Scow To Interplead The Excess Proceeds After The Sale that he ignored and retained for over eight years without legal authority (NRS 116.31164(3)(c) (2013))		AA5644	AA5652
6/21/22 Attachment A Table Of Contents and Description of 5/30/22 Exhibits	A	AA5653	AA5662
6/21/22 Attachment B Proposed Order Granting Nona Tobin's Motion To Distribute The Proceeds Plus Interest And Penalties To Her As The Sole Claimant And Denying And Striking Non-Party Red Rock Financial Services LLC's <b>ROGUE</b> Opposition	B	AA5663	AA5668
6/21/22 Tobin Reply To Non-Party Red Rock Financial Services, LLC's <b>ROGUE</b> Opposition To Nona Tobin's Motion To Correct The Notices Of Entry Of The Order Entered On May 25, 2022 And The Two Orders Entered On November 30, 2021		A5669	AA5673
6/22/22 6/22/22 ATTACHMENT A	A	A5674	AA5686

AA5937

Table Of Contents and Description Of 5/30/22  
Exhibits To Support 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 Tobin's Motion To  
Correct Nunc Pro Tunc Notices Of Entry Of  
Orders Entered On November 30, 2021 And May  
25, 2022

6/22/22 ATTACHMENT B B AA5687 AA5690  
Proposed Corrected Notice Of Entry Of Order  
Entered On 5/25/22 Denying Nona Tobin's  
Motion For An Evidentiary Hearing

## VOLUME 39 AA5691 - AA5878 TOC

DATE	<u>VOLUME 39 AA5691 - AA5878</u>	EX. BATES
6/22/22	5/25/22 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(5)(3) (FRAUD) AND NRCP 60(b)(3)(FRAUD ON THE COURT) And Motion For Attorneys' Fees And Costs Pursuant To EDCR 7.60(b)(1) AND (3), NRS 18.010(2) AND RED ROCK FINANCIAL SERVICES, LLC'S <b>ROGUE</b> Countermotion For Abuse Of Process; For A Vexatious Litigant Restrictive Order Against Nona Tobin And For Attorney Fees And Costs	AA5691 AA5710
6/22/22	Exhibit 1 Proposed Competing Order Denying Nona Tobin's Motion For An Evidentiary Hearing	1 AA5711 AA5736
6/22/22	Exhibit 2 5/10/22 Nona Tobin's Declaration	2 AA5737 AA5742
6/22/22	Exhibit 3	3 AA5743 AA5758

Nona Tobin's Annotated Version Of The 5/25/22  
Order Drafted And Filed By Steven Scow

6/22/22	Exhibit 4 Nona Tobin's 12/14/21 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 (D)(3) (FRAUD ON THE COURT) And Motion For Attorneys' Fees And Costs Pursuant To EDCR 7.60(b)(1) AND (3), NRS 18.010(2)	4	AA5759	AA5790
6/22/22	Attachment C Proposed Corrected Notice Of Entry Of First Order Entered On 11/30/21	C	AA5791	AA5802
6/22/22	Draft Order Granting Non-Party Red Rock Financial Services LLCs <b>ROGUE</b> Motion To Deny Nona Tobin's Motion For Reconsideration Of The Order That Dismissed Nona Tobin's Counter-Claim And Petition For Sanctions And Defendant/ Counter-Claimant Nona Tobin's Motion For Summary Judgement And Motion For Sanctions	C.1	AA5803	AA5808
6/22/22	Attachment D Proposed Corrected Notice Of Entry Of Second Order Entered On 11/30/21	D	AA5809	AA5821
6/22/22	Exhibit 1 Nona Tobin's Competing Order Clarifying September 10, 2021 Order And Mooting Notice Of Default And Motion To Strike	D.1	AA5822	AA5837
6/27/22	Tobin Response To Non-Party Red Rock Financial Services, LLC's <b>ROGUE</b> Countermotion For A Restrictive Vexatious Litigant Order Against Nona Tobin And Motion For Attorney Fees And Costs And Nona Tobin's Countermotion To Adopt Tobin's Proposed Final Judgment Order		AA5838	AA5841
6/27/22	<b>Nona Tobin's Proposed Final Judgment Order</b>	1	AA5842	AA5863
6/30/22	Notice Of 82294 Appellate Decision		AA5864	AA5878

AA5939

# VOLUME 40 AA5879 - AA5992 TOC

DATE	<u>VOLUME 40 AA5879 - AA5992</u>	EX. BATES
	Annotated A-21-228840-C Register of Actions	AA5879 AA5884
	Comprehensive Table Of Contents Of Appendix Volumes 1 through 40	AA5885 AA5940
4/12/21	Nona Tobin's Amended Motion For An Order To Distribute Interpleaded Proceeds With Interest To Sole Claimant Nona Tobin	AA5941 AA5952
5/30/22	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) & (3) and Motion To Correct Nunc Pro Tunc Notices Of Entry Of Orders Entered On 11/30/21 & 5/25/22	AA5953 AA5969
11/10/21	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 &/Or Unjust Enrichment And 3/8/21 Petition For Sanctions Pursuant To NRCP 11(b)(1)(2)(3)&/or (4), NRS 18.010(2), NRS 207.407(1), and NRS 42.005	AA5970 AA5972
11/15/21	Wells Fargo, N.A. And Nationstar Mortgage LLC's Motion To Strike Nona Tobin's Notices Of Intent To Default	AA5973 AA5976
5/3/21	Exhibit A - 5977 Wells Fargo, N.A. And Nationstar Mortgage LLC's Untimely Joinder To Red Rock Financial Services, LLC's Motion To Dismiss Counterclaimant Nona Tobin's Counterclaim And Petition For Sanctions	A AA5977 AA5981
3/8/19	Corporate Assignment of Deed of Trust from Wells Fargo to Nationstar by Nationstar with no power of attorney from Wells Fargo	A.1 AA5982 AA5984
4/12/19	Order of Affirmance	B AA5985 AA5992

# Exhibit 3

## Table of Contents of Exhibits

87183 Docketing Statement

SC 23-31014

Exhibit 3

- I. Question 27 and exhibits of the civil actions necessitated by Judge Peterson's unwillingness to forward written findings to the State Bar when given evidence that documented serious, potentially criminal, misconduct

## 87183 Docketing Statement Exhibits

Tab	87183 Docketing Statement
A	<p>Draft complaint vs. the State Bar to get relief from the draconian gatekeeping requirement of forcing the victim to get a court order with written findings of attorney misconduct before the State Bar will investigate a verified complaint submitted for pre-filing approval <b>on 5/14/23</b> as required by 3/28/23 order that has never been approved or denied for 4+ months.</p> <p>1. <b>5/14/23 9:17 PM Gmail Nona Tobin to Chief Judge Wiese's DC 30 inbox</b> "Pre-filing approval requested pursuant to A-21-828840-C 3/28/23 restrictive order" to which <b>no acknowledgment, approval or denial was ever received.</b></p> <p>2. <b>Summons and Verified Complaint for Declaratory Relief</b> Nona Tobin, Plaintiff vs. Board of Governors, State Bar of Nevada and Assistant Bar Counsel Phillip J. Pattee</p> <p>3. <b>Bar complaint Exhibit 1</b> 9/10/19 NV SC 19-37846 My individual docketing statement was unfairly returned unfiled after the court declared I was not aggrieved pursuant to NRAP 3A as a nonparty disregarding NRS 30.130 and NRCP 19. The summary judgment granted the HOA's and Nationstar's motions to quiet title vs the Hansen Trust were improper because neither the HOA nor Nationstar nor the Hansen Trust had any interest in the title or any filed claims against me as the Hansen Trust and I didn't hold title as the Hansen Trust after 3/28/17. The court unfairly excluded me as an individual deedholder since 3/28/17 and excluded me and my evidence from trial by ex parte bench order, but I have been wrongly bound to the results even though failure to join me as a necessary party should have proved fatal to the ruling. The facts that there was no evidentiary hearing (NRS 40.110), and no party at the trial that had a deed or other interest to protect (NRS.010) should have been fatal to the case.</p>



	<p><b>4. Bar complaint Exhibit 2</b> 3/15/22 Tobin petition for writ of mandamus for the enforcement of the codes of professional and judicial conduct that was rejected unconsidered for excess pages 22-08149</p> <p><b>5. Bar complaint Exhibit 3</b> My 1/03/23 motions, docketed for 2/8/23, were denied on 2/2/23 in chambers at 11:15 AM with no parties present according to the only minutes the court properly served via the Odyssey eFileNV E-Service system.</p>
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**Volume 2 is the complaint, and all counter and cross claims, and one disclaimer**

<b>Tab #</b>	<b>FILE</b>	<b>ALL FILED CLAIMS</b>
	<b>DATE</b>	

1	2/3/21	Doc ID# 2 <u>NT 00002</u> - <u>NT 00007</u>
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**Complaint for interpleader**

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; NATIONSTARMORTGAGE, LLC, a Delaware company; and DOES 1-100;

Defendants.

2	2/17/21	Doc ID# 13 Disclaimer of interest - Republic Services
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3	3/8/21	Doc ID# 14 <u>NT 00025</u> - <u>NT 00155</u>
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Nona Tobin's Answer, Affirmative Defenses, 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 Pursuant To NRCP 11(b)(1)(2)(3) and/or (4), NRS 18.010(2), NRS 207.470(1), NRS 42.005

4	4/9/21	Doc ID# 20 Wells Fargo, N.A. and Nationstar Mortgage LLC's Answer to Red Rock Financial Services' Complaint for Interpleader (NRCP 22)
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Doc # 14 was the only counter-claim for the interpleaded proceeds. Nationstar's and Wells Fargo's 4/9/21 answer #did not contain a claim for the interpleaded funds and did not contain an answer to the cross claims asserted in Doc #14. Republic Services disclaimed interest in Doc # 13 on 2/17/21.

**Volume 3 Tab 5** is Part 1 of the 3/22/21 third party complaint (TPC) vs. six attorneys who are accused of obstructing the prior litigation by civil conspiracy, recording fraudulent claims to title, making false statements to court to aid and abet their clients to collect on debts they are not owed or to confiscate properties without proper foreclosure or adjudication.

**Volume 4 Tab 5** is TPC Part 2 and **Tab 6** is 10/16/21 voluntary dismissal without prejudice filed after Judge Peterson issued an order to show cause why it should not be dismissed for failure to serve within 120 days.

Tab #	FILE DATE	ALL FILED CLAIMS
5	3/22/21	Doc ID# 17 NT 00554 – NT 00826 Nona Tobin's Third-Party Complaint 1. Abuse Of <u>Process</u> ; 2. Racketeering (NRS207.360(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) & (4) 6. Sanctions Pursuant To NRCP 11(b)(1-4); NRPC 3.1, 3.3, 3.4,3.5(b), 4.1, 4.4, 5.1, 5.2, 8.3, 8.4 vs. Steven B. Scow; Brody R. Wight; Joseph Hong; Melanie Morgan; David Ochoa; Brittany Wood
6	10/13/21	Doc ID# 50 Notice of Voluntary Dismissal Without Prejudice and Doc ID# 51 Notice of Entry of Order were required because Judge Peterson an order to show cause why it shouldn't be dismissed after my attorney hired for the scheduled-but-never- held evidentiary hearing failed to serve the complaint within 120 days. The OSC hearing was held after the dismissal order was signed, unnecessarily costing me \$1,300 in attorney fees. The transcript is Doc. # 138 NT 08330 NT 08330. The transcript, I believe, shows that Judge Peterson knew that the parties did not answer my 3/8/21 counter-and cross-claims because she was hoping to dismiss them for lack of service.

**Volume 5, Tab 7** is Part 1 of the 4/26/23 tolling motion that sought to disqualify Judge Peterson from the decision to set aside the 3/28/23 order pursuant to NRCP 59(a)(1)(A)(B)(C) and NRCP 60(b)(1), NRCP 60(b)(3), and NRCP 60(d)(3)

Tab #	FILE DATE	Volume 5
7	4/26/23	<b>Doc ID# 134</b> 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 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)
	7/27/23	<b>Doc ID# 144</b> Notice of Entry of Order <b>Doc ID# 143</b> Order of denial 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)

**Volume 6, Tab 7** is Part 2 of the 4/26/23 tolling motion and **Volume 6, Tab 8** is the 5/30/23 resolving the tolling motion and **Volume 6, Tab 9** is the 7/27/23 notice of entry of the 5/30/23 order

Tab #    FILE  
          DATE

Volume 6

- |                 |  |
|-----------------|--|
| 7<br><br>Part 2 | 4/26/23 <b>Doc ID# 134</b> 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 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)   |
| 8<br><br>9      | 7/27/23 <b>Doc ID# 144</b> Notice of Entry of Order <b>Doc ID# 143</b> Order of denial 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) |

**except the order to dismiss the third-party complaint is in volume 4, tab 6 and the order resolving the tolling motion is in volume 6, tabs 8, 9.**

4.6 10/13/2021 Doc ID# 50 Notice of Voluntary Dismissal Without Prejudice

4.6 10/13/2021 Doc ID#51 Notice of Entry of Order

Volume 7, Tabs 10 – 22 are the **Orders and Notices of Entry of Orders**

<b>Tab</b>	<b>FILED</b>	<b>Orders and Notices of Entry of Orders</b>
<u>10</u>	<u>6/26/2021</u>	Doc ID# <u>41</u> STIPULATION AND ORDER - MOVE EVIDENTIARY HEARING TO 8/18/21by stipulation, changed manually by the court to 8/19/21
<u>11</u>	<u>7/27/2021</u>	Doc ID# <u>42</u> NOTICE OF ENTRY OF STIPULATION AND ORDER - MOVE EVIDENTIARY HEARING TO 8/19/21
<u>12</u>	<u>9/10/2021</u>	Doc ID# <u>43</u> "ORDER & JUDGMENT ON PLAINTIFF (SIC) 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"
<u>13</u>	<u>9/10/2021</u>	Doc ID# <u>44</u> Notice of Entry of Order & Judgment granting non-party Red Rock LLC'S rogue Motion to Dismiss Tobin's Counterclaim, Petition For Sanctions And Tobin's Motion For Summary Judgement against counter-defendant Red Rock
<u>14</u>	<u>11/30/2021</u>	Doc ID# <u>70</u> Order Clarifying Sept. 10th, 2021 Order and Mooting Notice of Default and Motion to Strike
<u>15</u>	<u>11/30/2021</u>	Doc ID# <u>71</u> 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
<u>16</u>	<u>11/30/2021</u>	Doc ID# <u>72</u> Notice of Entry of Order Clarifying September 10, 2021 Order And Mooting Notice of Default and Motion to Strike
<u>17</u>	<u>11/30/2021</u>	Doc ID# <u>73</u> Notice of Entry of Order of Denial of Motion to Reconsider
<u>18</u>	<u>5/25/2022</u>	Doc ID# <u>88</u> Order Denying Nona Tobin's Motion For An Evidentiary Hearing To Set Aside 9/10/21 Order And 11/30/21 Orders Pursuant To NRCP 60(b)(3)(Fraud) And NRCP 60(d)(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, Denying non-party Red Rock LLC's 12/28/21 Countermotions For Abuse Of Process & Denying non-party Red Rock LLC's motion For A Vexatious Litigant Restrictive Order Against Nona Tobin And denying For Attorney Fees Costs
<u>19</u>	<u>5/25/2022</u>	Doc ID# <u>89</u> Notice of Entry of Order Denying Nona Tobin's Motion For An Evidentiary Hearing To Set Aside 9/10/21 Order And 11/30/21 Orders Pursuant To NRCP 60(b)(3)(Fraud) And NRCP 60(d)(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, Denying non-party Red Rock LLC's 12/28/21 Countermotions For Abuse Of Process and Denying non-party Red Rock LLC's motion For A Vexatious Litigant Restrictive Order Against Nona Tobin And denying For Attorney Fees Costs

- 20    1/9/2023    01/09/2023 Order Doc ID# 115  
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
- 21    1/10/2023    Notice of Entry of Order Doc ID# 116
- 22    1/16/2023    Doc ID# 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
- 23    1/17/2023    Doc ID# 118  
Notice of Entry of Corrected 1/9/23 Order amended solely to correct the 1/9/23 order to state that Tobin had responded, refused to sign for the reasons identified in the opposition attached to the corrected order.

## 87183 Docketing Statement Exhibits

Volume 8 Tabs 24 – 26

- **Tab 24** is the 3/28/23 final interpleader order that morphed into a vexatious litigant restrictive order after the sole claimant’s other claims were all “precluded”
- **Tab 25** is the 3/28/23 Notice of Entry of Order
- **Tab 26** – Appellant’s failed attempts to correct the record when filed a NRCP 52 motion was restricted by the order

**Volume 8, Tab 23** is the final interpleader judgment order and notice of entry granting \$52,211.32 to Tobin, sole claimant for the undistributed \$57,282.32 excess proceeds from the 8/15/14 sale; grants the non-party's motion for attorney's fees and costs in the amount of \$5,165, and it declared that Tobin is a vexatious litigant because she filed a MOSC why sanctions shouldn't be imposed on attorneys, and because she filed a motion for an evidentiary hearing after the one that was ordered was not held, and she filed corrections to every order drafted by opposing counsel because every order was fraught with false statements that misrepresent that the prior court record and successfully deceived the court into erroneously believing, without evidentiary or factual support, that Tobin's claims have previously been heard on their merits and to make the court erroneously believe that this interpleader action was proper and lawful when there is no law that supersedes NRS 116.31164 that authorizes the fiduciary HOA sale trustee to refuse to distribute the proceeds of an HOA sale immediately after the sale in the manner proscribed in the statute, and there is even less legal authority for an attorney to convert a check payable to the court to an account under his own control after his client specifically instructed him in writing to remit the check to court and distribute the excess proceeds in August 2014.

- |    |                  |  |
|----|------------------|--|
| 24 | <u>3/28/2023</u> | Doc ID# <u>131</u> Order Declaring Nona Tobin a Vexatious Litigant, Order Denying Defendant Nona 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) Moton 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 |
| 25 | <u>3/28/2023</u> | Doc ID# <u>132</u> Notice of Entry of Order  |
| 26 |                  | Corrections to the 3/28/23 order that Judge Peterson would not allow to be part of the record to show that the findings are unsupported by evidence and false and the legal conclusions are just wrong.  |

**CASE 87183 DOCKETING STATEMENT**

**83187 Volume 9**

**Tabs 27-29 Joseph Hong (SBN 5995)**

- Tab #    DATE    Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed**
- 27    11/6/22    Nona Tobin Gmail to Joseph Y. Hong (SBN #5995) advising him of the intent to file a civil action for damages caused by his professional misconduct and giving him an opportunity to discuss a settlement
- 28    11/6/22    NRCP 11(c) Safe Harbor Letter to Joseph Y. Hong (SBN #5995)
- 29    11/6/22    Nona Tobin vs. Joseph Y. Hong (SBN #5995) that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 106) as this is what Tobin was attempting to avoid by the MOSC filed in good faith

No response was received from Hong. No opposition was filed to the MOSC. Neither Wood nor Hong appeared at the hearing scheduled to hear on 2/2/23 the MOSC (Doc#110) and the two RFJNs regarding uninvestigated complaints against Wood (Doc#109) and Hong (Doc#111).

**Tabs 30-33 Brittany Wood (SBN 7562)**

- Tab #    DATE    Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed**
- 30    11/7/22    Nona Tobin Gmail to Brittany Wood (SBN #7562) advising her of the intent to file a civil action for damages caused by her professional misconduct and giving her an opportunity to discuss a settlement
- 31    11/7/22    NRCP 11(c) Safe Harbor Letter to Brittany Wood (SBN #7562)
- 32    11/7/22    Nona Tobin vs. Brittany Wood (SBN #7562) that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 102) as this is what Tobin was attempting to avoid by the MOSC filed in good faith
- 33    11/9/22    A hostile response was received from Wood that included threatening a motion for a vexatious litigant restrictive order.



**CASE 87183 DOCKETING STATEMENT**

**87183 Volume 10**  
**Tabs 34-38 Steven Scow (SBN 9906)**

<b>Tab #</b>	<b>DATE</b>	<b>Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed</b>
34	11/11/22	Nona Tobin Gmail to Steven Scow (SBN 9906) advising him of the intent to file a civil action for damages caused by his professional misconduct and giving him an opportunity to discuss a settlement
35	11/11/22	NRCP 11(c) Safe Harbor Letter to Steven Scow (SBN 9906) which he ignored.
36	11/11/22	Nona Tobin vs. Steven Scow (SBN 9906) draft civil complaint that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 104) as being forced to file multiple civil actions is what Tobin was attempting to avoid by the MOSC she filed in good faith. Scow's RFJN was not on the court's docket for 2/2/23 or for any day. There was no clerk's notice of hearing the RFFN vs. Scow despite what the 3/28/23 order said.
37	3/3/23	Nona Tobin Gmail to Steven Scow (SBN 9906) and Melanie Morgan, Akerman LLP attorney for Nationstar advising them that the vexatious litigant restrictive order being issued in absentia after Nationstar filed an unsupported motion and the judge didn't wait for my opposition, was the last straw and gave them one more settlement opportunity which they both ignored.
38	3/3/23	2 <sup>nd</sup> draft civil complaint vs. Steven Scow, State Bar of Nevada and Melanie Morgan, Akerman LLP

**CASE 87183 DOCKETING STATEMENT**

**87183 Volume 11  
Tabs 39-43  
Melanie Morgan (SBN 8215)  
Akerman LLP**

<b>Tab #</b>	<b>DATE</b>	<b>Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed</b>
39	11/13/22	Nona Tobin Gmail to Melanie Morgan (SBN #8215) Akerman LLP advising them of the intent to file a civil action for damages caused by their professional misconduct and giving them an opportunity to discuss a settlement
40	11/13/22	NRCP 11(c) Safe Harbor Letter to Melanie Morgan (SBN #8215) Akerman LLP which they ignored.
41	11/13/22	Nona Tobin vs. Melanie Morgan (SBN #8215) Akerman LLP draft civil complaint that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 105) as being forced to file multiple civil actions is what Tobin was attempting to avoid by the MOSC she filed in good faith. Morgan's RFJN was not on the court's docket for 2/2/23 or for any day. There was no clerk's notice of hearing the RFFN vs. Morgan/Akerman/WFZ despite what the 3/28/23 order said.
42	3/3/23	Nona Tobin Gmail to Steven Scow (SBN 9906) and Melanie Morgan, Akerman LLP attorney for Nationstar advising them that the vexatious litigant restrictive order being issued in absentia after Nationstar filed an unsupported motion for a restrictive order and the judge didn't wait for my opposition, was the last straw and gave them one more settlement opportunity which they both ignored.
43	3/3/23	2 <sup>nd</sup> draft civil complaint vs. Steven Scow, State Bar of Nevada and Melanie Morgan, Akerman LLP

**CASE 87183 DOCKETING STATEMENT**

**87183 Volume 12**  
**Tabs 45-49**  
**Adam Clarkson (SBN #10003)**  
**David Ochoa (SBN #10414)**

<b>Tab #</b>	<b>DATE</b>	<b>Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed</b>
45	11/21/22	Nona Tobin Gmail to Adam Clarkson (SBN #10003) and David Ochoa (SBN #10414) advising them of the intent to file a civil action for damages caused by their professional misconduct and giving them an opportunity to discuss a settlement
46	11/21/22	NRCP 11(c) Safe Harbor Letter to Adam Clarkson (SBN #10003) and David Ochoa (SBN #10414) which they ignored.
47	11/21/22	Nona Tobin vs. Adam Clarkson (SBN #10003) and David Ochoa (SBN #10414) draft civil complaint that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 107) as being forced to file multiple civil actions is what Tobin was attempting to avoid by the MOSC she filed in good faith.
48	1/31/23	Clarkson's 7 <sup>th</sup> retaliatory "Notice of Ineligibility to Ms. Nona Tobin" to prohibit my running to serve on the Sun City Anthem Board, sent 1/31/23, as he has done every year since he removed me from my elected Board seat without a NRS 116.31036 removal election because I filed complaints against him and the HOA manager and pursued quiet title litigation.
49	3/3/23	SB 417 Legislative changes full text. Adam Clarkson is a Community Association Institute lobbyist which conflicts with his conflicting roles as a fiduciary Legal Counsel and Debt Collector for Sun City Anthem, Sun City Summerlin and other HOAs. HOA agents/managers' lobbying via their IRS 501(c)(6) trade group successfully got another reduction of HOA homeowner rights codified into State law this 2023 session to override the protections in the HOA CC&Rs the owners agreed to when they purchased. CAI supports HOA managers/agents/attorneys usurping the authority of the HOA for their own unjust enrichment.

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

**INDICATE FULL CAPTION:**

Nona Tobin, Appellant,

vs.

Red Rock Financial Services,

Nationstar Mortgage, LLC,

Wells Fargo, N. A.

No. 87183

**DOCKETING STATEMENT  
CIVIL APPEALS**

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

**WARNING**

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department VIII  
County Clark Judge Jessica K. Peterson  
District Ct. Case No. A-21-828840-C

**2. Attorney filing this docketing statement:**

Attorney In Proper Person Telephone (702) 465-2199  
Firm \_\_\_\_\_  
Address 2664 Olivia Heights Ave.  
Henderson NV 89052

Client(s) Nona Tobin

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney Steven B. Scow Telephone (702) 833-1100  
Firm King Scow Koch Durham LLC  
Address 11500 S. Eastern Ave., Suite 210  
Henderson NV 89052

Attorney for Plaintiff/Counter-Defendant Red Rock Financial Services,  
partnership subsidiary of FirstService Residential Nevada LLC (EIN 88-0358132),  
Client(s) HOA sale trustee at the 8/15/14 HOA foreclosure sale that was the source of the  
\$57,282.32 excess proceeds at issue in this meritless interpleader action.

Attorney Sean B. Kirby Telephone (702) 832-5572  
Firm Troutman Pepper Hamilton Sanders LLP  
Address 8985 S. Eastern Ave., Suite 200  
Las Vegas NV 89123

Client(s) Wells Fargo, N.A. and Nationstar Mortgage LLC

(List additional counsel on separate sheet if necessary)

See next page.

**Question 3 contained**

**Steven Scow's IAFD claims he represents the Plaintiff/Counter-Defendant Red Rock, Sun City Anthem's former agent**

Steven Scow filed an IAFD, (Doc. # 1) to appear as the attorney for the Plaintiff, Red Rock Financial Services, who as First Service Residential Nevada LLC ("FSR") dba Red Rock Financial Services, a partnership (EIN 88-0358132), then on 4/27/12-4/30/15 contract with Sun City Anthem, was the trustee of the 8/15/14 foreclosure sale, from which the \$57,282.32 interpleaded excess proceeds arose.

1	DAVID R. KOCH (NV Bar No. 88300)	Electronically Filed
2	STEVEN B. SCOW (NV Bar No. 99060)	2/3/2021 12:37 PM
3	BRODY R. WIGHT (NV Bar No. 13615)	Steven D. Grierson
4	KOCH & SCOW LLC	CLERK OF THE COURT
5	11500 S. Eastern Ave., Suite 210	<i>Steven B. Scow</i>
6	Henderson, NV 89052	CASE NO: A-21-828840-C
7	dkoch@kochscow.com	Department 31
8	sscow@kochscow.com	
9	bwight@kochscow.com	
10	Telephone: (702) 318-5040	
11	Facsimile: (702) 318-5039	
12	Attorneys for Plaintiff	
13	Red Rock Financial Services	
14		
15	DISTRICT COURT	
16	CLARK COUNTY, NEVADA	
17	RED ROCK FINANCIAL SERVICES,	
18	Plaintiff,	Case No:
19	VS.	Dept:
20	NONA LOBIN, as an individual and as Trustee	INITIAL APPEARANCE FEE
21	of the GORDON B. HANSEN TRUST DATED	DISCLOSURE
22	8/22/08; REPUBLIC SERVICES, INC., a	
23	Nevada corporation; WELLS FARGO, N.A., a	
24	national banking association; NATIONSTAR	
25	MORTGAGE, LLC, a Delaware company; and	
26	DOES 1-100;	
27	Defendants,	
28		
29	Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are	
30	submitted for parties appearing the above-entitled action as indicated below:	
31	Plaintiff Red Rock Financial Services	\$270.00
32	Total Remitted:	\$270.00
33	DATED: February 3, 2021	KOCH & SCOW, LLC
34		<i>Steven B. Scow</i>
35		STEVEN B. SCOW
36		Attorneys for Plaintiff
37		Red Rock Financial Services
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**Did Red Rock have standing to file the interpleader ?**

A threshold jurisdictional issue is before the court because Scow concealed that Red Rock does not have standing to file an interpleader action as it did not have possession or control of the funds after 8/28/14.

Red Rock gave the \$57,282.32 it designated as excess proceeds from the 8/15/14 foreclosure sale of my deceased fiancé's Sun City Anthem home to Scow and instructed him to distribute the excess proceeds in the manner proscribed in the statute.

Scow converted a check payable to the court, disobeyed both his client and the law and obstructed my three civil claims to get them.

Scow knew when he filed the action that I was the sole possible claimant.

<b>Red Rock Financial Services</b> <b>Trust Account</b> 4775 W. Teco Avenue, Suite 140 Las Vegas, NV 89118 (702) 932-6887		<b>usbank</b> Five Star Service Guaranteed www.usbank.com 94-01691212	49909
		8/21/2014	
PAY TO THE ORDER OF	Clark County District Court	\$57,282.32	
Fifty-Seven Thousand Two Hundred Eighty-Two and 32/100			DOLLARS
Clark County District Court			
MEMO			
2763 White Sage Drive Excess Funds			
⑈049909⑈ ⑆121201694⑆ 153751166148⑈			



## Memorandum

To: Koch & Scow – Steve Scow  
From: Christie Marling  
Date: August 28, 2014  
Subject: Foreclosure Excess Funds

---

Enclosed you will find the below listed checks made out to Clark County District Court as well as the Title Report. Please have these excess funds interpleaded in regards to the below properties:

677 Principle Point Ave, Henderson, N V89102  
Foreclosure Date: 08/14/2014  
Check 49916, \$14,296.10

623 Port Talbot Ave, Las Vegas, NV 89178  
Foreclosure Date: 08/14/2014  
Check 49915, \$1,032.26

10085 Mystic Dance St, Las Vegas, NV 89183  
Foreclosure Date: 08/14/2014  
Check 49913, \$14,422.90

2763 White Sage Dr, Henderson, NV 89052  
Foreclosure Date: 08/15/2014  
Check 49909, \$57,282.32

654 Loughton St, Las Vegas, NV 89178  
Foreclosure Date: 08/14/2014  
Check 49894, \$18,614.21

6982 Mirkwood Ave, Las Vegas, NV 89178  
Foreclosure Date: 8/20/2014  
Check 49926, \$54,697.13

Should you have any questions please contact Christie Marling at 702.483.2996 or via email at [cmarling@rrfs.com](mailto:cmarling@rrfs.com).

Thank you,

Christie Marling  
Red Rock Financial Services

4775 West Teco Avenue, Suite 140, Las Vegas, Nevada 89118 ♦ 702-932-6887 ♦ 702-341-7733 Fax 702-341-7733



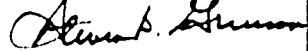
Another unresolved jurisdictional issue was also created by Steven Scow's intentional misrepresentation that Red Rock Financial Services LLC ("Red Rock LLC") filed the complaint.

This 2<sup>nd</sup> threshold issue of standing arose three months after the case began after I filed a motion for summary judgment (Doc. #24) because there was no timely response to my 3/8/21 counter-claims (Doc. #14) and Steven Scow followed it by filing a rogue motion to dismiss (Doc. #28) my counter-claims of Interpleader (claim for the \$57,282.32 that should have been given to me in 2014 as the sole claimant pursuant to NRS 116.31164), Racketeering, Fraud, Conversion and/or Unjust Enrichment, and Alter Ego/ Lift the Corporate Veil, and petition for sanctions, intentionally misidentifying the Plaintiff and the Counter-Defendant as non-party Red Rock Financial Services LLC.

It is debatable whether Plaintiff Red Rock had standing to file the meritless complaint, there is no question that the Red Rock, partnership subsidiary of FSR was the trustee of the HOA sale under Sun City Anthem's statutory authority while under 4/27/12 contract, did designate \$57,282.32 as excess on 8/21/14, and did file the interpleader complaint. Red Rock LLC does not meet any of the factors to have standing and the court has no jurisdiction to grant judgment in favor of the non-party.

This court must resolve that Red Rock LLC does not have any interest in these proceedings, and its rogue filings must be stricken without appeal exactly in the same manner as my pro se filings were treated in the 1<sup>st</sup> action.

Scow has created the jurisdictional threshold dispute by tricking Judge Peterson into thinking that the non-party Red Rock LLC and the Plaintiff Red Rock FSR partnership subsidiary are the same single legal entity just because part of their names are the same.



DAVID R. KOCH (NV Bar No. 8830)  
STEVEN B. SCOW (NV Bar No. 9906)  
KOCH & SCOW LLC  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052  
dkoch@kochscow.com  
sscow@kochscow.com  
Telephone: (702) 318-5040  
Facsimile: (702) 318-5039

*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.: XXXI

RED ROCK FINANCIAL  
SERVICES, LLC'S MOTION TO  
DISMISS COUNTERCLAIMANT  
NONA TOBIN'S  
COUNTERCLAIM AND  
PETITION FOR SANCTIONS

Hearing Requested

**This rogue motion by non-party Red Rock LLC was granted by 9/10/21, appealed herein for 1) lack of jurisdiction, 2) no party filed a responsive pleading to refute the claims I supported with evidence, 3) the parties claiming preclusion must meet the burden of proof that the elements of claims preclusion are met, 4) NRCP 15 provides for one time to amend if the NRCP 9 b) standard was not met, 5) not time-barred, 6) NRCP 12(d) required converting to an MSJ as it had 1,000+ pages of exhibits of matters outside the pleadings; my MSJ was denied at the same 8/19/21 hearing because disputed facts remained.**

NONA TOBIN, as an individual;  
Counterclaimant,

vs.

RED ROCK FINANCIAL SERVICES, LLC;  
Counter-Defendant.

NONA TOBIN, as an individual;  
Cross-Claimant,

vs.

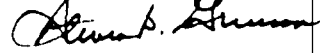
WELLS FARGO, N.A., a national banking

Steven Scow filed two more problematic rogue motions using the nonparty Red Rock LLC as the filer that resulted in orders appealed. Both times he later misrepresented that he filed as non-party Red Rock LLC, and just acted as if he filed as the Plaintiff Red Rock. It's ludicrous, and yet Judge Peterson fell for it hook, line and sinker, it's crazy-making. That's why I'm being so explicit here with pictures.

The two rogue motions are:

1) Doc. # 77, NT 03026 – NT 03086, filed on 12/28/21, that resulted in order entered on 5/25/22 with notice of entry on 5/25/22, that denied

2) and Doc. #93, NT 05561 – NT 05839, filed on 6/13/22, resulted in 1/9/23 order that granted the non-party's rogue motion for attorney's fees & costs, but denied its motion for abuse of process and for a vexatious litigant restrictive order and denied the motion for an evidentiary hearing so it was impossible to meet the "clear and convincing" evidentiary standard of proving fraud on the court..



1 DAVID R. KOCH (NV Bar No. 8830)  
STEVEN B. SCOW (NV Bar No. 9906)

2 KERRY P. FAUGHNAN (NV Bar No. 1220)  
KOCH & SCOW LLC

3 11500 S. Eastern Ave., Suite 210

4 Henderson, NV 89052

5 dkoch@kochscow.com

6 sscow@kochscow.com

7 kfaughnan@kochscow.com

8 dscow@kochscow.com

9 Telephone: (702) 318-5040

10 Facsimile: (702) 318-5039

11 *Attorneys for Plaintiff*

12 *Red Rock Financial Services*

**Scow knows that Red Rock LLC has no standing but is possibly using it as the filer to buffer liability from the Plaintiff Red Rock partnership and Scow himself. Scow also knows that the evidentiary hearing would show that he personally conspired with others to perpetrate the fraud on the court I am alleging and can prove. This rogue motion was granted and so this is the third district court that sanctions stealing by ignoring evidence.**

DISTRICT COURT

CLARK COUNTY, NEVADA

13 RED ROCK FINANCIAL SERVICES,  
LLC;

14 Plaintiff,

15 vs.

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

21 Defendants

22 NONA TOBIN, as an individual;  
23 Counterclaimant.

24 vs.

25 RED ROCK FINANCIAL SERVICES,  
26 LLC;  
27 Counter-Defendant.

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

**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**

Hearing Date: January 18, 2022  
Time: 10:00 a.m.

1 DAVID R. KOCH (NV Bar No. 8830)  
2 STEVEN B. SCOW (NV Bar No. 9906)  
3 KERRY P. LAUGHLIN (NV Bar No. 12204)  
4 KOCH & SCOW LLC  
5 11500 S. Eastern Ave., Suite 210  
6 Henderson, NV 89052  
7 dkoch@kochscow.com  
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9 klaughlin@kochscow.com  
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11 Telephone: (702) 318-5040  
12 Facsimile: (702) 318-5039

13 Attorneys for Plaintiff  
14 Red Rock Financial Services

15 DISTRICT COURT  
16 CLARK COUNTY, NEVADA

17 RED ROCK FINANCIAL SERVICES,  
18 LLC

19 Plaintiff,

20 vs.

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

Defendants

29 NONA TOBIN, as an individual;  
30 Counterclaimant,

31 vs.

The non-party Red Rock LLC's motion for attorneys fees was granted at the 7/7/22 hearing, but its motions for abuse of process & a restrictive order were denied. Scow drafted the 1/9/23 order, but submitted without my corrections and put "did not respond" on my signature line. Judge Peterson said my corrections were factually and legally wrong, but put attached the objections I had submitted on a 1/16/23 order. I moved for reconsideration of the 1/16/23 order due to granting fees to a non-party, but now I appeal as the 3/28/23 order misrepresents the 1/9/23 & 1/16/23 orders as "Restrictive Orders" and conceals that the Restrictive Order was really issued in absentia on 2/2/23 without notice or just cause.

Case No: A-21-828840-C  
Depto: XIII

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  
VEXATIOUS LITIGANT RESTRICTIVE  
ORDER AGAINST NONA TOBIN AND  
FOR ATTORNEY FEES AND COSTS

Hearing Date: July 7, 2022  
Time: \_\_\_\_\_ a.m.

Page 2

NT 05761

1 RED ROCK FINANCIAL SERVICES,  
2 LLC;  
3 Counter-Defendant.

Scow knows I didn't file any claims against Red Rock LLC and he knows the LLC is not the Counter-Defendant and knows it has no standing as it is not prejudiced by my claims against the real counter-defendant.

4. Nature of disposition below (check all that apply):

- ☐ Judgment after bench trial  
☐ Judgment after jury verdict  
☒ Summary judgment **denied**  
☐ Default judgment  
☒ Grant/Denial of NRCP 60(b) relief  
☐ Grant/Denial of injunction  
☒ Grant/Denial of declaratory relief  
☐ Review of agency determination

- ☒ Dismissal:  
☒ Lack of jurisdiction  
☒ Failure to state a claim  
☐ Failure to prosecute  
☐ Other (specify):  
☐ Divorce Decree:  
☐ Original ☐ Modification  
☒ Other disposition (specify): **unwarranted vexatious**

**court acted outside its jurisdiction to grant a non-party's rogue motion to dismiss unanswered counter-claims on inapplicable grounds of claims preclusion and granted rogue motion for attorneys fees and costs to a disinterested non-party**

**litigant restrictive order without notice or just cause was issued in absentia at an improper ex parte hearing but this fact was concealed in the final order that misrepresented the Jan. 9 and 16, 2023 orders as Restrictive Orders**

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody  
☐ Venue  
☐ Termination of parental rights

**No. N/A**

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

See next page

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

See next page

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

Plaintiff Red Rock Financial Services, a partnership subsidiary of Sun City Anthem's former (2006-2015) managing agent, First Service Residential dba the HOA's debt collector, was the fiduciary trustee of the 8/15/14 foreclosure sale of 2763 White Sage Drive that was the source of the \$57,282.32 interpleaded funds at issue in this dispute. Red Rock filed this meritless interpleader action for no proper purpose immediately after Tobin appealed (82294) the order granting Red Rock's unwarranted and harassing motion to dismiss Tobin's 2nd civil claim for the excess proceeds on the specious grounds of res judicata (NRCp 12(b)(5)) and 2) failure to join the HOA as a necessary party. NRCp 12(b)(6)) after refusing to participate in good faith in mediation.

The threshold issues were never determined: 1) whether (NRCp 22) legal standards for an equitable interpleader action had been met, and 2) whether the parties had standing to file oppositions to the court ordering the immediate payment of the undistributed excess proceeds from the 2014 sale to sole claimant Tobin with interest and penalties. Without resolving the jurisdictional questions, a case that should never have been brought was unfairly allowed thereby to morph into an unjust vexatious litigant restrictive order against the only innocent party who in good faith was solely attempting to enforce her legitimate rights. NRS 155.165

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

See next page

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

See next page

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☐ N/A

☐ Yes

☐ No

If not, explain:

See next page

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☒ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

See next page



**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

**it should be retained by the Supreme Court as it involves alleged fraud on the court across multiple district court cases in which multiple attorneys are implicated that was enabled by judicial misconduct and/or incompetence.** 17(a)(3)(4) and (11)

There are five civil actions awaiting lifting the unfair vexatious litigant restriction because because Judge Peterson wouldn't issue an order to show cause and the Supreme Court chose not to intervene on case 84371 . The State Bar's refusal to investigate verified complaints imposes an undue burden to force the victim to file a civil action to get a court order with written findings.

The attorneys in this dispute cheated to win, and they were enabled by judicial misconduct. The Supreme Court must protect the public and the Court needs the State Bar to assist in governing the legal profession instead of dumping it on on the victim. Please consider the recent shake up in the California Bar after Tom Girardi was caught.

**14. Trial.** If this action proceeded to trial, how many days did the trial last? No trial.

Was it a bench or jury trial? \_\_\_\_\_

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

## TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from 3/28/23

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served 3/28/23

Was service by:

☐ Delivery

ODYSSEY NV EFILE SERVICE

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing was restricted

☒ NRCP 59      Date of filing 4/26/23      NRCP 60(b)(1) NRCP (b)(3) NRCP 60 (d)(3) \_

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion 5/30/23

(c) Date written notice of entry of order resolving tolling motion was served 7/27/23

Was service by:

☐ Delivery

ODYSSEY NV EFILE SERVICE

☐ Mail

“There is no statute of limitations for fraud on the court. And jurisdiction exists to consider such a claim even if there are no adversary parties then present before the court.” Valerio v. Boise Cascade Corp., 80 F.R.D. 626, 640 n. 10 (N.D.Cal.1978)aff’d,645 F.2d 699 (9th Cir.1981). ”)

19. Date notice of appeal filed 8/22/23

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other 4(C)

---

### SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

☐ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☒ Other (specify) 3A(b)(8)

(b) Explain how each authority provides a basis for appeal from the judgment or order:

**22. List all parties involved in the action or consolidated actions in the district court:**

**(a) Parties:**

Red Rock Financial Services, Plaintiff/Counter-Defendant

Nona Tobin, an individual and as trustee of the Gordon B. Hansen Trust, dated 8/22/08, Defendant /Counter-Claimant/Cross-Claimant

Republic Services, Inc., a Nevada Corporation, Defendant/Disclaimant

Nationstar Mortgage, LLC, Defendant

Wells Fargo, N. A., Defendant

**(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:**

Republic Services, Inc., a Nevada Corporation, Defendant/Disclaimant

Republic Services disclaimed interest and withdrew from the case on 2/17/21 (Doc #13) because its statutory liens had to be released in 2017 after 3 years of non-enforcement as they have to do every time Red Rock/Scow fails to distribute the excess proceeds according to the statute.

Nona Tobin, as trustee of the Gordon B. Hansen Trust, dated 8/22/08, should not have been named a Defendant because Tobin as an individual became the trustees successor in interest when the insolvent Trust closed on 3/28/17 upon the transfer of its sole remaining asset to Tobin an individual, its sole remaining beneficiary.

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

See next page.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

- ☐ Yes It's hard to say that my claims were adjudicated when all my claims were AGAIN precluded based on the misrepresentations of attorneys, by the judge granting the motion of a non-party without requiring the parties to file anything to meet ANY burden of proof to refute the allegations against them, not against the non-party.
- ☐ No

**25. If you answered "No" to question 24, complete the following:**

**(a) Specify the claims remaining pending below:**

The jurisdiction issue I believe should have been addressed in 85251, but the Court chose not to intervene before the final order. So now is the time this court must resolve the jurisdictional question first. This situation has gotten way out of hand where my opponents have cheated to win and deprived me of my substantive rights to a fair adjudication of claims. Now after this outrageously unwarranted restrictive order, my claims aren't just precluded on false pretenses, they are restricted to prevent ANY complaint, against ANY defendant, for ANY cause of action unless I pay an attorney. The people who made these vexatious litigant motions were just trying to silence a whistleblower. They had no standing to be in the case, either they were not parties or if they were had no standing to be in this case because I had the only recorded claim since 6/3/19, two days before the show trial in the 1st action.

(b) Specify the parties remaining below:

Nona Tobin, an individual, Defendant/Counter-Claimant/Cross-Claimant, Appellant  
Respondents  
Red Rock Financial Services, Plaintiff/Counter-Defendant  
Nationstar Mortgage, LLC, Defendant  
Wells Fargo, N. A., Defendant

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☒ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☒ Yes

☐ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order


## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Nona Tobin  
Name of appellant

9/16/23  
Date

Clark county, Nevada  
State and county where signed

In Proper Person  
Name of counsel of record  
  
Signature of counsel of record

## CERTIFICATE OF SERVICE

I certify that on the 17th day of September, 2023, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Red Rock Financial Services  
Steven B. Scow (Nevada Bar No. 9906)  
KING SCOW KOCH DURHAM, LLC  
11500 S. Eastern Ave., Suite 210  
Henderson, NV 89052  
Telephone: (702) 833-1100  
sscow@kskdllaw.com

Sean B. Kirby  
Nevada Bar No. 14224  
TROUTMAN PEPPER HAMILTON SANDERS LLP  
8985 S. Eastern Ave., Suite 200  
Las Vegas, NV 89123 (Nevada Office)  
Tele: (470) 832-5572  
Fax: (404) 962-6800  
Sean.kirby@troutman.com

Dated this 16th day of September, 2023

  
Signature

## CASE 87183 DOCKETING STATEMENT

**QUESTION 27.** Attach file-stamped copies of the following documents:

Part 2: Third-party claims were compulsory (NRCp 13(a)(1)) because they arose out of the fraud on the court, abusive litigation practices of my opponents and their obstruction of my ability to get an evidence-based adjudication of quiet title, unjust enrichment and declaratory relief claims by an impartial tribunal.

Tab #	FILE DATE	ALL FILED CLAIMS
5	3/22/21	Doc ID# 17 <u>NT 00554 – NT 00826</u> Nona Tobin's Third-Party Complaint 1. Abuse Of Process; 2. Racketeering (NRS207.360(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) & (4) 6. Sanctions Pursuant To NRCp 11(b)(1-4); NRPC 3.1, 3.3, 3.4,3.5(b), 4.1, 4.4, 5.1, 5.2, 8.3, 8.4 vs. Steven B. Scow; Brody R. Wight; Joseph Hong; Melanie Morgan; David Ochoa; Brittany Wood
6	10/13/21	Doc ID# 50 Notice of Voluntary Dismissal Without Prejudice and Doc ID# 51 Notice of Entry of Order were required because Judge Peterson an order to show cause why it shouldn't be dismissed after my attorney hired for the scheduled-but-never- held evidentiary hearing failed to serve the complaint within 120 days. The OSC hearing was held after the dismissal order was signed, unnecessarily costing me \$1,300 in attorney fees. The transcript is Doc. # 138 NT 08330 NT 08330. The transcript, I believe, shows that Judge Peterson knew that the parties did not answer my 3/8/21 counter-and cross-claims because she was hoping to dismiss them for lack of service.

**I. 3. Attorney(s) representing respondents(s) continued Part 1 Steven Scow misrepresented who the client is:**

**Steven Scow improperly filed rogue documents for a non-party, misrepresented the parties by conflating two of his clients, for the improper purpose of covering up that the interpleader action was meritless.**

It is relevant to report that Steven Scow, who represents Respondent Red Rock Financial Services, partnership subsidiary of FirstService Residential Nevada LLC (EIN 88-0358132), HOA sale trustee at the 8/15/14 HOA foreclosure sale that was the source of the \$57,282.32 excess proceeds at issue in this meritless interpleader action, also represents a different client, non-party Red Rock Financial Services LLC, who has no interest in the subject of these proceedings.


Steven Scow, however, chose to file the complaint in the name of the party who was the HOA trustee and then later chose to file rogue documents into the district court case with the non-party as the filer.

In the IAFD and the initial complaint pursuant to NRCP 10(a) he only identified the partnership as the Plaintiff/Counter-Defendant, but then after failing to file a mandatory responsive pleading to refute my 3/8/21 counterclaim (NRCP 12(a)(1)(B)), he filed an untimely rogue motion to dismiss with the non-party as the filer and changed the caption to add the “LLC” designation to misrepresent the non-party motion filer also as the Plaintiff and the Counter-Defendant to deceptively make it appear as though the disinterested entity were the same legal entity as the



partnership subsidiary of Sun City Anthem's former managing agent dba its debt collector. This is no innocent error or mere oversight, and it must not be tolerated.

All of this trickery confused the court and deflected attention from his fundamental deceit: that neither the party Red Rock nor the non-party Red Rock LLC had possession or control of the \$57,282.32 designated as excess proceeds after August 28, 2014 when the Red Rock collection agent, fiduciary HOA foreclosure sale trustee, i.e., "the person conducting the sale", had entrusted Steven Scow with six check designated as excess proceeds from HOA sales in six different HOAs, payable solely to Clark County District Court, all with written instructions to Steven Scow personally to remit those checks to court for immediate distribution. (RRFS 047 – RRFS 048).

<b>Red Rock Financial Services</b> <b>Trust Account</b> 4775 W. Teco Avenue, Suite 140 Las Vegas, NV 89118 (702) 932-6887		usbank From Star Service Guarantied www.usbank.com (800) 768-6887	49909
PAY TO THE ORDER OF Clark County District Court		8/21/2014	\$57,282.32
Fifty-Seven Thousand Two Hundred Eighty-Two and 32/100		DOLLARS	
Clark County District Court			
MEMO			
2763 White Sage Drive Excess Funds			
⑈049909⑈ ⑆2120674⑆ 5375166148⑈			



## Memorandum

To: Koch & Scow – Steve Scow  
From: Christie Marling  
Date: August 28, 2014  
Subject: Foreclosure Excess Funds

Enclosed you will find the below listed checks made out to Clark County District Court as well as the Title Report. Please have these excess funds interpleaded in regards to the below properties:

677 Principle Point Ave, Henderson, NV 89102  
Foreclosure Date: 08/14/2014  
Check 49916, \$14,296.10

623 Port Talbot Ave, Las Vegas, NV 89178  
Foreclosure Date: 08/14/2014  
Check 49915, \$1,032.26

10085 Mystic Dance St, Las Vegas, NV 89183  
Foreclosure Date: 08/14/2014  
Check 49913, \$14,422.90

2763 White Sage Dr, Henderson, NV 89052  
Foreclosure Date: 08/15/2014  
Check 49909, \$57,282.32

654 Loughton St, Las Vegas, NV 89178  
Foreclosure Date: 08/14/2014  
Check 49894, \$18,614.21

6982 Mirkwood Ave, Las Vegas, NV 89178  
Foreclosure Date: 8/20/2014  
Check 49926, \$54,697.13

Should you have any questions please contact Christie Marling at 702.483.2996 or via email at [cmarling@rrfs.com](mailto:cmarling@rrfs.com).

Thank you,

Christie Marling  
Red Rock Financial Services

4775 West Teco Avenue, Suite 140, Las Vegas, Nevada 89118 ♦ 702-932-6887 ♦ 702-341-7233 Fax 702-341-7233

Scow's client did not give him the money to hold in trust and the law did not allow for that. Shortly after that, Sun City Anthem terminated Red Rock's contract and Scow shouldn't have kept the money past the termination of Red Rock no longer being an agent to the HOA, but Scow kept the money and refused to turn it over in mediation in the 1<sup>st</sup> action, and filed a motion to dismiss my 2<sup>nd</sup> claim for the proceeds as Red Rock in the 2<sup>nd</sup> action at which time he disclosed that Red Rock now is wholly owned by a different entity so the Red Rock who was the trustee for the HOA sale for Sun City Anthem subsidiary of FirstService Residential no longer exists.

Scow filed this disclosure after he filed a motion to dismiss Tobin's 2<sup>nd</sup> civil claim for the proceeds in the name of Sun City Anthem's former agent and the time he filed the unwarranted interpleader action

Scow did not disclose that he was filing for an entity that instructed him to distribute the money in 2014, no longer was working for Sun City Anthem in 2015, and 2014 was its last tax return using the EIN for the account the excess proceeds checks are written on.

EIN Tax Id		Legal
<b>Firstservice Residential in Las Vegas, Nevada</b>		
<a href="#">Home</a> <a href="#">Companies with F</a>		
<b>Organization Profile</b>		
<p>Firstservice Residential is an employer located at Las Vegas, Nevada. The employer identification number (EIN) for Firstservice Residential is <u>880358132</u>. EIN for organizations is sometimes also referred to as taxpayer identification number or TIN.</p> <p>Firstservice Residential sponsors an employee benefit plan and files Form 5500 annual return/report. As per our records, the last return (form 5500) was filed for year 2014. The contact number for Firstservice Residential is <u>(702) 940-7096</u>.</p>		
<b>Basic Profile</b>		
Organization Name	Firstservice Residential	
EIN (Taxpayer Id)	88 0358132	
Doing Business As		
Business Category		
<b>Contact Details</b>		
Care of Name		
Phone Number	(702) 940-7096	
US Address 1	8290 Arville Street	
US Address 2		
US City	Las Vegas	
US state	Nevada	
US Zip	89139	
<b>Mailing Address:</b>		
US Mailing Address 1	8290 Arville Street	
US Mailing Address 2		
US Mailing City	Las Vegas	
US Mailing State	Nevada	
US Mailing Zip	89139	

Scow still is filing for the old Red Rock partnership but filed intermittently for the non-party Red Rock LLC, but is fully owned by a corporate entity who has even less connection to the subject of these proceedings.

**NRAP 26.1 DISCLOSURE**

This NRAP 26.1 Disclosure is made in connection with RESPONDENT RED ROCK FINANCIAL SERVICES' ANSWERING BRIEF. The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a).

1. Respondent Red Rock Financial Services is wholly owned by FSRM (NV), Inc.
2. Steven B. Scow (Nevada Bar Number 9906) of Koch & Scow, LLC is the only attorney that has or is expected to appear for Respondent in this matter.

Dated this 15<sup>th</sup> day of November 2021

/s/ Steven B. Scow

Steven B. Scow

Attorneys for Respondent

**II. 3. Attorney(s) representing respondents(s) continued Part 2 Akerman and successors lack authority to represent Wells Fargo:**

**Nationstar's attorneys misrepresented that they have authority to represent Wells Fargo for the improper purpose of covering up that Akerman facilitated Nationstar stealing \$355,000 from Wells Fargo and obstructed Appellant's ability to litigate and blow the whistle.**

Akerman LLP filed no Initial Appearance Fee Disclosures (IAFD).

Akerman moved to withdraw, there were no signatures from either Nationstar nor Wells Fargo to authorize it and no client signatures to authorize the new attorneys. The Akerman affidavit (Doc, #62, ¶4) admitted that only Nationstar was its client.

Doc ID# 62 Akerman Motion to Withdraw As Counsel

Page 2, lines 4 -14

“Akerman was retained by Nationstar to represent both Nationstar and Wells Fargo in this action. Nationstar services the mortgage loan owned by Wells Fargo. Nationstar knowingly and freely discharged Akerman as counsel for both Nationstar and Wells Fargo. RPC 1.16(a)(3); see *In re Kaufman*, 93 Nev. 456, 568 P.2d 959 (1977) (a party may discharge his or her attorney).

Akerman anticipates Nationstar will retain new counsel on behalf of itself and Wells Fargo in short order, however new counsel has not yet made an appearance or requested consent for substitution.”

Akerman will serve a copy of the motion on Nationstar and all parties of record. RPC 1.16(c). Akerman will also provide a copy of the pleadings and other case documents to Nationstar in accordance with any legal, ethical, and contractual obligations. RPC 1.16(d). Akerman provides the court and other parties with contact information for Nationstar: Nationstar Mortgage LLC dba Mr. Cooper, 8950 Cypress Waters Blvd., Coppell, TX 75019, (833) 685-2565.”

Akerman did not file the compulsory claim for the interpleaded proceeds for either Nationstar or Wells Fargo, but did not disclaim interest and withdraw.

4/9/2021 20 Doc ID# 20 Wells Fargo, N.A. and Nationstar Mortgage LLC's  
Answer to Red Rock Financial Services' Complaint for Interpleader  
(NRCP 22)

There is no evidence Wells Fargo knows it is in this litigation as Nationstar is the only client and Nationstar and Akerman are covering up that Nationstar and/or Akerman covertly and fraudulently collected \$355,000 to release the lien of the 1<sup>st</sup> deed of trust that would belong to Wells Fargo if Nationstar were really servicing the loan for its benefit as stated above in Doc. #62 quoted above.

## **6. Pending and prior proceedings in this court.**

79295 /79295-COA 7/23/19 appeal from A-15-720032-C consolidated with A-16-730078-C  
Nona Tobin, as trustee of the Gordon B. Hansen Trust, Appellant vs. Sun City Anthem, Nationstar, Jimijack Irrevocable Trust  
79295 Nona Tobin, an individual, appeal was dismissed as declared a non-party

Appeals from A-19-799890-C Appellant. Nona Tobin, individual vs Jimijack Irrevocable Trust, Joel Stokes, an individual Nationstar, Red Rock Financial Services, Brian & Debora Chiesi

82094, \$3,445 Tobin to pay EDCR 7.60Sanction to Jimijack/Stokes for filing 2nd action  
82234 Appellant. Nona Tobin, individual, A-19-799890-C \$12,980 Sanction to Chiesi for filing 2nd action  
82294 /82294-COAAppellant. Nona Tobin, an individual, A-19-799890-C  
84371 Nona Tobin, vs. NCJD & State Bar of Nevada writ petition to mandate enforcement of the codes of conduct  
85251 Nona Tobin, individual, v. Judge Peterson prohibit acting outside jurisdiction or mandate strike rogue filings  
87183 Appellant. Nona Tobin, an individual, A-21-828840-C, \$5,165 to non-party for attorney fees from \$57,282.32  
undistributed excess proceeds from 8/15/14 foreclosure sale to sole claimant vexatious litigant Tobin

**Appeal 79295**, docketed on 7/30/19, A-15-720032-C and A-16-730078-C,  
from orders entered on 4/18/19 granting Sun City Anthem's motion for summary  
judgment on the Hansen Trust's quiet title claim and Nationstar's limited joinder,  
5/31/19 denial of motion to reconsider 4/18/19 order, and 6/24/19 final judgment from  
6/5/19-6/6/19 bench trial

NONA TOBIN, as Trustee of the GORDON B. HANSEN TRUST, dated 8/22/08,  
Appellant, v. JOEL A. STOKES and SANDRA F. STOKES as Trustees of JIMI JACK  
IRREVOCABLE TRUST; NATIONSTAR MORTGAGE , LLC; SUN CITY ANTHEM  
COMMUNITY ASSOCIATION, INC., Respondents.

Case Information: 79295			
Short Caption:	GORDON B. HANSEN TRUST, DATED 8/22/08 VS. STOKES	Court:	Supreme Court
Lower Court Case(s):	Clerk Co. Eighth Judicial District A/20032	Related Case(s):	79295-COA 84371, 85251
Disqualifications:		Classification:	Civil Appeal - General - Other
Replacement:		Case Status:	Remittitur Issued/Case Closed
To SP/Judge:		Panel Assigned:	Panel
Oral Argument:		SP Status:	
Submission Date:		Oral Argument Location:	
		How Submitted:	

- Party Information		
Role	Party Name	Represented By
Appellant	Gordon B. Hansen Trust, Dated 8/22/08	L. Joe Coppedge (Mushkin & Coppedge) Margaret P. Mushkin (Mushkin & Coppedge)
Respondent	E. Bonbrant LLC	Joseph Y. Hong (Hong & Hong)
Respondent	Jimjack Irrevocable Trust	Joseph Y. Hong (Hong & Hong)
Respondent	Carl A. Stokes	Joseph Y. Hong (Hong & Hong)
Respondent	Nationstar Mortgage LLC	Melanie D. Morgan (Akerman LLP/Las Vegas) Annel E. Stern (Akerman LLP/Las Vegas) Dorina M. Wang (Akerman LLP/Las Vegas)
Respondent	Carolina E. Pohl	Joseph Y. Hong (Hong & Hong)
Respondent	Sun City Anthem Community Association, Inc.	Kaleb D. Anderson (Lipson Neilson PC) David J. Debra (Lipson Neilson PC)
Respondent	Yvonne L. Lee	Joseph Y. Hong (Hong & Hong)

**79295 appeal filed by Nona Tobin as trustee on 7/23/19 and as an individual on 7/24/19, Individual appeal was dismissed on 9/4/19 on the grounds that I was not aggrieved as I was deemed not to be a party to the action despite the fact that the Hansen Trust closed on 3/28/17 and I was its successor in interest and the holder of a deed to protect and had been granted leave to intervene.**

Not reflected in the public record of 79295 pictured below is that I filed two 79295 appeals as an individual, one as a pro se and one done by an attorney. Both were denied. 9/4/19 by order 19-37046, and on 4/30/20 by 20-16346.

I was a party as an individual and as a trustee in the 1<sup>st</sup> action A-720032-C consolidated with A-16-730078-C until attorneys for Jimijack and Nationstar orchestrated a fraudulent transfer of the title without adjudication. They served notice that a hearing of my objection to Nationstar's MSJ vs. Jimijack and my counter MSJ, on the docket for 4/23/19 was continued until 5/7/19, apparently without the judge's knowledge, and then went to the court anyway on 4/23/19 and ex parte misrepresented to the court that I had never been granted leave to intervene as an individual and therefore more problematic than just not my attorney had not filed a motion to withdraw.



All my April 2019 pro se filings were declared rogue and were stricken and I was excluded from the trial as an individual even though the Hansen Trust was closed in 2017 when its sole remaining asset was transferred to me as the sole remaining beneficiary on 3/28/17.

Removing me as an individual party was the abusive litigation tactic that this appeal is seeking to rectify by having the issue of standing turning the tables on my opponents and treating the filings of the actual non-party Red Rock LLC exactly the way my filings were treated when they forced me out of the 1<sup>st</sup> action.

See Doc. #120 motion to strike the rogue filings of nonparty Red Rock LLC seeks equal treatment to resolve this appeal.

#### CONCLUSIONS OF LAW

1. Because she is not now, nor has she ever been, as party to this case, Nona Tobin is not authorized to file anything with this court in her individual capacity.
2. The only way Nona Tobin is involved in this matter is in her capacity as Trustee of the GORDON B. HANSEN TRUST Dated 8/22/08. In this capacity, she is represented by attorney Joe Coppedge, Esq..
3. Because she is not a party to the case, all documents filed with this Court by Nona Tobin as an individual, are rogue documents and are stricken from the record. This includes both the Motion to Dismiss and Motion for New Trial (and all oppositions or replies) and the Notice of Lis Pendens.

My 79295 individual docketing statement, that was returned unfiled by SC 19-37846, is also included as an exhibit to this 87183 docketing statement Exhibit 5 of Attachment A as it shows the deceit employed by my opponents used to unfairly get my unheard claims precluded on the specious inapplicable ground of res judicata.

Appeal 79295 did not address my individual claims at all because I was unfairly removed as a party as an individual, but appeal 79295 did not address my claims as a trustee because none of the elements of a quiet title determination were met because my opponents misrepresented and concealed so many material facts from the courts, e.g.,

- No one admitted to the 6/5/19 trial had any interest in the title to protect
- All documentary evidence and witnesses were excluded from trial for no proper purpose
- A title decision was made without compliance with NRS 40.110
- Both parties who had a deed, Joel Stokes and Nona Tobin, were not at trial
- Nationstar collected \$355,000 to gift the property to a non-party by releasing the lien of the 1<sup>st</sup> deed of trust it was lying about owning without going to trial

A central issue of this dispute is that all Appellant Tobin's individual claims have been unfairly dismissed with prejudice pursuant to NRCP 12(b)(5) because my opponents misrepresented my standing to suppress my evidence.

Setting aside the jurisdictional issue that neither the motion's maker nor the bank joiners had standing to make the motion to dismiss, the core problem is that Tobin's opponents misrepresented Tobin's standing to both the district courts and the appeals courts to prevent her verified, unrefuted and irrefutable evidence from going to trial in the 1<sup>st</sup> action that shows:

- 1) the HOA sale was fraudulently conducted without notice and due process required by the NRS, HOA CC&Rs & bylaws,
- 2) the HOA Board did not approve the sale in an open meeting as required by the HOA bylaws,
- 3) Red Rock rejected assessments three times that would have cured the default,
- 4) Jimijack's 6/9/15 was not legally sufficient to hold or convey title and was admissible as evidence (NRS 111.345).
- 5) Jimijack didn't have any deed at the time of the 6/5/19 trial because it had fraudulently covertly quitclaimed it to one of the trustees, non-party Joel Stokes on 5/1/19,
- 6) Non-party Joel Stokes and non-party Civic Financial Services recorded a one-year, no interest deed of trust with the power of sale, that was misrepresented to the court as the Nationstar-Jimijack out of court settlement of the title claim, but was actually an agreement to launder a \$355,000 payment to Nationstar
- 7) Nationstar, after refusing to join Tobin and the Hanson Trust in 2018 in an MSJ to void the sale in its entirety in 2018, joined the HOA to claim that the sale was valid to get rid of the Hansen Trust (who didn't have a deed after 3/28/17) but retain the 1<sup>st</sup> deed of trust due to a rejected superpriority tender made by BANA who Nationstar had claimed since 12/1/14 was its predecessor as the beneficiary of the 1<sup>st</sup> deed of trust.
- 8) Nationstar recorded a rescission of its 12/1/14 claim to be BANA's successor on 3/8/19, before summary judgment was granted, but concealed this material fact from the court.
- 9) Also on 3/8/19, using the same robo-signer, Nationstar falsely claimed to have Wells Fargo's power of attorney and that it had authority to assign the beneficial interest of the 1<sup>st</sup> deed of trust to itself.
- 10) 6/3/19 Nationstar, acting as if it was both the beneficiary and the trustee of the 1<sup>st</sup> deed of trust fraudulently reconveyed a free and clear title to non-party Joel Stokes who was the owner of record since on 6/3/19, two days before the 6/5/19
- 11) 12/27/19 Joel Stokes sold the property to Brian and Debora Chiesi using Driggs Title Company who either doctored the title report so it either didn't mention the three lis pendens on the property or Driggs Title or Chiesi were in on the fraud.

**"..courts have "inherent equitable powers to dismiss actions or enter default judgments for . . . abusive litigation practices."** *Televideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 916 (9th Cir. 1987) (citations omitted). Litigants and attorneys alike should be aware that these powers may permit sanctions for discovery and other litigation abuses not specifically proscribed by statute. *Young v. Johnny Ribeiro Building*, 106 Nev. 88, 92, 787 P.2d 777, 779 (1990). We have held that the authority to dismiss a case for "abusive litigation practices" is within the court's "inherent equitable powers." *Young*, 106 Nev. at 92, 787 P.2d at 779.")

Appeal 82294

82234, docketed on 12/18/20, A-19-799890-C

This was dismissed as a separate appeal because the order was issued before the final judgment order was entered, but then it was granted as part of the 82294 on the nonsensical grounds of res judicata when there is no way the superiority of Nona Tobin's individual title 3/28/17 title vs. the Chiesi 12/27/19 title could have been determined at a 6/5/19 quiet title trial. Chiesi didn't record any claim vs. Tobin for six months after the trial. Further, on 5/1/19, a month before the trial, Jimijack Irrevocable Trust covertly quitclaimed its defective title to non-party Joel Stokes so the Chiesi deed is void and the attorney collected these fees for writing a fraudulent Request for Judicial Notice of a deceptive and misleading excerpt of the property and court record.

from 11/17/20 NEOJ order to grant \$8,948.99 to Quicken Loans/Chiesi attorney per (NRS 18.010 (2) NONA TOBIN, Appellant v. BRIAN CHIESI, an individual; DEBORA CHIESI, an individual; QUICKEN LOANS INC. Respondents.

Appeal 82094, docketed on 11/17/20, A-19-799890-C

from order entered on 10/8/20 order granting \$3,455 to Joseph Hong as EDCR 7.60 (1) and/or (3) sanction for filing A-19-799890-C complaint;

NONA TOBIN, Appellant, v. JOEL A. STOKES, an individual; JOEL A. STOKES and SANDRA STOKES as Trustees of JIMIACK IRREVOCABLE TRUST; JIMIACK IRREVOCABLE TRUST, Respondents.

The 82094 appeal of a ridiculous \$3,455 sanction cost me \$250 to file, \$500 to post a bond, thousands of dollars for an attorney to prepare the notice of appeal, the case appeal statement, and the docketing statement, and request to consolidate. It was dismissed because it should have been a post-trial order.

On 2/14/21 I filed a complaint to the State Bar against Joseph Hong because, as I explained under the 79295 appeal, this is winning by cheating. His ex parte communications, lying about my standing to the 1<sup>st</sup> and 2<sup>nd</sup> courts, conspiring with others, fraudulently transferring the property multiple times, falsifying property and title reports to conceal the fraudulent transfer of Jimijack's defective inadmissible deed to one of the trustees before the Hansen Trust- Jimijack trial obstructed my rights to an impartial evidence-based adjudication of my claims. Concealing from the judge that the Jimijack-Nationstar settlement was really a money laundering scheme to cover up that Nationstar collected \$355,000 for gifting the property free and clear to Joel Stokes without either of them going to trial in either the 1<sup>st</sup> or the 2<sup>nd</sup> actions is grounds for the order to be set aside.

The complaint against Hong is in the exhibits in Volume 9 along with the complaint against Brittany Wood who precipitated appeal 82234.

Case Information: 82094	
Short Caption	Court
Lower Court Case(s)	Related Case(s) 82234 82294 82294-COA 84371 85251
Disqualifications	Classification
Replacement	Case Status
To SP/Judge	Panel Assigned
Oral Argument	SP Status
Submission Date	Oral Argument Location
	How Submitted

- Party Information		
Role	Party Name	Represented By
Plaintiff	Red Rock LLC	Mr. William J. Peterson
Defendant	State of Colorado	Mr. William J. Peterson
Defendant	State of Colorado	Mr. William J. Peterson

Docket Entries				
Date	Type	Description	Pending?	Document
20-11-11	Case Filed	Case filed by Red Rock LLC		
20-11-11	Case Filed	Case filed by State of Colorado		20-41867
20-11-11	Case Filed	Case filed by State of Colorado		20-41869
20-11-11	Case Filed	Case filed by State of Colorado		20-42054
20-11-11	Case Filed	Case filed by State of Colorado		20-43029
20-11-11	Case Filed	Case filed by State of Colorado		20-44787
20-11-11	Case Filed	Case filed by State of Colorado		20-45466
20-11-11	Case Filed	Case filed by State of Colorado		20-46584
20-11-11	Case Filed	Case filed by State of Colorado		20-46914
20-11-11	Case Filed	Case filed by State of Colorado		21-01834
20-11-11	Case Filed	Case filed by State of Colorado		21-04287
20-11-11	Case Filed	Case filed by State of Colorado		21-04801

# I. 6. Pending and prior proceedings in this court.

## 85251 Writ petition

Petition to arrest proceedings to mandate Judge Peterson to strike Red Rock LLC's rogue filings as equal treatment for my pro se filings having been unfairly stricken without appeal in A720032 when I really was a party.

The writ petition 85251 was an attempt to resolve this jurisdictional issue and end the case without appeal a year ago, but the Supreme Court declined to intervene on the grounds that its discretionary and exceptional intervention was not warranted. Ideally, this docketing statement will suffice to resolve this without the necessity of a full appeal as I have already been unfairly subjected to seven years of unnecessary litigation and approximately \$400,000 in litigation costs trying to recover property that was stolen from me made impossible by the many obstacles thrown in my path by officers of the court.

Case Information: 85251			
Short Caption	Proper Person Petition (WRAP 439)	Court	Supreme Court
Lower Court Case(s)	79295 82094 82234 82294 84371 87183	Related Case(s)	79295 82094 82234 82294 84371 87183
Disqualifications		Classification	Original Jurisdiction Civil Proper Person Writ Petition
Replacement		Case Status	Not Reopened From their Is Open/Case Closed
To SP/Judge		Panel Assigned	Full Bench
Oral Argument		SP Status	
Submission Date		Oral Argument Location	
		How Submitted	

+ Party Information				
Docket Entries				
Date	Type	Description	Pending?	Document
11/18/2023	File of Petition	Proper Person Petition (WRAP 439) (Petitioner: 18/18/2023)		
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-27290
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-27294
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-27295
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-27296
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-27299
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-27317
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-27580
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-28548
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-29372
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-30234
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-35951
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-37993
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		22-40135
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		23-01675
11/18/2023	Response to Petition	Proper Person Petition (WRAP 439) (Respondent: 18/18/2023)		

## Question 6 continued

3/15/22 filed, dismissed on 8/11/22

### 84371 Petition for a Writ of Mandamus For The Enforcement of the Nevada Judicial and Professional Codes of Conduct

Case Information: 84371			
Short Caption:	TOBIN VS. NEV. JUDICIAL DISCIPLINE	Court:	Supreme Court
Lower Court Case(s):	Clark Co. Eighth Judicial District A720032 A730078 A799850 A823840	Related Case(s):	79295 79295-COA, 82094 82234 82294, 82294-COA, 85251 87183
Disqualifications:		Classification:	Original Proceeding - Civil - Proper Person Writ Petition
Replacement:		Case Status:	Notice in Lieu of Return Issued/Case Closed
To SP/Judge:		Panel Assigned:	Panel
Oral Argument:		SP Status:	
Submission Date:		Oral Argument Location:	
		How Submitted:	

+ Party Information				
Docket Entries				
Date	Type	Description	Pending?	Document
03/15/2022	Filing Fee	Filing Fee Paid: \$250.00 from Nona Tobin. Check no. 585 (SC)		
03/15/2022	Original Writ	Filed Proper Person Petition for Writ of Mandamus for the Enforcement of the Nevada Judicial and Professional Codes of Conduct (STRIPKENS PER 4/26/22 ORDER) (SC)		
03/15/2022	Motion	Filed Proper Person Motion: Petition for Excess Pages in Writs of Mandamus for the Enforcement of the Nevada Judicial and Professional Codes of Conduct (SC)		22-08150
03/15/2022	Notice Issued	Filed Proper Person Notice: Certificate of Service (SC)		22-08151
03/15/2022	Other Incoming Document	Filed Proper Person Document: Table of Contents of Petition for Writ Pro Se Appendix Volumes (Vols. 1-36) Tobin 0001-5282 (SC)		22-08152

03/17/2022	Other Incoming Document	Filed Proper Person Document - Appendix Amended Volume 26 pages (P40-1048) (SC)	22-11463
03/29/2022	Other Proceedings	Filed Order Denying Motion. The clerk shall close the petition filed on March 15, 2022. Petitioner's complaint petition due 21 days (SC)	22-13147
05/18/2022	Petition Writ	Filed Amended Petition for Writs of Mandamus for the Enforcement of the Nevada Judicial and Professional Codes of Conduct (SC)	22-15670
06/11/2022	Other Disposition	Filed Order Denying Petition. ORDER the petition. DENIED. In 1 (P4) Honorable Mark Labovitz, Senior Justice, participated in the decision of this matter under a general order of assignment (HPAS MG) (SC)	22-25205
06/06/2022	Remittitur	Issued Notice in Lieu of Remittitur (SC)	22-27740
06/06/2022	Other Disposition	Notice in Lieu of Remittitur Issued Case Closed (SC)	

The hyperlinked 12-page table of contents of the 36-volumes of exhibits shows these are far from frivolous complaints. herein. [SC 22-08152](#), linked here, filed on 3/15/22 is a more detailed TOC which is relevant to this appeal because the 3/28/23 vexatious litigant restrictive order appealed from herein was precipitated by my motion for an order to show cause (MOSC) why written findings of attorney misconduct should not be forwarded to the State Bar that was supported by five Requests for Judicial Notice (RFJN) of the verified, fully-documented complaints of professional misconduct vs. attorneys in these proceedings who violated the rules of professional conduct to obstruct my ability to get an evidence-based adjudication of my claims by an impartial tribunal and who covered up their clients', and their own wrongdoing that if prosecuted criminally, would warrant felony charges.

Specifically, the vexatious litigant restrictive order was issued as a bench order without notice on 2/2/23 when the 2/2/23 hearing was scheduled (Doc. #109, 110, 111) only to hear my MOSC to hear my MOSC (12/19/22 Doc. #103, DOC. # 108 corrected to add "NO HEARING REQUESTED") and two Joseph Hong (Doc. #106) and Brittany Wood (Doc. #102).

I filed the MOSC in good faith and supported it with a much more significant amount of documentary evidence that anyone ever provided me when recommending a public sector employee termination when I administered a civil service system for a workforce of 8,000+ in my former professional career.

The Supreme Court's decision to not intervene and grant my 84371 petition to mandate that the State Bar lift its draconian gatekeeping practice forced me into this position, but Judge Peterson's reaction was still completely unsupported by the facts, evidence and law and contrary to NCJC 2.1, 2.2., and 2.15.

Judge Peterson's insultingly erroneous legal conclusion was that my MOSC and RFJN of verified, but rejected without investigation complaints to the State Bar,

supported by detailed, forensically audited documentary evidence, were “inappropriate, legally devoid of merit, and served no purpose other than to harass the attorneys that have been involved in this matter.” (3/28/23 order, Pg. 12, ¶ 48).

The writ petition appendix volume 4, 22-08163 contains the uninvestigated complaints against Joseph Hong, (TOBIN 280-399) and Brittany Wood (TOBIN 400- 459), but the writ petition appendix does not include the five draft separate civil actions against the implicated attorneys the RFJNs (Doc. # 102 and 106) also included to show Judge Peterson that the purpose of the MOSC was in the interest of judicial efficiency and to avoid the unreasonable burden placed on me as the victim to have to pursue five separate civil actions.

The 3/28/23 order restricts my filing any civil action, against any defendant for any cause of action, unless I get pre-filing approval from the Chief Judge. This has essentially become a total ban robbing me of my fundamental rights since no approval or denial has come in the months since I requested approval on 5/14/23. (See **Attachment A**)

Attachment A page 16 articulates the fairest, most elegant solution to this appeal.



### **Question 7 continued**

A-16-730078-C, filed on 1/11/16, voluntary dismissal without prejudice by stipulation on 2/20/19  
Eighth Judicial District Court, Clark County, Nevada  
NATIONSTAR MORTGAGE LLC vs. OPPORTUNITY HOMES LLC

A-15-720032-C, filed on  
JIMIACK IRREVOCABLE TRUST vs. BANK OF AMERICA and  
SUN CITY ANTHEM COMMUNITY ASSOCIATION, INC. 11/22/19

**Clark County 8<sup>th</sup> Judicial District Court case # A-19-799890-C filed 8/7/19 dismissed 12/3/20  
with prejudice per res judicata appealed in 82294**

#### **Parties**

NONA TOBIN, an individual, Plaintiff

v.

Brian Chiesi, An Individual; Debora Chiesi, An Individual; Quicken Loans Inc.; Joel A. Stokes, An Individual; Joel A. Stokes And Sandra Stokes As Trustees Of Jimijack Irrevocable Trust; Jimijack Irrevocable Trust; Nationstar Mortgage LLC; Red Rock Financial Services, Defendants.

### **Question 8 continued**

Plaintiff Red Rock Financial Services, a partnership subsidiary of Sun City Anthem's former (2006-2015) managing agent, First Service Residential dba the HOA's debt collector, was the fiduciary trustee of the 8/15/14 foreclosure sale of 2763 White Sage Drive that was the source of the \$57,282.32 interpleaded funds at issue in this dispute. Red Rock filed this meritless interpleader action for no proper purpose immediately after Tobin appealed (82294) the order granting Red Rock's unwarranted and harassing motion to dismiss Tobin's 2<sup>nd</sup> civil claim for the excess proceeds on the specious grounds of res judicata (NRCP 12(b)(5)) and 2) failure to join the HOA as a necessary party. NRCP 12(b)(6)) after refusing to participate in good faith in mediation.

The threshold issues were never determined: 1) whether (NRCP 22) legal standards for an equitable interpleader action had been met, and 2) whether the parties had standing to file oppositions to the court ordering the immediate payment of the undistributed excess proceeds from the 2014 sale to sole claimant Tobin with interest and penalties. Without resolving the jurisdictional questions, a case that should never have been brought was unfairly allowed thereby to morph into an unjust vexatious litigant restrictive order against the only innocent party who in good faith was solely attempting to enforce her legitimate rights. NRS 155.165

## II. Question 9. Issues on appeal.

1. Did the court act outside its jurisdiction or otherwise err by granting motions of a non-party damaging to appellant who has no interest in the subject of the proceedings, filed no claims, had no claims served against it and would suffer no prejudice if appellant's claims or motions had been granted?
2. Did the court err in declaring Tobin was a vexatious litigant without notice, good cause, or an opportunity to oppose?
3. Did the court err in refusing to issue an order to show cause when the motion was unopposed and the consequences were so burdensome for the victim?
4. Did the court err in dismissing with prejudice Nona Tobin's unanswered counter-claims of Fraud, Racketeering, Conversion, Alter Ego/Lift the Corporate Veil and petition for sanctions pursuant to NRCP 11(b)(1)(2)(3) and/or (4), NRS 18.010(2), NRS 207.470(1), NRS 42.005, by giving Red Counter-Defendant Red Rock unfair exemption from filing a timely responsive pleading (NRCP 12(a)(1)(B) to refute the allegations in the counter claim and petition for sanctions and given that Counter-Defendant Red Rock did not file any NRCP 12(b) motion to dismiss the counter-claims against it?
5. Did Chief Judge Wiese err in failing to disqualify Judge Peterson from the decision to set aside the 3/28/23 order pursuant to NRCP 60(b)(1)(3) and (d)(3) given that Judge Peterson delegated drafting the order to Steven Scow whom Appellant has repeatedly accused of misrepresenting the law and the court record to unlawfully obstruct a fair adjudication of her claims, and after Scow misrepresented them in this order, did not circulate the draft order for review before submission, Judge Peterson signed an order fraught with fraudulent misrepresentations that were intentionally mischaracterized as "uncontroverted" and that included an unreasonable restrictive order against a motion to correct or reconsider the improper order, and yet Judge Peterson rubberstamped Scow's self-serving version of reality, refused to resolve factual disputes by evidence and refused to allow the record to be corrected? (See table of disputed facts and law in 3/28/23 order in volume 8, tab 26.)
6. Did the court err in dismissing with prejudice Nona Tobin's unheard cross-claims of Fraud, Racketeering, Conversion, and petition for sanctions pursuant to NRCP 11(b)(1)(2)(3) and/or (4), NRS 18.010(2), NRS 207.470(1), NRS 42.005, given that neither Nationstar nor Wells Fargo filed a timely responsive pleading (NRCP 12(a)(1)(B) nor NRCP 12(b)(5) motion to dismiss, and the joinder they filed to non-party Red Rock LLC's rogue motion to dismiss was untimely (EDCR 2.20(d), unsupported (EDCR 2.20(e), and improper?
7. Given that the clear and unambiguous language of the controlling statute NRS 116.31164(3)(c)(2013) required Red Rock to distribute the excess proceeds immediately in 2014 after it declared on 8/21/14 that the \$57,282.32 were the 8/15/14 HOA foreclosure sale excess proceeds, did the court err in not granting Nona Tobin's 4/12/21 1<sup>st</sup> motion for an order to distribute the \$57,282.32 to her with interest at the Nevada legal interest rate as she was the sole claimant, and she had been the sole defendant with a recorded claim since 6/3/19, two days before the trial in the 1<sup>st</sup> action?
8. Did the court err by accepting attorney representations without requiring proof not supported by facts or evidence and not providing appellant the opportunity to meet the clear and convincing evidentiary standard required by NRCP 60(b)(3) and 60(d)(3) fraud on the court?

9. Did the court err by signing orders with disputed facts and refusing to resolve factual disputes by evidence?
10. Did the court err by applying the court rules differently to exempt Tobin's opponents from filing written oppositions to support their claims or refute the claims against them?
11. Given that appellant requested repeatedly that her objections to the false statements in the findings in the 3/28/23 order that were misrepresented as "uncontroverted", did the court err in signing a final judgment interpleader order that morphed into an unjust vexatious litigant restrictive order, issued in absentia at an unnoticed ex parte hearing and was drafted by opposing counsel Steven Scow but not circulated for approval as to form and content and then refusing to attach appellant's oppositions to the misrepresentations that were emailed to the court on 3/28/23, 4/5/23, 4/13/23 and 4/20/23 and an NRCP 52 motion was prohibited by the restrictive order? (See attached table of disputed facts and law in 3/28/23 order.)
12. Did Chief Judge Wiese err in not having disqualified Judge Peterson from making the decision on whether to set aside the 3/28/23 final judgment interpleader order, given that Judge Peterson repeatedly differentially applied court rules 100% of the time in favor of Tobin's opponent for no good reason,? For example,
  - a. Judge Peterson had Steven Scow draft the order that emanated from the 2/2/23 ex parte hearing Tobin was declared a vexatious litigant without her knowledge, and Judge Peterson refused to allow Tobin's corrections to the Scow's misrepresentations to the findings be accurate in the record order be in the record so the order accurately says the disputed findings are uncontroverted which, because the orders in this dispute inaccurately report that findings are based on evidence and uncontroverted. This is false. Tobin's evidence has successfully been suppressed. False statements in orders have made appeal useless as a remedy.
  - b. Appellant's motions (Doc # 120), to reconsider the 1/16/23 order that granted attorney fees to the nonparty and her renewed motion to strike the rogue filings of the non-party were scheduled for oral argument on 2/28/23, and were unopposed when Judge Peterson on 2/2/23 for no good reason, with no notice to appellant, Judge Peterson heard them ex parte on 2/2/23 with Nationstar and Red Rock attorneys given a chance for oral argument and given an exemption from filing the written opposition required by EDCR 2.20(c), essentially handing the case to Nationstar and Red Rock in what amounts to court-sanctioned stealing. and declared the non-party was somehow a party as a matter of some unidentified law, without consideration of any law, evidence, or facts, and, at the same unnecessary, unnoticed hearing Nationstar's one sentence motion for a vexatious litigant order was granted (doc. # 122) at the same ex parte hearing, without waiting to consider Tobin's opposition .not due yet but filed on 2/2/23 at 3:43 PM (Doc. # 125), Judge Peterson declared Nona Tobin was a vexatious litigant in absentia because she filed a motion for an order to show cause why written findings of attorney misconduct shouldn't be forwarded to the State Bar.
13. Should Judge Wiese have disqualified Judge Peterson from making the decision on whether to set aside the 3/28/23 final judgment interpleader order, given that Judge Peterson misrepresented in the 3/28/23 order how, when and why the unjust, overly broad, improper order was issued? For example, it inaccurately states that the 1/9/23 and 1/16/23 orders were restrictive orders when in reality, they were just interpleader orders that misrepresented who the parties were and misrepresented the court record and the law whereas the vexatious litigant order was issued originally as a bench order in absentia on 2/2/23 at an improper ex parte hearing with no word to appellant that the restriction had even been imposed until mentioned

as an aside in a 2/15/23 email denying the proposed order to adopt the motion to strike the non-party' rogue filings consider and to strike the non-party filings as unopposed

14. Given that Nevada's vexatious litigant statute NRS 155.165 is designed to protect an interested person acting in good faith to enforce her rights, and to place limits on those who interfere with that for improper purposes.
15. Did the court err in granting Nationstar's motion for a restrictive order against Tobin when Tobin was acting in good faith enforcing her rights to claim the excess proceeds and Nationstar had no rights to make a claim, whereas Nationstar is provably a thief who stole the property from Tobin and, if there were a legitimate beneficiary Nationstar stole without adjudication in the 1<sup>st</sup> action \$355,000 for Wells Fargo. Nationstar should not have been allowed to remain in the case This restrictive order is so blatantly being used as a means to silence a whistleblower, what protections does the court have to protect the innocent from abusive practices like this from a bully like Nationstar, who should have been judicially estopped from filing any oppositions to Tobin once it failed to file the compulsory counterclaim for the proceeds.

### Meaningful notice

*SFR Invs. Pool 1, LLC v. U.S. Bank, N.A.*, 334 P.3d 408, 422 (Nev. 2014) (““(W)hen notice is a person's due, process which is a mere gesture is not due process. The means employed must be such as one desirous of actually informing the absentee might reasonably adopt to accomplish it.’” (quoting *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 315, 70 S.Ct. 652, 94 L.Ed. 865 (1950) )).”)

*SFR Invs. Pool 1, LLC v. U.S. Bank, N.A.*, 334 P.3d 408, 422 (Nev. 2014) (“after the first deed of trust loses its security in the property pursuant to the association's foreclosure of its superpriority lien, the former homeowner generally will be liable for the amount still owed on the debt. NRS 40.455. Under the majority's holding, in the nonjudicial foreclosure setting, the owner will be left with no mechanism by which to obtain the property's value as an offset against the amount still owed. For example, even if the foreclosure-sale purchaser took the property for an amount significantly lower than its fair market value, the owner would not have an unjust enrichment action against that purchaser; a sale under the nonjudicial foreclosure scheme for an association's lien “vests in the purchaser the title of the unit's owner without equity or right of redemption.” NRS 116.31166(3). This also means that the owner, as well as the first security, will have no right to redeem the property under the majority's holding. NRS 116.31166(3) ; *see also Bldg. Energetix Corp. v. EHE, LP*, 129 Nev. —, —, 294 P.3d 1228, 1233 (2013)”)

### Question 23 continued

3/8/21 Tobin's counter claims (Doc #14) were dismissed with prejudice by 9/10/21 order (Doc #43) that granted the non-party Red Rock LLC's rogue motion (Doc #28) to dismiss all claims against the Plaintiff/Counter-Defendant Red Rock with prejudice on the specious grounds of res judicata.

By 11/30/21 order (Doc #14) the 9/10/21 order was amended to dismiss all Tobin's cross-claims because Judge Peterson forgot to grant their joinder to the rogue motion at the 8/19/21 hearing

On 1/16/23 the court granted the non-party's motion for attorney fees out of the interpleaded funds that belonged to the sole claimant, and Tobin filed a motion to reconsider and renewed motion to strike the rogue filings of the non-party and grant her unopposed 6/27/22 final judgment order. On 2/2/23 Judge Peterson met ex parte with Nationstar and Red rock attorneys at a hearing that was supposed to be about Tobin's MOSC and RFJN and instead Judge Peterson declared that the non-party was a party, that Tobin was a vexatious litigant who filed all these complaints against attorneys just for purposes of harassment because they had no factual or legal merit, and those present were excused from filing an opposition to Tobin's pending unopposed motions scheduled for oral argument on 2/28/23.

### III. Question 27 and exhibits of the civil actions necessitated by Judge Peterson's unwillingness to forward written findings to the State Bar when given evidence that documented serious, potentially criminal, misconduct

## 87183 Docketing Statement Exhibits

Tab	Draft complaint awaiting approval for 4+ months with no word
A	Draft complaint vs. the State Bar to get relief from the draconian gatekeeping requirement of forcing the victim to get a court order with written findings of attorney misconduct before the State Bar will investigate a verified complaint submitted for pre-filing approval on 5/14/23 as required by 3/28/23 order that has never been approved or denied for 4+ months.

	<p>1. <b>5/14/23 9:17 PM Gmail Nona Tobin to Chief Judge Wiese's DC 30 inbox</b>  "Pre-filing approval requested pursuant to A-21-828840-C 3/28/23 restrictive order" to which <b>no acknowledgment, approval or denial was ever received.</b></p> <p>2. <b>Summons and Verified Complaint for Declaratory Relief</b>  Nona Tobin, Plaintiff vs. Board of Governors, State Bar of Nevada and Assistant Bar Counsel Phillip J. Pattee</p> <p>3. <b>Bar complaint Exhibit 1</b>  9/10/19 NV SC 19-37846  My individual docketing statement was unfairly returned unfiled after the court declared I was not aggrieved pursuant to NRAP 3A as a nonparty disregarding NRS 30.130 and NRCP 19. The summary judgment granted the HOA's and Nationstar's motions to quiet title vs the Hansen Trust were improper because neither the HOA nor Nationstar nor the Hansen Trust had any interest in the title or any filed claims against me as the Hansen Trust and I didn't hold title as the Hansen Trust after 3/28/17. The court unfairly excluded me as an individual deedholder since 3/28/17 and excluded me and my evidence from trial by ex parte bench order, but I have been wrongly bound to the results even though failure to join me as a necessary party should have proved fatal to the ruling. The facts that there was no evidentiary hearing (NRS 40.110), and no party at the trial that had a deed or other interest to protect (NRS.010) should have been fatal to the case.</p> <p>4. <b>Bar complaint Exhibit 2</b>  3/15/22 Tobin petition for writ of mandamus for the enforcement of the codes of professional and judicial conduct that was rejected unconsidered for excess pages 22-08149</p> <p>5. <b>Bar complaint Exhibit 3</b>  My 1/03/23 motions, docketed for 2/8/23, were denied on 2/2/23 in chambers at 11:15 AM with no parties present according to the only minutes the court properly served via the Odyssey eFileNV E-Service system.</p>
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**Volume 2 is the complaint, and all counter and cross claims, and one disclaimer**

<b>Tab #</b>	<b>FILE DATE</b>	<b>ALL FILED CLAIMS</b>
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- |   |        |  |
|---|--------|--|
| 1 | 2/3/21 | Doc ID# 2 <u>NT 00002</u> - <u>NT 00007</u><br><b>Complaint for interpleader</b> |
|---|--------|--|

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; NATIONSTARMORTGAGE, LLC, a  
Delaware company; and DOES 1-100;

Defendants.

- |   |         |   |
|---|---------|---|
| 2 | 2/17/21 | Doc ID# 13 Disclaimer of interest - Republic Services |
|---|---------|---|

- |   |        |  |
|---|--------|--|
| 3 | 3/8/21 | Doc ID# 14 <u>NT 00025</u> - <u>NT 00155</u><br>Nona Tobin's Answer, Affirmative Defenses, And <b>Counter-<br/>Claim</b> vs. Red Rock Financial Services, <b>Cross-Claims</b> vs.<br>Nationstar Mortgage LLC And Wells Fargo, N.A., And Motion<br><u>For</u> Sanctions vs. Red Rock Financial Services And Nationstar<br>Mortgage LLC, and/or Nationstar Mortgage dba Mr. Cooper<br>Pursuant To NRCP 11(b)(1)(2)(3) and/or (4), NRS 18.010(2),<br>NRS 207.470(1), NRS 42.005 |
|---|--------|--|

- |   |        |  |
|---|--------|--|
| 4 | 4/9/21 | Doc ID# 20 Wells Fargo, N.A. and Nationstar Mortgage LLC's<br>Answer to Red Rock Financial Services' Complaint for<br>Interpleader (NRCP 22) |
|---|--------|--|

Doc # 14 was the only counter-claim for the interpleaded proceeds. Nationstar's and Wells Fargo's 4/9/21 answer #did not contain a claim for the interpleaded funds and did not contain an answer to the cross claims asserted in Doc #14. Republic Services disclaimed interest in Doc # 13 on 2/17/21.

**Volume 3 Tab 5** is Part 1 of the 3/22/21 third party complaint (TPC) vs. six attorneys who are accused of obstructing the prior litigation by civil conspiracy, recording fraudulent claims to title, making false statements to court to aid and abet their clients to collect on debts they are not owed or to confiscate properties without proper foreclosure or adjudication.

**Volume 4 Tab 5** is TPC Part 2 and **Tab 6** is 10/16/21 voluntary dismissal without prejudice filed after Judge Peterson issued an order to show cause why it should not be dismissed for failure to serve within 120 days.



Tab #	FILE DATE	ALL FILED CLAIMS
5	3/22/21	<p>Doc ID# 17 <u>NT 00554 – NT 00826</u></p> <p>Nona Tobin's Third-Party Complaint 1. Abuse Of <u>Process</u>;  2. Racketeering (NRS207.360(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 <u>111.175</u>;  4. Restitution <u>And</u> Relief Requested Exceeds \$15,000  5. Exemplary <u>And</u> Punitive Damages Pursuant To NRS 42.005, NRS 207.470(1) &amp; (4)  6. Sanctions Pursuant To NRCP 11(b)(1-4); NRPC 3.1, 3.3, 3.4,3.5(b), 4.1, 4.4, 5.1, 5.2, 8.3, 8.4 vs. Steven B. Scow; Brody R. Wight; Joseph Hong; Melanie Morgan; David Ochoa; Brittany Wood</p>
6	10/13/21	<p>Doc ID# 50 Notice of Voluntary Dismissal Without Prejudice and Doc ID# 51 Notice of Entry of Order were required because Judge Peterson an order to show cause why it shouldn't be dismissed after my attorney hired for the scheduled-but-never-held evidentiary hearing failed to serve the complaint within 120 days. The OSC hearing was held after the dismissal order was signed, unnecessarily costing me \$1,300 in attorney fees. The transcript is Doc. # 138 NT 08330 NT 08330. The transcript, I believe, shows that Judge Peterson knew that the parties did not answer my 3/8/21 counter-and cross-claims because she was hoping to dismiss them for lack of service.</p>

**Volume 5, Tab 7** is Part 1 of the 4/26/23 tolling motion that sought to disqualify Judge Peterson from the decision to set aside the 3/28/23 order pursuant to NRCP 59(a)(1)(A)(B)(C) and NRCP 60(b)(1), NRCP 60(b)(3), and NRCP 60(d)(3)

Tab #    **FILE**  
          **DATE**

**Volume 5**

- 7      4/26/23    **Doc ID# 134** 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 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)
- 7/27/23    **Doc ID# 144** Notice of Entry of Order **Doc ID# 143** Order of denial 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)

**Volume 6, Tab 7** is Part 2 of the 4/26/23 tolling motion and **Volume 6, Tab 8** is the 5/30/23 resolving the tolling motion and **Volume 6, Tab 9** is the 7/27/23 notice of entry of the 5/30/23 order

Tab #    **FILE**  
          **DATE**

**Volume 6**

- |                 |  |
|-----------------|--|
| 7<br><br>Part 2 | 4/26/23 <b>Doc ID# 134</b> 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 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)   |
| 8<br><br>9      | 7/27/23 <b>Doc ID# 144</b> Notice of Entry of Order <b>Doc ID# 143</b> Order of denial 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) |

**except the order to dismiss the third party complaint is in volume 4, tab 6 and the order resolving the tolling motion is in volume 6, tabs 8, 9.**

4.6 10.13.2021 Doc ID# 50 Notice of Voluntary Dismissal Without Prejudice

4.6 10.13.2021 Doc ID#51 Notice of Entry of Order

Volume 7, Tabs 10 – 22 are the **Orders and Notices of Entry of Orders**

<b>Tab</b>	<b>FILED</b>	<b>Orders and Notices of Entry of Orders</b>
<u>10</u>	<u>6/26/2021</u>	Doc ID# <u>41</u> STIPULATION AND ORDER - MOVE EVIDENTIARY HEARING TO 8/18/21by stipulation, changed manually by the court to 8/19/21
<u>11</u>	<u>7/27/2021</u>	Doc ID# <u>42</u> NOTICE OF ENTRY OF STIPULATION AND ORDER - MOVE EVIDENTIARY HEARING TO 8/19/21
<u>12</u>	<u>9/10/2021</u>	Doc ID# <u>43</u> "ORDER & JUDGMENT ON PLAINTIFF (SIC) 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"
<u>13</u>	<u>9/10/2021</u>	Doc ID# <u>44</u> Notice of Entry of Order & Judgment granting non-party Red Rock LLC'S rogue Motion to Dismiss Tobin's Counterclaim, Petition For Sanctions And Tobin's Motion For Summary Judgement against counter-defendant Red Rock
<u>14</u>	<u>11/30/2021</u>	Doc ID# <u>70</u> Order Clarifying Sept. 10th, 2021 Order and Mooting Notice of Default and Motion to Strike
<u>15</u>	<u>11/30/2021</u>	Doc ID# <u>71</u> 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
<u>16</u>	<u>11/30/2021</u>	Doc ID# <u>72</u> Notice of Entry of Order Clarifying September 10, 2021 Order And Mooting Notice of Default and Motion to Strike
<u>17</u>	<u>11/30/2021</u>	Doc ID# <u>73</u> Notice of Entry of Order of Denial of Motion to Reconsider
<u>18</u>	<u>5/25/2022</u>	Doc ID# <u>88</u> Order Denying Nona Tobin's Motion For An Evidentiary Hearing To Set Aside 9/10/21 Order And 11/30/21 Orders Pursuant To NRCP 60(b)(3)(Fraud) And NRCP 60(d)(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, Denying non-party Red Rock LLC's 12/28/21 Countermotions For Abuse Of Process & Denying non-party Red Rock LLC's motion For A Vexatious Litigant Restrictive Order Against Nona Tobin And denying For Attorney Fees Costs
<u>19</u>	<u>5/25/2022</u>	Doc ID# <u>89</u> Notice of Entry of Order Denying Nona Tobin's Motion For An Evidentiary Hearing To Set Aside 9/10/21 Order And 11/30/21 Orders Pursuant To NRCP 60(b)(3)(Fraud) And NRCP 60(d)(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, Denying non-party Red Rock LLC's 12/28/21 Countermotions For Abuse Of Process and Denying non-party Red Rock LLC's motion For A Vexatious Litigant Restrictive Order Against Nona Tobin And denying For Attorney Fees Costs

- 20    1/9/2023    01/09/2023 Order Doc ID# 115  
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
- 21    1/10/2023    Notice of Entry of Order Doc ID# 116
- 22    1/16/2023    Doc ID# 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
- 23    1/17/2023    Doc ID# 118  
Notice of Entry of Corrected 1/9/23 Order amended solely to correct the 1/9/23 order to state that Tobin had responded, refused to sign for the reasons identified in the opposition attached to the corrected order.

# 87183 Docketing Statement Exhibits

## Volume 8 Tabs 24 – 26

- **Tab 24** is the 3/28/23 final interpleader order that morphed into a vexatious litigant restrictive order after the sole claimant's other claims were all "precluded"
- **Tab 25** is the 3/28/23 Notice of Entry of Order
- **Tab 26** – Appellant's failed attempts to correct the record when filed a NRCP 52 motion was restricted by the order

**Volume 8, Tab 23** is the final interpleader judgment order and notice of entry granting \$52,211.32 to Tobin, sole claimant for the undistributed \$57,282.32 excess proceeds from the 8/15/14 sale; grants the non-party's motion for attorney's fees and costs in the amount of \$5,165, and it declared that Tobin is a vexatious litigant because she filed a MOSC why sanctions shouldn't be imposed on attorneys, and because she filed a motion for an evidentiary hearing after the one that was ordered was not held, and she filed corrections to every order drafted by opposing counsel because every order was fraught with false statements that misrepresent that the prior court record and successfully deceived the court into erroneously believing, without evidentiary or factual support, that Tobin's claims have previously been heard on their merits and to make the court erroneously believe that this interpleader action was proper and lawful when there is no law that supersedes NRS 116.31164 that authorizes the fiduciary HOA sale trustee to refuse to distribute the proceeds of an HOA sale immediately after the sale in the manner proscribed in the statute, and there is even less legal authority for an attorney to convert a check payable to the court to an account under his own control after his client specifically instructed him in writing to remit the check to court and distribute the excess proceeds in August 2014.

- 24    3/28/2023    Doc ID# 131 Order Declaring Nona Tobin a Vexatious Litigant. Order Denying Defendant Nona 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
- 25    3/28/2023    Doc ID# 132 Notice of Entry of Order
- 26                    Corrections to the 3/28/23 order that Judge Peterson would not allow to be part of the record to show that the findings are unsupported by evidence and false and the legal conclusions are just wrong.

**CASE 87183 DOCKETING STATEMENT**

**83187 Volume 9**

**Tabs 27-29 Joseph Hong (SBN 5995)**

- Tab #    DATE    Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed**
- 27    11/6/22    Nona Tobin Gmail to Joseph Y. Hong (SBN #5995) advising him of the intent to file a civil action for damages caused by his professional misconduct and giving him an opportunity to discuss a settlement
- 28    11/6/22    NRCP 11(c) Safe Harbor Letter to Joseph Y. Hong (SBN #5995)
- 29    11/6/22    Nona Tobin vs. Joseph Y. Hong (SBN #5995) that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 106) as this is what Tobin was attempting to avoid by the MOSC filed in good faith

No response was received from Hong. No opposition was filed to the MOSC. Neither Wood nor Hong appeared at the hearing scheduled to hear on 2/2/23 the MOSC (Doc#110) and the two RFJNs regarding uninvestigated complaints against Wood (Doc#109) and Hong (Doc#111).

**Tabs 30-33 Brittany Wood (SBN 7562)**

- Tab #    DATE    Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed**
- 30    11/7/22    Nona Tobin Gmail to Brittany Wood (SBN #7562) advising her of the intent to file a civil action for damages caused by her professional misconduct and giving her an opportunity to discuss a settlement
- 31    11/7/22    NRCP 11(c) Safe Harbor Letter to Brittany Wood (SBN #7562)
- 32    11/7/22    Nona Tobin vs. Brittany Wood (SBN #7562) that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 102) as this is what Tobin was attempting to avoid by the MOSC filed in good faith
- 33    11/9/22    A hostile response was received from Wood that included threatening a motion for a vexatious litigant restrictive order.

**CASE 87183 DOCKETING STATEMENT**

**87183 Volume 10**  
**Tabs 34-38 Steven Scow (SBN 9906)**

<b>Tab #</b>	<b>DATE</b>	<b>Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed</b>
34	11/11/22	Nona Tobin Gmail to Steven Scow (SBN 9906) advising him of the intent to file a civil action for damages caused by his professional misconduct and giving him an opportunity to discuss a settlement
35	11/11/22	NRCP 11(c) Safe Harbor Letter to Steven Scow (SBN 9906) which he ignored.
36	11/11/22	Nona Tobin vs. Steven Scow (SBN 9906) draft civil complaint that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 104) as being forced to file multiple civil actions is what Tobin was attempting to avoid by the MOSC she filed in good faith. Scow's RFJN was not on the court's docket for 2/2/23 or for any day. There was no clerk's notice of hearing the RFFN vs. Scow despite what the 3/28/23 order said.
37	3/3/23	Nona Tobin Gmail to Steven Scow (SBN 9906) and Melanie Morgan, Akerman LLP attorney for Nationstar advising them that the vexatious litigant restrictive order being issued in absentia after Nationstar filed an unsupported motion and the judge didn't wait for my opposition, was the last straw and gave them one more settlement opportunity which they both ignored.
38	3/3/23	2 <sup>nd</sup> draft civil complaint vs. Steven Scow, State Bar of Nevada and Melanie Morgan, Akerman LLP



**CASE 87183 DOCKETING STATEMENT**

**87183 Volume 11**  
**Tabs 39-43**  
**Melanie Morgan (SBN 8215)**  
**Akerman LLP**

<b>Tab #</b>	<b>DATE</b>	<b>Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed</b>
39	11/13/22	Nona Tobin Gmail to Melanie Morgan (SBN #8215) Akerman LLP advising them of the intent to file a civil action for damages caused by their professional misconduct and giving them an opportunity to discuss a settlement
40	11/13/22	NRCP 11(c) Safe Harbor Letter to Melanie Morgan (SBN #8215) Akerman LLP which they ignored.
41	11/13/22	Nona Tobin vs. Melanie Morgan (SBN #8215) Akerman LLP draft civil complaint that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 105) as being forced to file multiple civil actions is what Tobin was attempting to avoid by the MOSC she filed in good faith. Morgan's RFJN was not on the court's docket for 2/2/23 or for any day. There was no clerk's notice of hearing the RFFN vs. Morgan/Akerman/WFZ despite what the 3/28/23 order said.
42	3/3/23	Nona Tobin Gmail to Steven Scow (SBN 9906) and Melanie Morgan, Akerman LLP attorney for Nationstar advising them that the vexatious litigant restrictive order being issued in absentia after Nationstar filed an unsupported motion for a restrictive order and the judge didn't wait for my opposition, was the last straw and gave them one more settlement opportunity which they both ignored.
43	3/3/23	2 <sup>nd</sup> draft civil complaint vs. Steven Scow, State Bar of Nevada and Melanie Morgan, Akerman LLP

**CASE 87183 DOCKETING STATEMENT**

**87183 Volume 12**  
**Tabs 45-49**  
**Adam Clarkson (SBN #10003)**  
**David Ochoa (SBN #10414)**

<b>Tab #</b>	<b>DATE</b>	<b>Draft Civil Complaint Required in Lieu of OSC Judge Peterson refused to issue on 2/2/23 despite the MOSC being unopposed</b>
45	11/21/22	Nona Tobin Gmail to Adam Clarkson (SBN #10003) and David Ochoa (SBN #10414) advising them of the intent to file a civil action for damages caused by their professional misconduct and giving them an opportunity to discuss a settlement
46	11/21/22	NRCP 11(c) Safe Harbor Letter to Adam Clarkson (SBN #10003) and David Ochoa (SBN #10414) which they ignored.
47	11/21/22	Nona Tobin vs. Adam Clarkson (SBN #10003) and David Ochoa (SBN #10414) draft civil complaint that was provided as part of the 12/19/22 Request for Judicial Notice (Doc. # 107) as being forced to file multiple civil actions is what Tobin was attempting to avoid by the MOSC she filed in good faith.
48	1/31/23	Clarkson's 7 <sup>th</sup> retaliatory "Notice of Ineligibility to Ms. Nona Tobin" to prohibit my running to serve on the Sun City Anthem Board, sent 1/31/23, as he has done every year since he removed me from my elected Board seat without a NRS 116.31036 removal election because I filed complaints against him and the HOA manager and pursued quiet title litigation.
49	3/3/23	SB 417 Legislative changes full text. Adam Clarkson is a Community Association Institute lobbyist which conflicts with his conflicting roles as a fiduciary Legal Counsel and Debt Collector for Sun City Anthem, Sun City Summerlin and other HOAs. HOA agents/managers' lobbying via their IRS 501(c)(6) trade group successfully got another reduction of HOA homeowner rights codified into State law this 2023 session to override the protections in the HOA CC&Rs the owners agreed to when they purchased. CAI supports HOA managers/agents/attorneys usurping the authority of the HOA for their own unjust enrichment.

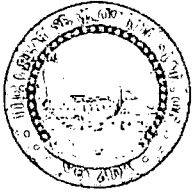
## Exhibit 4

Uninvestigated NCJD complaint  
2021-026

Pending when Judge Kishner recused  
herself and case was reassigned to  
Judge Peterson

Writ Petition 84371 was inspired by  
the administrative rejection without  
investigation by staff attorneys

Exhibit 4



(For Commission Use Only)

COMMISSION CASE NO \_\_\_\_\_

## NEVADA COMMISSION ON JUDICIAL DISCIPLINE

### VERIFIED STATEMENT OF COMPLAINT

(Please Clearly Type or Print All Required Information)

#### Part I: General Information

Date: 1/26/21

Name of Person Completing This Form: NONA TOBIN

Mailing Address of Person Completing This Form: \_\_\_\_\_

2664 OLIVIA HEIGHTS AVE., HENDERSON, NV 89052

Daytime Telephone: ( 702 ) 465-2199

Email: NONATOBIN@GMAIL.COM

#### Part II: Specific Information Regarding Complaint

Name of Nevada Judicial Officer (Only One Name Per Complaint Form): JOANNA KISHNER

Name of Court or Judicial District Involved: 8TH

Case Number (Please Include **All** Letters and Numbers): A-15-720032-C & A16-730078-C CONSOLIDATED

When and where did the alleged misconduct or disability occur? MULTIPLE - 4/23/19 EX PARTE MEETING

Date: 4/23/19 Time: 9:30 AM Location: Regional Justice Center 200 E. Lewis LV

Date: 6/3/19 Time: 8:30 Location: Regional Justice Center

Date: 9/3/19 Location: Regional Justice Center

This Case Is (Select One): ☐ Pending In Trial Court ☐ On Appeal ☐ Not Pending or Closed

Nature of Complaint (Select One): ☐ I have attached my own explanation page(s)  
☐ I have used the standard Complaint Form

Revised Nevada Code of Judicial Conduct Section(s) Violated, If Known [(Example: Canon 3B(4))]:

1.1; 1.2; 2.2; 2.4 (C); 2.6,(A); 2.7; and 2.9 (A)(1)(a)(b)(3)(4)

#### Part III: Obligations Of Complainant

I hereby acknowledge the following agreements and/or waivers:

**Consent to Investigate.** I expressly authorize the Commission on Judicial Discipline ("Commission"), staff and contractors, to investigate my complaint and take any and all actions, including interviewing any relevant witness(es) or request by subpoena or otherwise any documentary evidence and to verify the statements I have made herein to be true and correct (or if stated to be on information and belief, that the statements are believed in good faith to be true and correct). I agree to promptly supplement and amend this complaint if I learn that the facts I have alleged are materially incorrect. I understand that deliberately misstating the truth of any material fact could subject me to various sanctions including, but not limited to, dismissal of my complaint, contempt or a separate action for perjury.

TOBIN. 0461

Part III Obligations of Complainant (Continued)

**Full Cooperation.** I agree to fully cooperate with the Commission, staff and its designated contractors with regard to my complaint. I understand that even if I wish to withdraw my complaint that the Commission retains independent grounds to pursue it and that the information contained within and attached to the complaint becomes the property of the Commission and the Commission may pursue the complaint even if I seek to withdraw it. **I understand that all documents submitted become the property of the Commission and will not be returned.**

**Appeal Warning.** I understand that the Commission, its staff and contractors are not an appellate court and that my filing of a complaint does not stay or stop any time I am provided to appeal a decision I disagree with or any decision that adversely affects me. I understand that I must timely file an appeal to preserve those rights. I acknowledge that filing a complaint with the Commission does not and cannot preserve those rights.

**Legal Advice.** I understand that the Commission, its Commissioners, Commission staff, investigators and contractors are precluded from giving me legal advice regarding my case or actions I should be taking in my case and I understand that should I require advice I will seek appropriate assistance apart from the Commission, Commissioners, Commission staff, investigators and contractors

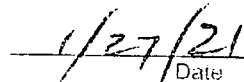
Part IV. Attachments

Relevant documents: Please attach any relevant documents which you believe directly support your claim that the judge has engaged in judicial misconduct or has a disability. **Highlight or otherwise identify those sections that you rely on to support your claim.** Do not include documents which do not directly support your complaint, for example, a copy of your complete court case. **Keep a copy of all documents submitted for your records as they become the property of the Commission and will not be returned.**

Part V: Signature and Verification of Complaint

After being duly sworn, I state under penalty of perjury that I am the above-referenced complainant whose name appears in Part I and who submitted this complaint. I know the contents thereof, and the matters set forth in this complaint are true and correct based upon my own knowledge, except as to matters stated to be on information and belief, and those matters are believed to be true and correct. I request that the conduct set forth above or referenced in the attachments and exhibits provided with the complaint be investigated by the Nevada Commission on Judicial Discipline.

  
Signature of Complainant

  
Date

How Do I Submit My Complaint? Where Can I Obtain Additional Assistance? This complaint, along with any supporting materials, should be sent by mail to the: **Nevada Commission on Judicial Discipline, P.O. Box 48, Carson City, Nevada 89702.** If you have questions regarding the completion of this form, please contact the Commission on Judicial Discipline at **(775) 687-4017.** In addition, if you have access to the internet, or can obtain access at a local library or other facility, the Commission's web site located at **<http://judicial.state.nv.us>** and provides additional information to help you prepare your complaint. The web site also includes the full and current text of the Revised Nevada Code of Judicial Conduct and other laws, statutes and rules governing the Commission

## STANDARD COMPLAINT FORM (STATEMENT OF FACTS)

The following is my explanation as to why the judicial officer named in this complaint has violated the Revised Nevada Code of Judicial Conduct or suffers from a disability.

Please identify yourself as [*select one*]: ☒ a litigant; ☐ a witness or interested party; or ☐ a member of the general public who witnessed or viewed this conduct (but not otherwise involved).

The following are the specific facts and circumstances which you believe constitute misconduct or disability (please be as specific as possible about the event(s) or action(s) and attach additional pages, if necessary):

**~~In summary, Judge Kishner met ex parte with two opposing counsels, Joseph Hong and Melanie Morgan, after they served two notices through the court system that the hearing was continued. Relying on misrepresentations by Hong and Morgan, Judge Kishner erroneously concluded that she had never granted me leave to intervene as an individual to assert a NRS 40.010 quiet title claim (even though I had filed into the case as a Pro Se multiple times in 2016-17 and had a recorded deed as an individual to defend). Further, given her belief that a trust could not be represented by a Pro Se (even though I was the sole successor trustee and sole beneficiary), she issued bench orders in my absence to declared multiple motions and notices as rogue because there was not a withdrawal motion from counsel of record. She refused to grant the Mushkin/Coppedge motions to withdraw multiple times, and then modified rather than sign Judge Barker's order. She allowed Morgan and Hong to settle non-existent claims out of court in a manner that excluded me as a necessary party and which allowed them to evade detection that neither of their clients had evidence to support their claims of ownership and neither of them had ever refuted the evidence I have against them. In a case that dragged on from 2015-2019, there was never a single order that was issued based on an evidentiary hearing. She excluded all my documentary evidence from the trial. She limited the trial to parties who did not have a recorded deed to protect. She refused to hear my motion for a new trial based on attorney misconduct and refused to hear my motion to dismiss as she lacked jurisdiction under NRS 38.310(2). My appeal was denied because the Supreme court said if the judge said she had not granted me leave to intervene, I was not aggrieved. When I filed a new claim before the five-year statute of limitations deadline, Susan Johnson dismissed my case under the doctrine of claims preclusion with prejudice.~~**

I have [*select one*]: ☒ appealed the judge's decision ☐ not appealed the decision  
☐ not decided to appeal the decision yet ☐ not applicable

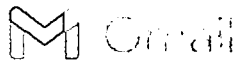
*Attach Additional Pages as Necessary*

**See attached for supporting documentary evidence.**

(Revised 12/28/2015)

S:\Website Statistics and Information\2015-12-28 Complaint Form.docx

TOBIN. 0463



Nona Tobin <nonatobin@gmail.com>

**NCJD complaint 2021-026 request to postpone formal public charges vs. Judge Kishner pending A-21-828840-C adjudication**

1 message

Nona Tobin <nonatobin@gmail.com>

Wed, Mar 10, 2021 at 5:09 PM

To: Judicial Information <ncjdinfo@judicial.nv.gov>, AGINFO@ag.nv.gov

Cc: Lindsay Vukanovich <Lindsay.Vukanovich@cityofhenderson.com>, Joe Coppedge <joe@mushlaw.com>, J Thomson <jwtlaw@ymail.com>, MLD Info <mldinfo@mld.nv.gov>



Attached please find the answer I just filed on 3/8/21 into new district court case A-21-828840-C that was assigned, perhaps randomly or perhaps intentionally, to Judge Kishner, the unfortunate subject of NCJD complaint 2021-026.

Case No.: A-21-828840-C

Department: XXXI

**JURY TRIAL DEMANDED**

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 PURSUANT TO NRCP  
11(b)(1)(2)(3) and/or(4), NRS 18.010(2), NRS  
207.407(1), NRS 42.005.

Note that the attached AACC/CRCM's Exhibit 20 includes links to the multiple administrative complaints I have filed, including all 16 attachments to NCJD 2021-026, 3/14/19 and 11/20/20 complaints to the NV AG, 12/16/20 MLD complaint, and 2/14/21 and 2/16/21 complaints to the Disciplinary panel of the state bar.

When I deliver Judge Kishner her courtesy copy of my 3/8/21 AACC within the next two weeks, it might be the first time she is aware that I have filed the NCJD 2021-026 complaint.

TOBIN. 3482

## **Please give Judge Kishner a chance to prove she was duped by the attorneys and is not herself a co-conspirator.**

I'm not asking for a change of venue or a different judge for Red Rock's interpleader complaint. I just want my stolen property back with punitive damages under the RICO statutes, and I want these unethical attorneys disbarred.

My preference would be for the NCJD to postpone filing any formal public charges against Judge Kishner until she hears Red Rock Financial Services' s duplicitous A-21-828840-C complaint for interpleader and my AACC/CRCM response and motions for sanctions under the RICO statutes.

I actually want to give Judge Kishner a chance to correct the situation by her seeing that she has been victimized by a group of unscrupulous attorneys who have all lied and presented false evidence to cover up the fraud involved in the 8/15/14 wrongful HOA foreclosure of APN 191-13-811-052.

## **Koch & Scow's perfidy in asking the court to order them to return stolen funds.**

Here is a link to a blog I just published about Red Rock's filing a totally unwarranted interpleader complaint after nearly seven years of unlawfully keeping the \$60,000 proceeds they know belong to me.

The Clark County official property records, linked in AACC/CRCM Exhibit 1, prove that my claims of fraud are irrefutable.

## **Why do our HOA attorneys help crooks steal from the homeowners?**

Koch & Scow knew that all recorded liens with a statutory priority over mine had been released, and they knew that the funds Koch & Scow kept in the RRFS trust fund were legally not permitted to be outside the control of the Sun City Anthem Board.

NRS 116.3106(c) requires HOA bylaws to define what duties an HOA Board cannot delegate.

The link below shows why Koch & Scow need to be investigated for what is many, many millions of potential trust fund violations.

SCA bylaws 3.18/3.20 annotated.

2:40-minute video

## **What does it take to get disbarred in Nevada?**

### **Attorneys waste judicial resources by their lack of professional ethics**

These attorneys have lied to Judge Kishner previously in cases A-15-720032-C and A-16-730078-C, lied to the NV Supreme Court in the 79295 appeal of Judge Kishner's orders in A-15-720032-C, and they are lying now to her in case A-21-828840-C.

But that's not all. They lied in A-19-798990-C to Judge Johnson to convince her to dismiss with prejudice all my unheard claims per res judicata and claims preclusion.

They did not participate in mediation in good faith and so the appeals of Judge Johnson's A-19-798990-C orders will keep on clogging the appellate courts in appeals 82094, 82234, and 82294.

Only Judge Kishner can put a stop to these attorney-led RICO operations by granting my motions for sanctions and making all the appeals in cases 79295, 82094, 82234, and 82294 moot.

### **Recommendation:**

Joint Investigation by NV Attorney General, State Bar of Nevada Ethics & Discipline Panel and the Nevada Commission on Judicial Ethics

The extreme problems in this case are not caused by Judge Kishner or Judge Johnson alone and they will not be solved by just disciplining two judges.



The problems in my case are emblematic of the systemic problems caused by the attorneys for banks, debt collectors and debt buyers in state courts nationwide.

The need for civil court reform were clearly articulated in the Pew Charitable Trusts' study linked below.

I strongly recommend the Nevada Attorney General pursue funding for state court reform now in the 2021 legislative session.


## **How Debt Collectors Are Transforming the Business of State Courts**

Lawsuit trends highlight need to modernize civil legal systems

Thank you for your service.

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

*Whoever said one person can't change the world never ate an undercooked bat. -Anonymous*

 **NONA TOBIN AACC CRCM EXHIBITS (1).pdf**  
1893K



GARY VAUSE  
*Chairman*

STEFANIE HUMPHREY  
*Vice-Chair*

State of Nevada  
**COMMISSION ON JUDICIAL DISCIPLINE**  
P.O. Box 48  
Carson City, Nevada 89702  
Telephone (775) 687-4017 • Fax (775) 687-3607  
Website: <http://judicial.nv.gov>

PAUL C. DEYHLE  
*General Counsel and  
Executive Director*

May 11, 2021

**CONFIDENTIAL**

Nona Tobin  
2664 Olivia Heights Avenue  
Henderson, NV 89052

Re: Case No. 2021-026

Dear Ms. Tobin:

On February 18, 2021, your above-referenced complaint was filed with the Nevada Commission on Judicial Discipline. Commission staff dismissed your complaint because it is untimely.

Your complaint alleges that the judge committed many acts of misconduct between April 23 and September 3, 2019. Nevada statutes prohibit the Commission from considering complaints which arise from acts occurring more than three years before the date of the complaint or more than one year after the complainant knew or reasonably should have known of the conduct, whichever is earlier, except for a continuing course of conduct, a pattern of recurring misconduct, or the concealing of evidence of misconduct. NRS 1.4655(2).

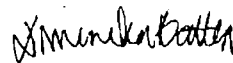
Even if the complaint were timely, the Commission typically cannot discipline a judge regarding "claims of error or abuse of discretion in findings of fact, legal decisions or procedural rulings unless supported by evidence of abuse of authority, a disregard for fundamental rights, an intentional disregard of the law, a pattern of legal error or an action taken for a purpose other than the faithful discharge of judicial duty." See NRS 1.4653(5)(b); Procedural Rules of the Nevada Commission on Judicial Discipline ("PRJDC") 8 (providing that generally "[c]laims of error shall be left to the appellate process"); *In re Hughes*, 136 Nev. Adv. Op. 46, 467 P.3d 627, 634 (2020) (providing that "[f]or claims where relief may ordinarily lie in the appeals process, disciplinary proceedings should be pursued sparingly"). The Commission is not an appellate or reviewing court; rather, the Commission disciplines judges based on their conduct.

TOBIN. 3529

Nona Tobin  
May 11, 2021  
Page 2

Pursuant to NRS 1.4657(1), the Commission reviews each complaint in accordance with its procedural rules to determine whether it alleges objectively verifiable evidence of judicial misconduct or incapacitation. PRJDC 10(4) permits the Commission to administratively dismiss complaints that do not meet the statutory requirements set forth in NRS 1.425 to 1.4695. See PRJDC 10(4) (providing that Commission staff may administratively dismiss a complaint that does not meet the statutory requirements, with the Commission subsequently ratifying such dismissal, if appropriate, at the next scheduled meeting following the administrative dismissal). Accordingly, your complaint is administratively dismissed.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominika Batten".

Dominika Batten  
Associate General Counsel



Nevada Commission on Judicial Discipline  
P.O. Box 48  
Carson City, NV 89702  
[ncjdinfo@judicial.nv.gov](mailto:ncjdinfo@judicial.nv.gov)

Dear Commissioners,

I am in receipt of Associate General Counsel, Dominika Batten,'s 5/11/21 correspondence<sup>1</sup> that rejected Fight Foreclosure Fraud, Inc.'s complaint vs. Judge Kishner<sup>2</sup>. This complaint was previously and appropriately accepted by NCJD staff member Tarah L. Hansen on 2/18/21<sup>3</sup> who assigned it NCJD complaint number 2021-026 (linked below)<sup>4</sup>. Ms. Hansen stated in her letter,

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<sup>1</sup> 5-11-21 NCJD letter from Dominika Batten, Associate General Counsel

<sup>2</sup> NCJD complaint form, 1/28/21 complaint, 2/7/21 outline of charges

<sup>3</sup> 2-18-21 acceptance letter from Tarah L. Hansen, Management Analyst II

<sup>4</sup> 1-27-21 NCJD complaint signed NCJD 3-page form,

Attachment 1 Relevant provisions of the Nevada Code of Judicial discipline

Attachment 2 7-page outline of complaint

Attachment 3 1/28/21 NCJD 100-page complaint

Attachment 4 Unheard 4/10/19 motion for summary judgment vs. Jimijack

Attachment 5 Unheard 4/10/19 motion for summary judgment vs. all parties

Attachment 6 Table of contents of evidence stricken at 4/23/19 ex parte hearing

Attachment 7 Notice of completion of Tobin/Hansen Trust's completion of mediation required for subject matter

Judge Kishner to have subject matter jurisdiction pursuant to NRS 38.310(2) (NRCJP 12(b)(1))

Attachment 8 Nona Tobin's 4/14/19 Declaration under penalty of perjury vs. Nationstar & Jimijack

Attachment 9 3/14/19 complaint to Nevada Attorney General

Attachment 10 12/16/20 complaint to Nevada Attorney General with linked exhibits to both complaints

Attachment 11 Minutes of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack

Attachment 12 Transcript of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack

Attachment 13 Recorded fraud by Nationstar

Attachment 14 55-page analysis of the evidence of fraud on the court and judicial misconduct

Attachment 15 211-pages of evidence showing that I was forced to litigate by the HOA as retaliation against me for being a whistleblower on unrelated matters, but then the HOA, Nationstar and Jimijack attorneys obstructed the litigation by concealing, suppressing, and/or falsifying the evidence that had probative value to my case

Attachment 16 963 pages of my pro se filed documents that were stricken from the record by Judge Kishner without consideration or adjudication at the ex parte hearing (Attachment 16 should have included, but did not, the 4/24/19 motion to vacate per NRCJP 60(b)(3) for fraud on the court and attached motion for summary judgment vs. all parties, or the post-trial motions, 6/17/19 motion to intervene by right, 7/22/19 motion for a new trial for fraud on the court and failure, 7/29/19 motion to dismiss for lack of subject matter jurisdiction, that were stricken at the 9/3/19 hearing,



*"You can be assured that the Commission investigates every complaint it receives, and that your complaint will be investigated by the Commission as soon as practicable."*

### **Justification for request for the NCJD to fulfill its Constitutional mandate**

1. The Commission is duty-bound to investigate this complaint by its Constitutional Charter<sup>5</sup>.
2. Every allegation made in the complaint is supported by objectively verifiable evidence.
3. The statute of limitations was tolled as 1) the damages are ongoing, 2) all good faith efforts at remediation and appeal have been obstructed, and 3) the judicial misconduct has been concealed and obfuscated by the improper manipulation of the court record and the property record.
4. Every alleged act of misconduct cites to a specific provision in the code of conduct violated.
5. The damages caused by this misconduct are severe and pervasive, with approximately \$750,000 in actual damages accruing to me personally.
6. More importantly, severe and pervasive damages accruing to the entire Nevada judiciary, the Nevada civil court system, and the public will not be mitigated in any way, if this complaint is not treated with appropriate diligence by the Commission chartered by the State of Nevada Constitution to enforce the Judicial Code of Conduct.

### **Rejection by staff attorneys is inappropriate as it interferes with the Commission's duties.**

The complaint involves very specific allegations of violations of the Nevada Code of Judicial Conduct, and a staff decision to not allow the Commission to fulfill its mission is not in the public interest.

The rationale given for rejecting my complaint, filed as President of Fight Foreclosure Fraud, Inc., was that it was 1) untimely and 2) the appellate courts are the appropriate venue for an individual victim to seek relief.

---

#### <sup>5</sup> **Purpose of the NCJD:**

The Commission was created by a Constitutional amendment on November 2, 1976, to investigate allegations of Judicial misconduct in office, violations of the Revised Nevada Code of Judicial Conduct, or disability of judges.

#### **NRS 1.463 applicable sections**

1. The Commission may remove a judge, publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge:
  - (a) Has committed willful misconduct;
  - (b) Has **willfully** or persistently failed to perform the duties of office;
2. The Commission may publicly censure a judge or impose other forms of discipline on a judge if the Commission determines that the judge has violated one or more of the provisions of the Revised Nevada Code of Judicial Conduct in a manner that is **not knowing or deliberate**.



I believe both that the FFFI complaint was timely and, more importantly, that it is in the public interest for the Commission to diligently investigate the allegations raised therein. The public deserves to have the codes of ethical standards strictly enforced for both attorneys and judges by the appropriate enforcement agencies – not by the victim.

The judiciary and the Nevada civil court system are severely and pervasively damaged when judges do not make evidence-based decisions or give preferential advantage to one side even if it is done unwittingly.

The public, the courts and the legal profession are ill-served when attorneys can suppress/conceal evidence, produce falsified accounts, or knowingly make false statements to the court with impunity and without fear of the loss of the license to practice law.

**The statute of limitations was tolled as the misconduct was concealed.**

Your determination was based on the actions that took place prior to 9/3/19 and the statute of limitations would have ended on 9/3/20.

However, the statutory computation of time excludes:

NRS 1.4655 (2)(C)(c) Any period in which the judge has concealed or conspired to conceal evidence of misconduct is not included in the computation of the time limit for the filing of a complaint pursuant to this section.

**Judicial misconduct concealed was the proximate cause of damages that continue to accrue to this day.**

The question before the Commission involves both 1) how the judicial conduct was obfuscated and 2) the degree to which Judge Kushner was knowingly complicit in rendering her 4/18/19 through 11/22/19 bench and entered orders unappealable.

Judge Kushner and/or court clerical staff mishandled court records by, inter alia, 1) striking multiple pro se-filed motions, notices, and other documents from the court record, inconsistently, and in some cases, as if they had never been filed, 2) by issuing unappealable bench orders, without formalizing them per NRCP 58, 3) by meeting ex parte with opposing counsel after notice of the court's own ex parte 4/12/19 order to continue the 4/23/19 hearing to 5/7/19 was served and entered, 4) by conducting the unnoticed hearing regarding the absent party's opposition to the subject of the continued hearing, 5) making rulings prejudicial to the absent party without any written documentation to allow the damaged party to appeal, 6) allowing opposing parties to include in the record "responses" to stricken documents to remain in the record while striking the damaged party's oppositions.



These, and other errors and omissions, has resulted in a falsified official court record and defective protocols that has also caused severe and pervasive damage to Nevada's courts.

**The Clark County official property records have also been corrupted by judicial errors.**

Judge Kushner expunged from the property record, sua sponte, my lis pendens, that served as public notice of pending litigation by a new complaint in Judge Johnson's court. Judge Johnson compounded Judge Kushner's errors by expunging three lis pendens as if I had never recorded them, unfairly giving legal cover to undeserving third parties whose recorded claims adverse to mine were recorded while my three lis pendens were in the official record and whose existence is germane to a fair adjudication of my claims.

**Deprivation of fundamental rights resulted from judicial and attorney misconduct.**

This inappropriate erasing of public records as if they had never been filed or recorded resulted in a Catch-22 that deprived me of my fundamental rights, e.g., to assert my quiet title and other claims as an individual, to present evidence, assert defenses, and to represent myself or be represented by an attorney of my choosing.

My access to the courts of appeal was denied for any of Judge Kushner's orders.

Two appeals of Judge Kushner's rulings were denied (9/4/19 and 4/3/20) and an order of affirmance in case 79295 (4/12/21 order of affirmance) occurred solely because of Judge Kushner's ex parte meeting with opposing counsels and the resulting misconduct of failing to adjudicate claims that were before her and for her failing to make decisions based on evidence.

**The complaint is supported by evidence of "a disregard for fundamental rights"**

NRS 1.4653 was cited as the legal authority supporting the claim that even if timely, the Commission did not have jurisdiction over an investigation and imposition of discipline for the alleged violations of the Nevada code of Judicial discipline.

"The term does not include claims of error or abuse of discretion in findings of fact, legal decisions or procedural rulings **unless supported by evidence of abuse of authority, a disregard for fundamental rights**, an intentional disregard of the law, a pattern of legal error or an action taken for a purpose other than the faithful discharge of judicial duty."

**A fair adjudication of a second complaint was denied as all unheard claims were dismissed with prejudice on the erroneous grounds of claims preclusion.**



A new Judge, Susan Johnson, Dept. 22, dismissed unheard with prejudice a second civil action that had been filed on 8/7/19<sup>6</sup>, a week before the five-year statute of limitations deadline. This second complaint was only necessary as Judge Kishner refused to hear any of my causes of action filed in 2017. To add insult to injury, Judge Johnson also sanctioned me for just filing the 8/7/19 complaint, erroneously ruling that the complaint was unwarranted<sup>7</sup> harassment.

I respectfully disagree. Judge Kishner's orders from 4/18/19 to 11/22/19, were based on circuitous logic and fraud on the court by opposing parties and their counsels., and appeals I filed on 7/24/19 and 12/19/19 were dismissed by the Supreme Court on 9/4/19 and on 4/30/20.

### **Judge Kishner's conduct is the proximate cause of damages to me that are ongoing**

I have been in litigation for five years without my claims being fairly adjudicated because Judge Kishner did not do her job. Despite my investment of tens of thousands of dollars and thousands of hours of personal time, I cannot recover from the damage caused by Judge Kishner's unfair treatment if I can't get a new judge or a court of appeal to overturn orders, erroneous due to a fraud on the court, by a review of the objective, verifiable evidence.

### **Access limited to court of appeals due to fraud on the court and judicial reliance**

*Fraud on the court occurs where it can be demonstrated by evidence, clearly and convincingly, that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense. 892 F.2<sup>nd</sup> 1115. Unlike common law fraud on a party, fraud on a court does not require reliance. 394 N.J.Super. 237.*

Barron's Law dictionary 6<sup>th</sup> Edition

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<sup>6</sup> 8/7/19 A-19-799890-C Tobin complaint contains an abuse of process cause of action which was intended to the alleged fraud on the court in case A-15-720032-C, but the 1<sup>st</sup> amended complaint, filed on 6/3/20 by John W. Thomson that bifurcated the abuse of process charge, was dismissed with prejudice on 12/3/20 so the fraud on the court charge was never heard.

<sup>7</sup> 12/3/20 order to dismiss with prejudice, by misapplying the doctrine of claims preclusion) ALL my claims against all past, present and future defendants, which in A-19-799890-C named only: **Red Rock Financial Services** (who conducted the fraudulent, unnoticed HOA foreclosure sale on 8/15/14 and never distributed the proceeds or filed interpleader until 2/3/21 INT pending in case A-21-828840-C), and vs. **Jimijack** (whose deed was inadmissible per NRS 111.345), vs. **Joel A Stokes** whose 5/23/19 \$355,000 deed of trust from Civic Financial Services was misrepresented to Judge Kishner as the Jimijack-Nationstar "settlement" that allowed them to steal my property without adjudication), vs. **Brian & Debora Chiesi** who purchased the property on 12/27/19 (while appeal 79295 was pending) from Joel Stokes (whose 5/1/19 deed wasn't valid because acquired from Jimijack whose deed was void for notarial violations)) and vs. Quicken Loan who gave a \$353,500 loan to Chiesi's on 12/27/19 while the Joel A Stokes' 5/23/19 \$355,000 deed of trust from Civic Financial Services still encumbered the property until 2/6/20) and vs. **Nationstar** who never could legally claim to have been the noteholder or beneficial owner of the Hansen 7/22/04 deed of trust, who disregarded the PUD Rider Remedies clause of the Hansen deed of trust on 6/3/19 without legal authority substituted itself for the trustee, lied about being the beneficiary, and reconveyed the property to Joel Stokes instead of correctly to the estate of the borrower.





Fraud on the court does not require judicial reliance to make the unscrupulous attorneys culpable for violations of their code of professional & ethical conduct. However, Judge Kishner's reliance on misrepresentations, made ex parte, aided and abetted their unfairly hampering the presentation of my claims and defenses.

Further, Judge Kishner's erroneously insisting that she had never granted me leave to intervene, despite objectively verifiable evidence to the contrary, and her refusal to hear my post-trial motions, enabled the fraud on the court to also successfully and unfairly hamper the presentation of my claims and defenses to other neutral courts who are unaware of the fraud on the court that prevented a fair adjudication by Judge Kishner.

The enduring consequences of this judicial misconduct is that multiple cases were dispensed without any justice or determination of "rights, status and other legal relations between parties" (NRS 30.010).

I believed that I could get relief through the Nevada Courts of Appeal, but that avenue of redress was obstructed twice by the very orders I was appealing. Further, the 4/12/21 order of affirmance was defective because it was premised entirely on false and falsified evidence from opponents with had no standing to assert claims against me (which Judge Kishner would have known had she conducted an evidentiary hearing as required by NRS 40.110).

On 12/19/19, my attorney John W. Thomson filed an appeal on Judge Kishner's 11/22/19 erroneous order<sup>8</sup> (annotated). The order declared the court had never granted me leave to intervene as an individual. Actually, Judge Kishner had granted my 11/15/16 pro se motion to intervene<sup>9</sup> as an individual beneficiary and as the trustee. The order was entered 1/12/17<sup>10</sup> and the court re-affirmed that I was an individual party on 4/27/17.<sup>11</sup>

### **Judicial misconduct was precipitated by a fraud on the court by opposing counsels**

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<sup>8</sup> 11/22/19 erroneous order (annotated) 4/30/20 SC order 20-16436 re-affirmed that Tobin could not appeal as an individual Judge Kishner's 11/22/19 order that declared Tobin the individual was a non-party and striking all her pro se filings from the record because the individual was specifically excluded from the 6/24/19 order granting quiet title to Jimijack.

<sup>9</sup> 11/15/16 pro se motion to intervene identifies Nona Tobin as an individual party in all the proposed pleadings and in the captions on all the pleadings filed on 1/31/17 (CRCM vs. HOA & DOEs & ROEs), 2/1/17 (AACC vs Jimijack), 2/1/17 CRCM vs. Yuen K. Lee dba F. Bondurant LC), and 2/1/17 (CRCM vs. Thomas Lucas dba Opportunity Homes LLC) and in all captions of all filings of all parties until removed by Judge Kishner's bench order on 6/3/19, including in the 3/12/19 ANEO order reforming the caption

<sup>10</sup> 1/12/17 NEQ order granted Tobin & the Hansen trust the right to intervene was entered.

<sup>11</sup> annotated pages 3-13 of the 4/27/17 transcript show Judge Kishner denied the HOA motion to dismiss my claims as an individual



Judge Kushner's reliance on the misrepresentations of counsel at the 3/26/19 hearing on the HOA's MSJ and Nationstar's limited joinder and the 4/23/19 ex parte hearing started the ball rolling downhill.

**Obstructed issue of first impression could have significant systemwide repercussions once heard.**

The Supreme Court re-affirmed its 9/4/19 erroneous order that I was not aggrieved as an individual, and therefore had no access to the courts of appeal, on 4/30/20.<sup>12</sup>

On 4/12/21, the Court of Appeals issued an Order of Affirmance, concluding my appeal as trustee of the closed Gordon B. Hansen Trust, dated 8/22/08.<sup>13</sup> This order is erroneous and caused me approximately \$750,000 in actual damages and costs. The Courts of Appeals could not have arrived at this order of affirmance had my evidence not been suppressed, my claims left unheard and my access to appeals denied.

Six years of excruciating and expensive litigation have clogged the courts related to this one wrongful foreclosure as a result of Judge Kushner's misconduct and the misconduct of a half dozen or so attorneys throughout the six years of litigation that began in June, 2015. It boggles the mind to consider the huge amount of judicial resources that have been wasted and will be wasted because an unscrupulous lender, and its attorneys, were able to prevent the courts from adjudicating the issue of first impression: the Multi-State Standard form PUD Rider Remedies provision.

**It is in the public interest for NCJD to investigate and make an evidence-based decision.**

What the NCJD is being asked to do is to issue findings of fact and make a determination as to the appropriate level of discipline, depending primarily on whether Judge Kushner was merely duped by unscrupulous attorneys or whether she was complicit.

Judge Kushner may have been merely mistaken or misled at her ex parte meeting into the erroneous idea that she had not granted me leave to intervene when she granted my 11/15/16 pro se motion to intervene as a trustee and as an individual. What turns this possibly innocent error into witting or unwitting judicial misconduct is that she repeatedly compounded the error by 1) not listening to contrary evidence, 2) striking all my claims without letting my attorney sign them (NRCP 11(a)(1) or providing an opportunity to be heard, 3) not hearing my motion to vacate her order granting a partial motion for summary judgment, 4) not hearing post-trial motion that the court did not have subject matter jurisdiction because the prevailing parties had been non-compliant with NRS 38.310, 5) post-trial motions for a new trial (NRCP 54(b)(claims of all

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<sup>12</sup> 4/30/20 SC order 20-16436 re-affirmed that Tobin could not appeal as an individual Judge Kushner's 11/22/19 order that declared Tobin the individual was a non-party and striking all her pro se filings from the record because the individual was specifically excluded from the 6/24/19 order granting quiet title to Jimjack.

<sup>13</sup> Appeal of Judge Kushner's 4/18/19, 5/31/19, and 6/24/19 orders in case 79295



parties not resolved) and NRCP (a)(1)(A)(B)(C)(F) (judgment was arrived based on fraud on the court).

**At a minimum, remedial training must be ordered for the benefit of the whole court.**

At the very least, the NCJD needs to disabuse her of her erroneous notion that it is okay to meet ex parte in open court when the party against whom prejudicial decisions are being made is absent and then refuse to give the damaged party an opportunity to be heard.

"There is no such thing as an ex parte hearing that happens in open court."  
-Judge Kushner, Page 36, line 21 9/3/19 annotated transcript

**My previous request for postponement of NCJD 2021-026 is withdrawn.**

On 3/10/21, I sent the postponement request via email to the NCJD<sup>14</sup>, subject "*NCJD complaint 2021-026 request to postpone formal public charges vs. Judge Kushner pending A-21-828840-C adjudication*". This request was written a month after Judge Kushner, unbeknownst to me, had recused herself from the interpleader case.

Its purpose was to give Judge Kushner an opportunity to prove that her actions were unwitting as the result of being duped by unscrupulous attorneys vs. consciously enabling the fraud on the court that occurred. The Commission could determine the appropriate discipline that would range from remedial training to removal from the bench depending on her understanding and intent.

Since Judge Kushner recused herself from the interpleader case that's pending, there is no reason for delay of the investigation and findings of fact and conclusions of law the Commission on Judicial Discipline is chartered to perform by the Nevada Constitution.

**Waste of judicial resources continue to mount as the Commission delays.**

There are currently multiple actions<sup>15</sup> and appeals pending and decided related to this matter. None of which would never even been filed but for Judge Kushner's misconduct precipitated by opposing parties' and counsels' fraud on the court.

**Damages have accrued to the public, the Nevada judiciary, and the entire Nevada court system and will continue to accrue if the Commission fails to act.**

The Nevada Code of Judicial Conduct exists to protect the public from a dysfunctional court system. Failure to enforce the code results in a court system that is unfair to all parties who seek justice from a fair impartial tribunal. If Rule 2.9 (prohibiting ex parte communications that cause prejudice to the absent party), for example, is not enforced, some individuals lose simply because

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<sup>14</sup> 3/10/21 email requesting postponement

<sup>15</sup> A-15-720032-C, A-16-730078-C, A-19-799890-C, A-21-828840-C, appeals 82094, 82234, and 82294



they were not given an equal opportunity to defend themselves against the big money interest that attacked them.

The 4/23/19 ex parte meeting between Judge Kishner and Melanie Morgan, Akerman LLP attorney for Nationstar LLP, and Joseph Hong, attorney for Jimijack Irrevocable Trust caused me approximately \$750,000 in actual damages and two more years of fruitless litigation, but because it happened on 4/23/19, your staff has assumed the role of gatekeeper to prevent the NCJD from enforcing the code of judicial conduct on the grounds of untimeliness and inappropriate subject matter.

**The public interest is paramount. The Commission's duty is to protect it.**

I already explained that the complaint was timely, and the damages ongoing, in terms of my own case. I am asking you to reconsider the administrative rejection by altering the Commission's, and your staff's, perspective from thinking this complaint is about a single victim's quest for relief. It is not.

This complaint is about protecting the public. No time limit or staff gatekeeping can appropriately be applied to obstruct your investigation if it allows judges to stay on the bench, and attorneys to stay members of the bar, when their misconduct fundamentally corrupts the whole civil court system.

Can you not see that it is not in the public interest to allow judges to serve if they refuse to let a party put on her case for any other reason than opposing counsels told her not to? Or fails to hold any evidentiary hearings? Or who meets ex parte with one side and decides to take draconian actions against the absent party and then obstructs the victim's access to the appellate courts?

Can you not also see that your actions are not in the public interest if you prevent the Commission's investigation when it is required to ascertain the veracity of the allegations and to access the degree judicial culpability if mitigated, particularly since the alleged misconduct was allegedly precipitated by a very, very serious fraud on the court?

The Commission must determine if the judicial misconduct was intentional or not and consider if there were mitigating factors to determine the level of discipline.

If the Commission doesn't investigate, but my allegations are all true, the Eighth District Court will have a judge on the bench who thinks she did nothing wrong, and therefore, might easily do it again.

If the commission doesn't even look at these very comprehensively supported allegations, then Judge will be right.

It will always be okay, in the past, present and future, for Judge Kishner or any other Nevada judge to meet ex parte with one side in open court and decide the case in favor of the clients of the attorneys who set up the ex parte meeting without an evidentiary support.



It will be okay for any judge to rely on unsupported ex parte representations to find against the excluded party.

It will be okay for any judge to rule by unappealable bench order without citing any legal authority for its orders and without checking to see if any facts support its decisions.

It will be okay for any judge, or any judicial assistant, to eliminate documentation in the court record that an excluded party raised any objections to the sudden loss of standing caused by the court's unnoticed hearing, or the judge verbally striking the losing party's evidence and dispositive motions as if they had never been filed.

It will be okay for any judge relying on any unscrupulous attorney to obstruct the losing party's access to the courts of appeal by just claiming she never was a party and therefore is not aggrieved under NRAP 3(A).

**Why even have a court system in Nevada if that is the way the game is played ?**

How is the public served by a court system when the judges are not required to fairly adjudicate all claims and the court system does not operate under the rule of law?

It is the Commission's Constitutional Charter, not the duty of the victim, to protect the public.

I have been in expensive, grueling, fruitless litigation for five years in four district court cases and four appeals. All rulings have been made against me to date without any judge looking at the evidence.

How can those rulings be allowed to stand when they were caused by a judge being duped by a fraud on the court perpetrated by all the opposing counsels?

I think we can agree the Commission's - not a victim's - job to protect the public by enforcing the Code of Judicial Conduct based on a professional investigation of the comprehensive evidence I have provided to the Commission.

I don't believe the Commission should solely rely on the evidence I proffered as the victim, no matter how detailed. Rather, it should proactively conduct any additional investigation that is appropriate to ensure that its findings of fact and conclusions of law support the ultimate goal of maximizing the integrity, efficiency and effectiveness of the Nevada judiciary.

I believe we also agree that the Commission has no duty to provide relief to an individual victim, or even a class of victims. However, a victim should be able to count on the Commission to actually fully and fairly examine every complaint.

I don't believe "administrative rejections" by staff further the Commission's mission to ensure everyone has equal access to a fair adjudication of claims by a neutral and competent tribunal.



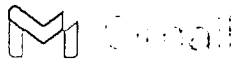
In one of my four current cases trying to right this wrong, Judge Jessica Peterson has agreed to hold an evidentiary hearing (to be scheduled 6/2/21). I believe this hearing will result in my claims finally being fairly adjudicated. Even so, making me whole will do nothing to protect the public now or in the future from a court system that is dysfunctional because it does not operate under the rule of law because the codes of conduct are not properly enforced.

Thank you for your re-consideration and prompt investigation.

I am available to assist in whatever you require. I know this one situation, this one property record, and all these court records related to it practically by heart.

The Commission certainly will not need the 18 months you are allowed by statute to complete your investigation if you consider me as a resource rather than an annoyance.

Nona Tobin, President  
Fight Foreclosure Fraud, Inc.  
2664 Olivia Heights Ave.  
Henderson NV 89052  
(702) 465-2199



Nona Tobin <nonatobin@gmail.com>

## letter to the Nevada Commission on Judicial Discipline re administrative rejection of complaint 2021-026.

1 message

Nona Tobin <nonatobin@gmail.com>

Sat, May 22, 2021 at 1:56 PM

To: Judicial Information <ncjdinfo@judicial.nv.gov>

Cc: AGINFO@ag.nv.gov

Bcc: Mark Burton <me.burton27@gmail.com>, John Thomson <johnwthomson@ymail.com>, Terrie Crowley <terriecrowley@gmail.com>, TeamJusticegk@gmail.com, L Tobin <rhandyman@gmail.com>, Joe Coppedge <jcoppedge@mccnvlaw.com>

Quoted below are the first two pages of the attached 11-page PDF. It has also been mailed to the NCJD P.O. Box in Carson City.

**Please confirm as soon as possible that the complaint will be properly investigated by the Commission. Thank you for your service to the people of Nevada.**

I am in receipt of Associate General Counsel, Dominika Batten, 's 5/11/21 correspondence that rejected Fight Foreclosure Fraud, Inc. 's complaint vs. Judge Kushner. This complaint was previously and appropriately accepted by NCJD staff member Tarah L. Hansen on 2/18/21 who assigned it NCJD complaint number 2021-026 (linked below). Ms. Hansen stated in her letter,

1 5/11/21 NCJD letter from Dominika Batten, Associate General Counsel

2 NCJD complaint form, 1/28/21 complaint, 2/7/21 outline of charges

3 2/18/21 acceptance letter from Tarah L. Hansen, Management Analyst II

4 1/27/21 NCJD complaint signed NCJD 3-page form.

Attachment 1 Relevant provisions of the Nevada Code of Judicial discipline

Attachment 2 7-page outline of complaint

Attachment 3 1/28/21 NCJD 100-page complaint

Attachment 4 Unheard 4/10/19 motion for summary judgment vs. Jimjack

Attachment 5 Unheard 4/10/19 motion for summary judgment vs. all parties

Attachment 6 Table of contents of evidence stricken at 4/23/19 ex parte hearing

Attachment 7 Notice of completion of Tobin/Hansen Trust's completion of mediation required for subject matter Judge Kushner to have subject matter jurisdiction pursuant to NRS 38.310(2) (NRCP 12(b)(1))

Attachment 8 Nona Tobin's 4/14/19 Declaration under penalty of perjury vs. Nationstar & Jimjack

Attachment 9 3/14/19 complaint to Nevada Attorney General

Attachment 10 12/16/20 complaint to Nevada Attorney General with linked exhibits to both complaints

Attachment 11 Minutes of 4/23/19 ex parte hearing between Jimjack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kushner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimjack

Attachment 12 Transcript of 4/23/19 ex parte hearing between Jimjack's attorney Joseph Hong and Natipnstar's attorney Melanie Morgan and Judge Kushner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimjack

Attachment 13 Recorded fraud by Nationstar

Attachment 14 55-page analysis of the evidence of fraud on the court and judicial misconduct

Attachment 15 211-pages of evidence showing that I was forced to litigate by the HOA as retaliation against me for being a whistleblower on unrelated matters, but then the HOA, Nationstar and Jimjack attorneys obstructed the litigation by concealing, suppressing, and/or falsifying the evidence that had probative value to my case

Attachment 16 963 pages of my pro se filed documents that were stricken from the record by Judge Kushner without consideration or adjudication at the ex parte hearing

(Attachment 16 should have included, but did not, the 4/24/19 motion to vacate per NRCP 60(b)(3) for fraud on the court and attached motion for summary judgment vs. all parties, or the post-trial motions, 6/17/19 motion to intervene by right, 7/22/19 motion for a new trial for fraud on the court and failure to 7/29/19 motion to dismiss for lack of subject matter jurisdiction, that were stricken at the 9/3/19 hearing, May 21, 2021 NCJD 2021-026

Page 2

*"You can be assured that the Commission investigates every complaint it receives, and that your complaint will be investigated by the Commission as soon as practicable."*

### Justification for request for the NCJD to fulfill its Constitutional mandate

1. The Commission is duty-bound to investigate this complaint by its Constitutional Charters.

2. Every allegation made in the complaint is supported by objectively verifiable evidence.

3. The statute of limitations was tolled as 1) the damages are ongoing, 2) all good faith efforts at remediation and appeal have been obstructed, and 3) the judicial misconduct has been concealed and obfuscated by the improper manipulation of the court record and the property record.

4. Every alleged act of misconduct cites to a specific provision in the code of conduct violated.

5. The damages caused by this misconduct are severe and pervasive, with approximately \$750,000 in actual damages accruing to me personally.

6. More importantly, severe and pervasive damages accruing to the entire Nevada judiciary, the Nevada civil court system, and the public will not be mitigated in any way, if this complaint is not treated with appropriate diligence by the Commission chartered by the State of Nevada Constitution to enforce the Judicial Code of Conduct.

Nona Tobin

(702) 465-2199

*Whoever said one person can't change the world never ate an undercooked bat. -Anonymous*

210521 letter to NCJD signed.pdf  
214K

TOBIN. 3542



GARY VAUSE  
*Chairman*

STEFANIE HUMPHREY  
*Vice-Chair*

State of Nevada  
**COMMISSION ON JUDICIAL DISCIPLINE**  
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PAUL C. DEYHLE  
*General Counsel and  
Executive Director*

May 25, 2021

**CONFIDENTIAL**

Nona Tobin  
2664 Olivia Heights Avenue  
Henderson, NV 89052

RE: Case No. 2021-026

Dear Ms. Tobin:

This letter is in response to your letter dated May 22, 2021, requesting the Commission to reconsider its decision to dismiss Complaint No. 2021-026. Your request is administratively dismissed because you do not provide new facts requiring the Commission to reconsider its dismissal. *See* PRJDC 10(7) (providing that Commission staff may administratively dismiss a reconsideration request that does not allege new facts requiring reconsideration, with the Commission subsequently ratifying such dismissal, if appropriate, at the next scheduled meeting following the administrative dismissal).

Please consider this letter as a denial of your request for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Dominika Batten", is written over a horizontal line.

Dominika Batten  
Associate General Counsel

TOBIN. 3543



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hearing of the original motion and no separate notice of motion is required.	8
NRCP 11(a) The court must strike an unsigned paper unless the omission is	
promptly corrected after being called to the attorney's or party's attention.	9

Cheek v. Bell, 80 Nev. 244, 247(Nev.1964) (mere irregularity... does not vitiate an answer	9
(ABA 6.31(b)) disbarment is appropriate for ex parte Communications that interfere with the administration of justice	9
NRS 116.31184 Threats, harassment and other conduct prohibited	10
NRS 116.31183 Retaliatory action prohibited;	10
NRS 116.31036 Removal of a member of an HOA Board	10
NRPC 4.3 dealing with unrepresented persons,	11
NRPC 4.4, respect for the rights of third persons	11
NRPC 1.2(d), shall not assist a client in conduct that the lawyer knows is criminal or fraudulent,	11
NRPC 3.1, shall not knowingly assert non-meritorious claims	11, 12
NRPC 4.1(a) Make a false statement of material fact or law	11, 12
NRPC 7.4; Acting outside practice specialty	11
NRPC 1.13(f)(g) Improperly representing the manager vs. the HOA	11
NRCP 11(b)(1)(2)(3) and/or (4) Representations to the court	11
NRS 18.010(2), sanction for filing “without reasonable grounds”	12
NRS 207.407(1), civil damages triple from racketeering	12
NRS 42.005 exemplary & punitive damages – triple	12
NRPC 5.1 responsibilities of supervisory lawyers	12
NRPC 5.2, responsibilities of subordinate lawyers	12
NRPC 8.3, reporting professional misconduct	12
NRPC 8.4. misconduct (f) assisting a judge to violate the NCJC	12
EDCR 7.60(b)(1)&(3), sanction for frivolous, unwarranted motion/ opposition	12
EDCR 7.60(b)(3) vexatiously multiplies proceedings	12
NRCP 60(b)(3) misrepresentation by opposing party	12
NRCP 60 (d)(3)) fraud on the court	12
NRCP 9(b) must plead fraud with particularity	12
<i>Popowitz v. Eighth Judicial Dist. Court of Nev.</i> , No. 58305, at *3 (Nev. Feb. 10, 2014)	13, 19
<i>Int'l Game Tech., Inc. v. Second Judicial Dist. Court</i> , <u>124 Nev. 193, 197, 179 P.3d 556, 558 (2008)</u>	13
NRS 34.320	13
<i>Albert D. Massi, Ltd. v. Bellmyre</i> , <u>111 Nev. 1520, 908 P.2d 705 (1995)</u>	13
<i>Int'l Game Tech.</i> , <u>124 Nev. at 197, 179 P.3d at 558 (2008)</u>	13
<u>NRS 34.170</u> Writ to issue when no plain, speedy and adequate remedy in law.	13
NRAP 21(a)(4) Pro se appendix required with a petition for a writ	13
NRAP 30 (i). Prohibits pro se appendix except for writs	13

SC Rule 76 State Bar governs the legal profession subject to Supreme Court approval	13
SC Rules 98-123 control disciplinary procedures	14
SC Rule 99 all NV attorneys are subject to these rules	14, 17
SC Rule 104(1)(a) Bar Counsel SHALL investigate ALL alleged misconduct	14, 15
SC Rule 105 Bar counsel procedure on receipt of complaint	14, 15
ABA Standard for Imposing lawyer Sanctions 6.11 Disbarment for intentional misrepresentations to the court that cause serious harm to a party or legal proceeding	14, 20
ABA Standard for Imposing lawyer Sanctions 6.11(b) Disbarment for intentional ex parte communications that cause serious injury to a party or interferes with the outcome	14, 20
Multi-State PUD Rider Remedies (F.) (Issue of first impression)	15
“F. Remedies. If Borrower does not pay PUD dues and assessments when due, then Lender may pay them. Any amounts disbursed by Lender under this paragraph F shall become additional debt of Borrower secured by the Security Instrument Unless Borrower and Lender agree to other terms of payment, these amounts shall bear interest from the date of disbursement at the Note rate and shall be payable, with interest, upon notice from Lender to Borrower requesting payment.”	
Multi-state PUD Rider Single Family-Fannie Mae/Freddie Mac Uniform Instrument	
NRS 107.082 (as amended by AB 284 (2011) Nevada’s anti-foreclosure fraud (robo-signer) bill added criminal penalties for recording false claims to title (NRS 205.395)	15
<i>O'Brien v. State Bar of Nev.</i> , <u>114 Nev. 71, 73, 952 P.2d 952, 953</u> (1998)	17
<i>Minton v. Board of Medical Examiners</i> , 110 Nev. 1060, 1079 n.11 (Nev. 1994)	17
State Bar of Nevada v. Claiborne, <u>104 Nev. 115, 126, 756 P.2d 464, 471</u> (1988)	17
(Nevada State Constitution, Article 6, Section 20 created NCJD	17

<i>Agwara v. State Bar of Nev.</i> , 406 P.3d 488, 491 (Nev. 2017)	18, 19
<i>We the People Nev. v. Miller</i> , <u>124 Nev. 874, 879, 192 P.3d 1166, 1170 (2008)</u> .	18
<i>Office of the Washoe Cnty. Dist. Attorney v. Second Judicial Dist. Court</i> , <u>116 Nev. 629, 635, 5 P.3d 562, 566 (2000)</u> .”	19
Hazel-Atlas Glass Co. v. Hartford-Empire Co., <u>322 U.S. 238, 64 S.Ct. 997, 88 L.Ed. 1250 (1944)</u> ; Root Refin. Co. v. Universal Oil Products, <u>169 F.2d 514 (3d Cir. 1948)</u> ; 7 J.W. Moore, Federal Practice, ¶ 60.33 at 510-11.	
<i>Occhiuto v. Occhiuto</i> , 97 Nev. 143, 146 n.2 (Nev. 1981)	20
<i>Estate of Adams ex rel. Estate v. Fallini</i> , 386 P.3d 621, 625 (Nev. 2016)	20
<i>Ehrenberg v. Roussos (In re Roussos)</i> , 541 B.R. 721, 729 (Bankr. C.D. Cal. 2015)	21

## **NRAP 26.1 DISCLOSURE STATEMENT**

The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a) and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

Nona Tobin states that she is an individual and has no parent corporation and that no publicly held corporation owns 10% or more of its stock.

Nona Tobin was the party in the Eighth Judicial District Court consolidated case A-15-720032-C/ A-16-730078-C who was damaged by the judicial misconduct of the Honorable Joanna Kishner, Department 31, Eighth Judicial District Court described in the complaint.

Nona Tobin is currently the appellant representing herself in Supreme Court case 82294 that appeals from A-19-799890-C, the Honorable Susan Johnson, Presiding.

Nona Tobin is also currently the Defendant, Counter-claimant and Cross-claimant, representing herself in the Eighth Judicial District Court case A-21-828840-C, the Honorable Jessica Peterson, Presiding.

In A-19-799890-C, Nona Tobin was previously represented by John W. Thomson, Esq. of Thomson Law PC. John W. Thomson, Esq. of Thomson Law PC who also represented Tobin on appeal.

Sun City Anthem Community Association (hereinafter the “HOA”) was represented by Kaleb D. Anderson, Esq., David T. Ochoa, Esq. Angela T. Nakamura Ochoa, Esq. and David A. Clark, Esq. of Lipson Neilson, P.C., and its current Legal Counsel is Adam Clarkson, Esq., of The Clarkson Law Group.

In cases A-15-720032-C, A-16-730078-C, A-19-799890-C, and appeals 79295, 82094, and 82294, Jimijack Irrevocable Trust, Joel A. Stokes & Sandra F. Stokes, as trustees of the Jimijack Irrevocable Trust, were represented by Joseph Y. Hong, Esq. of Hong & Hong, An Unknown Entity

In case A-19-799890-C, appealed by 82094, and 82294, Joseph Y. Hong, Esq. of Hong & Hong, also represented Joel A. Stokes, as an Individual.

In case A-19-799890-C and appeals 82234 and 82294, Brian Chiesi, Debora Chiesi, and Quicken Loans, Inc. were represented by Brittany Wood, Esq., and Elizabeth E. Aronson, Esq. of the Law Office of Maurice Wood.

In case A-19-799890-C, appeal 82294 Red Rock Financial Services (hereinafter “Red Rock”) was represented by David R. Koch, Esq., Steven B. Scow, Esq., and Brody B. Wight, Esq. of Koch & Scow, LLC, and in case A-21-828840-C, by Steven B. Scow, Esq.

In case A-15-720032-C, Bank of America, N.A. (hereinafter “BANA”) was represented Dana J. Nitz, Esq. and Michael S. Kelley, Esq. prior to its 2015 default.

In case A-15-720032-C and A-16-730078-C Nationstar Mortgage LLC (hereinafter “Nationstar”) was represented by Michael S. Kelley, Esq., of Wright, Finley Zak, LLP, until 4/10/18 and in case A-15-720032-C from 4/10/18 by Melanie D. Morgan, Esq., Donna M. Wittig, Esq., Karen Whelan, Esq., and Thera Cooper, Esq. of Akerman LLP. Akerman LLP represented Nationstar in appeal 79295 and in case A-19-799890-C and the appeal therefrom 82294 until terminated by Nationstar A notice of appearance was put in by Lilith Xara in case A-21-828840-C until terminated by Nationstar, and replaced by Aaron Lancaster of Troutman Pepper.

In case A-21-828840-C, Wells Fargo was represented by Melanie D. Morgan, Esq., Scott, Esq. of Akerman LLP until Nationstar terminated Akerman at which

time Lilith Xaratook over until Nationstar selected new counsel, Aaron Lancaster of Troutman Pepper.

In appeal 82294, Nationstar's new counsel Kravitz Schnitzer Johnson Watson & Zeppenfeld, CHTD, and Troutman Pepper LLP, Aaron D. Lancaster, Esq. who disclosed the following changes to Nationstar's disclosure statement on 1/4/22:

Nationstar Mortgage LLC dba Mr. Cooper Group Inc.

Nationstar Sub1 LLC

Nationstar Sub2 LLC

Nationstar Mortgage Holdings Inc.

KKR Wand Investors Corporation, a Cayman Islands corporation.

Troutman Pepper LLP

Kravitz Schnitzer Johnson Watson & Zeppenfeld, CHTD.

Federal Home Loan Mortgage Corporation



1  
2 **I. JURISDICTIONAL AND ROUTING STATEMENT**

3 NRAP 21(a) requires petitions for writs of mandamus or prohibition be filed  
4 with the Supreme Court. This appeal is presumptively retained by the Supreme  
5 Court because it raises a question of judicial discipline (NRAP 17(a)(3), attorney  
6 misconduct (NRAP 17(a)(4), involves questions of first impression, (NRAP  
7 17(a)(11) and involves matters of statewide public importance. NRAP 17(a)(12).

8 **II. ISSUES PRESENTED FOR REVIEW**

9 1. Who is responsible for the governance of the legal profession and the  
10 judiciary and for ensuring that the public is protected by the rigorous enforcement  
11 of the Judicial and Professional Codes of Conduct? The Supreme Court alone?  
12 The Nevada Commission for Judicial Discipline? The State Bar of Nevada? Any  
13 district court judge? If my experience is any indicator, nobody in Nevada thinks  
14 it's their job.

15 2. What role should each of these entities play if the complainant seeks to set  
16 aside district court orders, and even a Supreme Court Order of Affirmance,  
17 because those orders were provably obtained by specific violations of the Rules  
18 of Professional and Judicial Conduct at a level that constitutes fraud on the court?

19 3. Did the NCJD Associate General Counsel err by viewing the rejected  
20 complaints as an individual matter to be handled on appeal rather than by viewing  
21 them as warning of an existential threat to the integrity of the entire Nevada court  
22 system?

23 4. Did the NCJD Associate General Counsel err by administratively rejecting  
24 Petitioner's 1/28/21 complaint as it was timely because Tobin's attempted access  
25 to appeal did not fail until 4/30/20 dismissal order (20-16346), and that it was  
26 supported by substantial objectively verifiable evidence of specific violations?

27 5. Is the investigation of a complaint of violations of NCJC 1.1 (compliance  
28 with the law); 1.2 (promoting confidence in the judiciary); (impartiality and

1 fairness); 2.4(c) (external influences); 2.6 (Ensuring right to be heard); 2.7  
2 (Responsibility to decide); 2.9 (ex parte communications), such a central feature  
3 of the NCJD's Constitutional mandate that administrative rejection of such  
4 complaints without NCJD investigation is rarely in the public interest?

5 6. Did the Assistant Bar Counsel err by requiring Tobin to get a court order  
6 with "written findings of attorney misconduct" rather than by complying with SC  
7 Rule 104's requirement to investigate ALL verified complaints alleging specific  
8 violations on the Rules of Professional Conduct?

9 7. Did both administrative agencies and a district court fail in their duty to  
10 protect the public interest by imposing undue burdens to complain on a victim  
11 who has already spent \$317,532 in attorney's fees without any district court judge  
12 in five years of litigation ever holding an evidentiary hearing?

13 8. Did the State Bar's and the NCJD's failure to enforce the codes of  
14 professional conduct leave issues (PUD Rider Remedies (F) (27, TOBIN 4077-  
15 4078), owner protection requirements in law and in HOA CC&Rs, (17, TOBIN  
16 2327-2331) of first impression unconsidered by this court such that a large class  
17 of victims has been damaged and not merely the Petitioner?

18 9. Does a district court judge have a duty to hear a civil complaint brought  
19 against attorneys because the Bar Counsel believes a court's "written findings of  
20 attorney misconduct" are necessary prior to his referring a complaint to the Ethics  
21 and Disciplinary Screening panels?

22 10. Does a district court judge have an ethical duty to hear and decide, or have  
23 any role in remediation, if a complainant formally alleges that another judge  
24 previously had unfairly decided her case based on ex parte misrepresentations by  
25 opposing counsels? Or is it within the judge's discretion to refuse to hear it on the  
26 ground of res judicata? (36, TOBIN 5269 -5280)

### III. STATEMENT OF THE FACTS

I, Nona Tobin, declare and state, under penalty of perjury of the laws of the State of Nevada, as follows:

I am a 73-year-old resident Nevada citizen residing at 2664 Olivia Heights Ave., Henderson, Nevada 89052 for the last 18 years. I filed this petition because I have been in litigation for five years over a wrongful 2014 HOA foreclosure, and due to attorney misconduct, including fraud on the court and falsification of evidence, unwittingly enabled by three district court judges, my claims have never been heard on their merits and no court order has been based on judicial scrutiny of verified evidence. Of immediate concern, my complaints to the Nevada Commission on Judicial Discipline (NCJD) and to the State Bar were rejected by staff attorneys without investigation by the agencies that have Constitutional and/or statutory authority to enforce judicial and ethical standards.

Respondent Dominka Batten is the Associate General Counsel of the Nevada Commission on Judicial Discipline (NCJD), headquartered in Carson City, Nevada 89701, who administratively rejected my 1/28/21 NCJD complaint on 5/11/21, and who on 5/25/21 denied my 5/21/21 request for reconsideration. (23, TOBIN 3529 -3943)

Respondent Patrick J. Pattee is the Assistant Bar Counsel who has rejected three of my complaints (9/3/17 (initial complaint did not meet the “clear and convincing” evidence standard) (2, TOBIN 243-279); 2/14/21 and 2/16/21 (both rejected because I needed to get “written findings of attorney misconduct” before the Bar Counsel will refer the matter for investigation. (3, TOBIN 459-460)

Respondent Jessica Peterson is the district court case who dismissed all my claims, including those of fraud on the court, with prejudice on the grounds of res judicata, and warned me not to “not make unfounded, unprovable, and salacious allegations against another judge” (36, TOBIN 5273), and denied all my motions to set

1 aside orders pursuant to NRCP 60(b)(3) and NRCP 60 (d) (3) without consideration of  
2 any evidence, and warned me to stop complaining or else a vexatious litigant order was  
3 in my future (36, TOBIN 5276-5277).

4  
5 **A. A-15-720032-C orders were obtained by fraudulent means and my**  
6 **subsequent claims were wrongly dismissed per res judicata.**

7 1. A-15-720032-C was a quiet title dispute between Jimijack Irrevocable  
8 Trust (Jimijack), Nationstar (NSM) and me, initially in my capacity as the  
9 successor trustee of the Gordon B. Hansen Trust, dated 8/22/04, (Hansen Trust)  
10 owner of the property at the time of the defective 8/15/14 HOA sale, and then  
11 subsequently, me, as a 3/28/17 (24, TOBIN 3692-3696) as the successor-in-  
12 interest of the Hansen Trust that I closed (24, TOBIN 3694 & 3696) on 3/28/17  
13 as it was then completely insolvent (NRS 163.187) when its sole asset was  
14 transferred out of the trust to the sole beneficiary.

15 2. All opposing counsels (for Nationstar, Jimijack, Sun City Anthem, and Red  
16 Rock (by Steven Scow's responses to my subpoena) violated their duty of candor  
17 to the court by disclosing false evidence and/or concealing inculpatory evidence,  
18 recording false claims that altered the parties' standing, and concealing and/or  
19 misrepresenting material facts to the court. These allegations are supported by the  
20 verified evidence in the Bar complaints I have recently submitted:

21 3. (27, TOBIN 4045-4154) vs Melanie Morgan, Akerman LLP (2/23/22);

22 4. (28, TOBIN 4155-4259) vs. Wright, Finlay Zak LLP (3/1/22);

23 5. (29, 30, and 31, TOBIN 4260-4603) vs. Steven Scow, Koch & Scow LLC;

24 6. (32, 33, and 34, TOBIN 4604-5046) vs. David Ochoa, Lipson Neilson LLP  
25 and Adam Clarkson, The Clarkson Law Group (3/6/22).

26 7. The prior three complaints that were rejected without investigation also  
27 contain verified evidence that supports my allegations, and they are found in

28 8. (3, TOBIN 243-278) Adam Clarkson, 9/4/17 Bar complaint 17-1198;

1 9. (4, TOBIN 280-399) Joseph Hong, 2/14/21 Bar complaint 21-0181;

2 10. (4, TOBIN 400-458) Brittany Wood, 2/16/21 Bar complaint 21-0187.

3 11. A new forthcoming complaint against Adam Clarkson will also be  
4 supported by verified evidence and cite to legal authority.

5 12. No evidentiary hearings were ever held in case A-15-720032-C, but the  
6 order entered 4/18/19 (1, TOBIN 050-063) unfairly became the law of the case,  
7 primarily by this false statement:

8 "The totality of the facts evidence that the HOA properly followed the  
9 processes and procedures in foreclosing upon the Property." (1, TOBIN  
10 062)

11 13. In fact, all the verified evidence says the opposite.

12 14. Before the order was entered, I attempted to correct the misrepresentation  
13 of the evidence in this order by returning to my pro se status, but I failed because  
14 attorneys for Jimijack and Nationstar orchestrated an ex parte meeting with Judge  
15 Kishner that resulted in my pro se dispositive motions and hundreds of pages of  
16 verified evidence supporting my claims were stricken as rogue because filed pro  
17 se. These allegations are supported by verified evidence primarily found in the  
18 uninvestigated 1/28/21 complaint to the NCJD (5 - 15, TOBIN 461-2120).

19 15. Then, attorney misrepresentations of my standing, tricked the court into  
20 removing me as an individual party on the eve of trial and excluding all my  
21 documentary evidence and witnesses from the trial when I was the only one who  
22 had either witnesses or verified documentary evidence.

23 The orders claim to be based on evidence, but are not. For example, the order  
24 denying reconsideration entered on 5/31/19 (1, TOBIN 064-070) falsely also  
25 states the exact opposite of what the verified, corroborated evidence I filed  
26 (5/23/19) actually established unequivocally: (33, TOBIN, 4980 - 5043); (34,  
27 TOBIN, 4849)

1 "The substantial exhibits that have been submitted in the case demonstrate  
2 that Nona Tobin as Trustee of the Trust was aware of the foreclosure and  
3 did not seek to stop the foreclosure. The May 2, 2019 (sic) Order, without  
4 addressing superiority, establishes the HOA had a valid lien and properly  
noticed the foreclosure sale." (1, TOBIN 069)

5 16. The above statement has no factual basis whatsoever. In fact, Nationstar  
6 (NSM) attorneys misrepresented to the court that NSM was the beneficiary of the  
7 7/22/04 deed of trust (24, TOBIN 3588-3604) that was extinguished by the  
8 8/15/14 sale when NSM was actually just the servicing bank who had never  
9 recorded a notice of default (24, TOBIN 3544-3939; 7, TOBIN 836-839) or  
10 initiated foreclosure after payments stopped upon the 1/14/12 death (24, TOBIN  
11 3684) of the borrower and who knew that there was no lender with standing to  
12 claim it was owed the debt (7, TOBIN 829-835) as no original promissory note  
13 exists (6, TOBIN 718-719) and the copy is not endorsed. (6, TOBIN 720; 831)

14 17. The court never ruled on my 2/1/17 rebuttal of Jimijack's 6/9/15 deed (24,  
15 TOBIN 3668-3670) as being inadmissible pursuant to NRS 111.345, and  
16 Jimijack's attorney's misconduct included: A) orchestrating an ex parte meeting  
17 (6, TOBIN 793-828; 7, 892-946) with Judge Kishner to misrepresent my standing  
18 (6, TOBIN 793) to get my claims stricken unheard and then subsequently  
19 precluded per res judicata, B) by concealing the fraudulent transfer (6, TOBIN  
20 785-792;) of the defective Jimijack deed to one of the trustees as an individual; C)  
21 by making a fraudulent side deal with Nationstar to essentially steal my property  
22 without any judicial scrutiny of the evidence, and D) by obstructing my access to  
23 individual appeal in 79295.

24 18. Joseph Hong covered all his misconduct up by manipulation of the court  
25 into rewriting the court history so that Jimijack gained quiet title without having  
26 a deed and Nationstar prevailed without proof it was owed anything.  
27  
28

1 Sun City Anthem (32 TOBIN 4604-4733 and Red Rock (29 TOBIN 4260-4354)  
2 produced false evidence and concealed evidence in the first proceedings and  
3 misrepresented material facts to the court that the court accepted without  
4 verification. Then, Red Rock has prevailed on two unsupported motions to dismiss  
5 by misrepresenting the first case. (2, TOBIN, 105-201)

6 19. My multiple attempts to correct the record or get the orders set aside for  
7 fraud on the court have failed because they have been stricken, dismissed, or  
8 simply ignored such that my access to appeal as an individual has been abridged.  
9 (2, TOBIN 105-201; 3, TOBIN 202-269; 21, TOBIN 3038-3168; 22 TOBIN  
10 3169- 3367; 22 TOBIN 3368-3441; 35- 36 TOBIN 5047 – 5282)

11 **B. Associate NCJD General Counsel Dominika Batten administratively**  
12 **rejected my 1/28/21 complaint and 5/21/21 request for reconsideration**  
13 **by misapplying the statutes.**

14 20. I filed a complaint on 1/28/21 against Judge Joanna Kishner as President of  
15 Fight Foreclosure Fraud, Inc. for alleged violations of the Nevada Code of Judicial  
16 Conduct, *inter alia*, 1.1 (compliance with law – acted outside jurisdiction); 2.9  
17 (4/23/19 ex parte communications that resulted in the denial of my substantive  
18 rights and legal remedies); 2.7 (responsibility to decide) failing to hear or decide  
19 my pro se dispositive motions filed on 4/10/19, 4/12/19, 4/24/19, 6/17/19, 7/22/19,  
20 and 7/29/19; 2.6 (ensuring the right to be heard) excluding me from putting on a  
21 case at the 6/5/19 quiet title trial, denying my rights under NRS 40.010, NRS  
22 40.110, and NRS 30.130; and not considering 620 pages of verified evidence (10-  
23 12 TOBIN 1285-1823) that I filed pro se on 4/17/19 but that was stricken ex parte  
24 on 4/23/19, and for not considering my 500 pages of verified declarations,  
25 including the authenticated Ombudsman's HOA notice of sale compliance records  
26 for 17 SCA and related foreclosures, filed on 5/23/19 by my then-attorney. (5-15,  
27 TOBIN 461-2120)  
28

21. My 1/28/21 verified NCJD complaint was supported by 1,659 pages of documentation in 16 attachments, over half of which are pro se dispositive motions and verified evidence that were unfairly stricken without consideration or arriving at an evidence-based decision because the Court relied on the misrepresentations of opposing counsels:

Attachment 1 Relevant provisions of the Nevada Code of Judicial discipline (5, TOBIN 464-465)

Attachment 2 7-page outline of complaint (5, TOBIN 466-471)

Attachment 3 1/28/21 NCJD 100-page complaint (5, TOBIN 472-571)

Attachment 4 Unheard 4/10/19 motion for summary judgment vs. Jimijack (5, TOBIN 572-593)

Attachment 5 Unheard 4/10/19 motion for summary judgment vs. all parties (5, TOBIN 594-609)

Attachment 6 Table of contents of evidence stricken at 4/23/19 ex parte hearing (TOBIN 610-621)

Attachment 7 Notice of completion of Tobin/Hansen Trust's completion of mediation required for subject matter Judge Kishner to have subject matter jurisdiction pursuant to NRS 38.310(2) (NRCF 12(b)(1)) (5, TOBIN 622-646)

Attachment 8 Nona Tobin's 4/14/19 Declaration under penalty of perjury vs. Nationstar & Jimijack (6, TOBIN 647-754)

Attachment 9 3/14/19 complaint to Nevada Attorney General (6, TOBIN 755-784)

Attachment 10 12/16/20 complaint to Nevada Attorney General with linked exhibits to both complaints (6, TOBIN 785-792)

Attachment 11 Minutes of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Nationstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack (6, TOBIN 793-795)

Attachment 12 Transcript of 4/23/19 ex parte hearing between Jimijack's attorney Joseph Hong and Nationstar's attorney Melanie Morgan and Judge Kishner prior to the 6/5/19 trial that was to settle Tobin's quiet title dispute vs. Jimijack (TOBIN 796-828)

Attachment 13 Recorded fraud by Nationstar (7, TOBIN 829-891)

Attachment 14 55-page analysis of the evidence of fraud on the court and judicial misconduct (7, TOBIN 892-946)

Attachment 15 211-pages of evidence showing that I was forced to litigate by the HOA as retaliation against me for being a whistleblower on



1 unrelated matters, but then the HOA, Nationstar and Jimijack attorneys  
2 obstructed the litigation by concealing, suppressing, and/or falsifying the  
3 evidence that had probative value to my case (8, TOBIN 947-1157)  
4 Attachment 16 963 pages of my pro se filed documents that were stricken  
5 from the record by Judge Kishner without consideration or adjudication at  
6 the ex parte hearing (9 – 15, TOBIN 1158-2120)

7 22. On 3/10/21, I sent an email to the NCJD, “NCJD complaint 2021-026  
8 request to postpone formal public charges vs. Judge Kishner pending A-21-  
9 828840-C adjudication.” (23, TOBIN 3482-3484) which became moot because  
10 Judge Kishner recused herself from the case. I also recommended that the NCJD  
11 look at the complaint within the context of a need for civil court reform as  
12 suggested by the Pew Charitable Trusts 2020 National Study, “How Debt  
13 Collectors Are Transforming the Business of State Courts” (TOBIN 3485-3528).

14 23. On 5/11/21 (23, TOBIN 3529-3530), NCJD Associate General Counsel  
15 Dominka Batten administratively rejected my previously-accepted complaint  
16 (2/18/21 (23, TOBIN 3481) NCJD staff Tarah Hansen accepted complaint 2021-  
17 026) without referral to the NCJD for investigation on the merits as time-barred  
18 (NRS 1.4655(2) and inappropriate for the NCJD as the complaint should be  
19 addressed on appeal (NRS 1.4653(5)(b));

20 24. The legal standard used to administratively reject the 1/28/21 complaint  
21 supported by 1,659-pages of verified documentary evidence was:

22 “Pursuant to NRS 1.4657(1), the Commission reviews each complaint in  
23 accordance with its procedural rules to determine whether it alleges  
24 objectively verifiable evidence of judicial misconduct or incapacitation.  
25 PRJDC 10(4) permits the Commission to administratively dismiss  
26 complaints that do not meet the statutory requirements set forth in NRS  
27 1.425 to 1.4695. See PRJDC 10(4) (providing that Commission staff may  
28 administratively dismiss a complaint that does not meet the statutory  
requirements, with the Commission subsequently ratifying such dismissal,  
if appropriate, at the next scheduled meeting following the administrative  
dismissal).”

1 25. I dispute the contention that the complaint did not meet the procedural rules  
2 as “it allege(d) objectively verifiable evidence of judicial misconduct”. For  
3 example, 4/23/19 meeting (6, TOBIN 793-828) was ex parte because two notices  
4 (4/15/19 and 4/22/19 (6, TOBIN 900-903)) were served through the court’s e-  
5 filing system that the hearing was continued to 5/7/19 by Judge Kishner’s own  
6 order.

7 26. EDCR 2.20(f) required the court to hear my opposition and countermotion  
8 in conjunction with Nationstar’s motion for summary judgment EVEN IF my  
9 explicitly re uesting it counts for nothing. There was no Clerk’s notice of a  
10 separate hearing decided to have the Clerk contact Dept. 16 to get Melanie Morgan  
11 into court (6, TOBIN 797) with Joseph Hong so she could “find out what was  
12 going on in this case”.

13 27. The minutes, transcript and video show that, in my absence and in the  
14 absence of my counsel of record, Joseph Hong and Melanie Morgan  
15 misrepresented the court record to negate my actual standing as an individual party  
16 (TOBIN 799-804). Judge Kishner, proactively sought their counsel to decide my  
17 case *in absentia* and acting on their misrepresentations, declared my pro se filings  
18 (4/9/19, 4/10/19, 4/12/19, and 4/17/19 (9 – 15, TOBIN 1158-21210)) as rogue  
19 without EVER giving an NRCP 11(a) opportunity to correct a trivial irregularity  
20 caused because my attorney had not filed a notice to withdraw.

21 28. Instead of respecting my wish to return to my pro se status, Judge Kishner  
22 decided contrary to the provable facts, that I had never been a party, refused three  
23 motions for my attorney to withdraw, and refused to sign an order granting my  
24 attorney’s uncontested motion to withdraw after it was granted by Judge Barker  
25 on 7/9/19 who stepped in when Judge Kishner happened to be away.

26 Cheek v. Bell, 80 Nev. 244, 247 (Nev. 1964) (“The failure of the answers  
27 to contain the address of either appellant is a mere irregularity, capable of  
28 being waived, which does not vitiate either answer. Evans v. Backer, 101

1 N.Y. 289, 4 N.E. 516; Heidenheimer v. Daniel, 45 Misc. 385, 90 N.Y.S.  
2 387.”)

3 29. All 923 pages of the stricken file-stamped documents found in Attachment  
4 16 are verifiable evidence that these ex parte communications gave a tactical  
5 advantage to Jimijack and Nationstar that altered the outcome of the proceedings  
6 and obstructed a fair adjudication of my claims. (ABA 6.31(b))

7 30. On 5/21/21 (23, TOBIN 3531-3542), I submitted a request for  
8 reconsideration on the grounds that my complaint was timely, the prejudice was  
9 ongoing, and the judicial misconduct damaged the integrity of the entire judiciary  
10 and civil court system.

11 31. Respondent Batten denied the request on 5/25/21 (23, TOBIN 3543) on the  
12 grounds that no new evidence had been submitted to supplement the 1,659 pages  
13 of documentation and analysis previously submitted (5 – 15, TOBIN 461-2120).

14 **C. Assistant Bar Counsel Patrick J. Pattee rejected two complaints unless**  
15 **accompanied by court “written findings of attorney misconduct”, and**  
16 **rejected an earlier one as not up to the “clear and convincing” evidence**  
17 **standard usually required after some investigation.**

18 32. On 3/4/21 (4, TOBIN 460) Assistant Bar Counsel rejected complaints filed  
19 on 2/14/21 (4, TOBIN 280-399) against Joseph Hong (NV Bar # 5995) and on  
20 2/16/21 (4, TOBIN 400-459) vs. Brittany Wood (NV Bar #7562) without  
21 investigation or referral to the Ethics & Disciplinary Screening Panels stating:

22 “A review of the information provided indicates that your grievance  
23 involves allegations which should be addressed in the appropriate judicial  
24 settings.

25 The Office of Bar Counsel and the disciplinary boards of the State Bar are  
26 not substitutes for the court systems. Therefore, no further action shall be  
27 taken in this matter.

28 If a court makes written findings which clearly establish attorney  
misconduct, please re-submit that information for our reconsideration.” (4,  
TOBIN 460)

1 33. On 9/12/17 (3, TOBIN 279), Mr. Pattee rejected a 30-page complaint (3,  
2 TOBIN 243-278) against Adam Clarkson (Bar # 10003) accompanied by three  
3 NRED Intervention Affidavits (Form 530) for harassment (NRS 116.31184) (3,  
4 TOBIN 275--276), retaliation (NRS 116.31183), interference in an HOA recall  
5 election (3, TOBIN 277--278) (NRS 116.31036), and unlawful removal of me  
6 from my elected seat on the HOA board because I was a party to this quiet title  
7 action. (3, TOBIN 273--274)

8 34. The reason given was that the complaint did not meet the evidentiary  
9 standard of "clear and convincing", but, upon information and belief, that  
10 standard should be applied to the State Bar's investigation, not to the victim's  
11 initial complaint.

12 "The legal standard of "clear and convincing" evidence, which is required  
13 in disciplinary matters, is rigorous and requires that the State Bar show that  
14 is substantially more likely than not that misconduct occurred. In this  
15 situation, there is not sufficient objective evidence to meet the evidentiary  
16 standard and, therefore, we cannot move forward. No further action will  
be taken in this matter." (3, TOBIN 279)

17 35. The State Bar's website procedures state that the Bar Counsel will ask the  
18 respondent attorney for a reply within 10 days, but even though my complaint  
19 explicitly alleged that Rules 4.3, 4.4,1.2(d), 3.1,4.1(a) 7.4; 1.13(f)(g) had been  
20 violated, it was rejected out of hand within five working days.

21 "If you have raised an issue under the Rules of Professional Conduct, we  
22 will forward a letter to the attorney and direct him or her to respond to our  
23 office in writing within ten (10) business days with an explanation. Based  
24 on the attorney's response, we will then determine what further  
investigation might be necessary." (<https://nvbar.org/for-lawyers/ethics-discipline/file-a-complaint/>)

25  
26 **D. Petitioner was unsuccessful in getting Respondent district court to hold**  
27 **an evidentiary hearing to support "written findings which clearly**  
28 **establish attorney misconduct".**

1 36. In response to Mr. Pattee's 3/4/21 requirement that I get a court to issue an  
2 order with written findings of attorney misconduct, I filed counter-claims, cross-  
3 claims and petition for sanctions pursuant on 3/8/21 (21, TOBIN 3038-3168) into  
4 existing interpleader case A-21-828840-C filed in bad faith by Red Rock.

5 37. Due to the unavailability of my attorney (who had to get four orders to  
6 extend deadlines in the 82294, 82094, and 82234 appeals), I filed as a pro se, on  
7 3/8/21, counter-claims against Red Rock, that I understood to be compulsory per  
8 NRCP 13(a)(1), for Interpleader, Fraud, Conversion, Lift the Corporate Veil, and  
9 Racketeering, and a petition for sanctions pursuant to NRCP 11(b)(1)(2)(3) and/or  
10 (4), NRS 18.010(2), NRS 207.407(1), NRS 42.005 which also included cross-  
11 claims of Fraud, Conversion, Lift the Corporate Veil, and Racketeering and a  
12 similar petition for sanctions vs. Nationstar. Attorney misconduct was alleged in  
13 detail in the petitions for sanctions. (21, TOBIN 3038-3168)

14 38. On 3/22/21, I filed a third-party complaint into case A-21-828840-C for  
15 Abuse of Process, Racketeering, Fraud, and Civil Conspiracy vs. six attorneys  
16 (Joseph Hong, Melanie Morgan, Steven Scow, Brody Wight, David Ochoa, and  
17 Brittany Wood), including a petition for sanctions pursuant to NRCP 11(b)(1-4);  
18 NRPC 3.1, 3.3, 3.4, 3.5(b), 4.1, 4.4, 5.1, 5.2, 8.3, 8.4. (22 - 23, TOBIN 3169-3441)

19 39. In the 3/22/21 complaint, as well as through various motions and  
20 declarations, I filed for restitution (actual damages \$550,000 current value of the  
21 wrongfully foreclosed house and \$190,000 lost rent), special damages (\$317,532  
22 attorney fees and about \$20,000 paralegal and other costs), pursuant to NRS  
23 18.010(2), EDCR 7.60(b)(1)&(3), punitive damages pursuant to NRS 42.005,  
24 NRS 207.470(1)&(4) to attempt to get evidentiary hearings to set aside orders that  
25 I allege were obtained by fraudulent means (NRCP 60(b)(3)&(d)(3)) (1 - 3,  
26 TOBIN 001-242) and to establish that Nationstar was judicially estopped (1,  
27 TOBIN 001-011; 1, TOBIN 029-077; 5, TOBIN 572-609; 6, TOBIN 647-754; 6,  
28

1 TOBIN 755-792; 7, TOBIN 829-891; 24, TOBIN 3652-3653; 24, TOBIN 3658;  
2 24, TOBIN 3671-3672; 24, TOBIN 3677-3681; 24, TOBIN 3682-3690; 27,  
3 TOBIN 3768-3772; 25, TOBIN 3779-3811; 25, TOBIN 3814-3816; 26, TOBIN  
4 3989-3990; 26, TOBIN 3994-3997) from claiming to be owed a debt, and had no  
5 standing to oppose the excess proceeds from the 2014 sale being distributed to me  
6 as the sole claimant (23, TOBIN 3442-3453; 23, TOBIN 3454-3477)

7 40. After refusing to conduct the previously-ordered evidentiary hearing (NEO  
8 7/27/21 (2, TOBIN 154-163)), the court, sua sponte, on 9/10/21 (2, TOBIN 165-  
9 180) filed an order to dismiss with prejudice all my counter-claims and petition  
10 for sanctions against Red Rock on the grounds of non-mutual claims preclusion,  
11 time-barred, and failure to plead the Fraud claim with particularity (NRCP 9(b)).

12 41. By orders entered on 11/22/21, also without conducting an evidentiary  
13 hearing or considering any verified evidence, Judge Peterson denied a motion for  
14 reconsideration and denied with prejudice my cross-claim and petition for  
15 sanctions against Nationstar. (2, TOBIN 181-201)

16 42. From May 2017 to December 2021 I have accrued \$317,532.76 in attorney  
17 fees, and have spent tens of thousands of dollars in other costs of litigation  
18 attempting to reclaim property that I could have proven was stolen from me had I  
19 ever been successful in getting judicial scrutiny of the evidence.

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

22 Dated this 9<sup>th</sup> day of March 2022,  
23  
24



25  
26 NONA TOBIN  
27  
28

1                   **IV.    LEGAL STANDARD**

2                   **E. A writ of mandamus is appropriate to compel a duty, when other legal**  
3                   **remedy is unavailable, or when a court has acted outside jurisdiction**

4                   *Popowitz v. Eighth Judicial Dist. Court of Nev.*, No. 58305, at \*3 (Nev.  
5                   Feb. 10, 2014) (“A writ of mandamus is available to compel the  
6                   performance of an act that the law requires as a duty resulting from an  
7                   office, trust, or station or to control an arbitrary or capricious exercise of  
8                   discretion.” *Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev.  
9                   193, 197, 179 P.3d 556, 558 (2008) (internal citations omitted). A writ of  
10                  prohibition may be warranted when the district court exceeds its  
11                  jurisdiction. NRS 34.320. A petition for extraordinary writ relief is  
12                  properly used to challenge an order imposing sanctions on counsel. *Albert*  
*D. Massi, Ltd. v. Bellmyre*, 111 Nev. 1520, 908 P.2d 705 (1995). But,  
extraordinary writ relief is unavailable when the petitioner has “an  
adequate and speedy legal remedy.” *Int’l Game Tech.*, 124 Nev. at 197,  
179 P.3d at 558 (2008); *see* NRS 34.170.”)

13                  43.    NRAP 21 addresses the procedural requirements for filing a petition for  
14                  extraordinary relief via a writ of mandamus and defines the jurisdiction of the  
15                  Supreme Court for writs as original. NRAP 21(a)(4) requires a pro se Petitioner  
16                  to file an appendix which is otherwise prohibited by NRAP 30 (i).

17                  44.    Pursuant to Supreme Court Rule 76, The State Bar of Nevada, a public  
18                  corporation heretofore created by statute, shall govern the legal profession in this  
19                  state, subject to the approval of the Supreme Court. Supreme Court Rules 98-123  
20                  are applicable to the manner in which disciplinary proceedings are conducted.

21                  45.    Nevada attorneys are subject to the exclusive disciplinary jurisdiction of the  
22                  supreme court and the disciplinary boards and hearing panels created by these  
23                  rules. (Rule 99).

24                  46.    Statutory duties of the NV Bar Counsel: Rule 104(1)(a) states:    1. State  
25                  bar counsel shall (a) Investigate all matters involving possible attorney  
26                  misconduct or incapacity called to bar counsel’s attention, whether by grievance  
27                  or otherwise.  
28

1 47. Rule 105. Procedure on receipt of complaint 1. Investigation

2 (a) Investigation and screening panel review. Investigations shall be  
3 initiated and conducted by bar counsel or bar counsel's staff or other  
4 investigative personnel at bar counsel's direction prior or pursuant to the  
5 opening of a grievance file. At the conclusion of an investigation of a  
6 grievance file, bar counsel shall recommend in writing dismissal with or  
7 without prejudice, referral to diversion or mentoring pursuant to Rule  
105.5, a letter of caution, a letter of reprimand, or the filing of a written  
complaint for formal proceedings.

8 48. The most important implicated provisions of the ABA Standards for  
9 Imposing Lawyer Sanctions are 6.11 and 6.31(b) are:

10  
11 6.11 Disbarment is generally appropriate when a lawyer, with the intent to  
12 deceive the court, makes a false statement, submits a false document, or  
13 improperly withholds material information, and causes serious or  
14 potentially serious injury to a party, or causes a significant or potentially  
significant adverse effect on the legal proceeding.

15 6.31 Disbarment is generally appropriate when a lawyer:

16 (b) makes an ex parte communication with a judge or juror with intent to  
17 affect the outcome of the proceeding, and causes serious or potentially  
18 serious injury to a party, or causes significant or potentially significant  
19 interference with the outcome of the legal proceeding;

20 **V. ARGUMENT**

21 49. By procedural trickery, attorneys helped Nationstar collect on a debt it was  
22 not owed in this case, and they have used this corrupt fraud on the court to aid and  
23 abet other unscrupulous lenders to abuse the HOA foreclosure quiet title litigation  
24 process, evade the Multi-State PUD Rider Remedies (F.) (24, TOBIN 3603; 25,  
25 TOBIN 3810) provision and NRS 107.082 (as amended by AB 284(2011), to steal  
26 property from other homeowners without foreclosing. (25, TOBIN 3814-3816)

27 50. NCJD failed to fulfill its mandate by the administrative rejection of my  
28 complaint, supported by verified evidence, without investigation, given that my



1 1/28/21 complaint was timely, as filed within three years of the 4/23/19 through  
2 11/22/19 alleged violations of the Code of Judicial Conduct, and within one year  
3 of when my appeal rights were totally gone as of the Supreme Court's 4/30/20  
4 (SC order 20-16346) (3, TOBIN 231-232) rejection of my appeal of the 11/22/19  
5 order (1, TOBIN 094-104) that removed me as a party from A-15-720032-C.

6 51. The State Bar's failure to investigate allegations of attorney misconduct or  
7 to provide a determination on the alleged fraud on the court means that Appeal  
8 82294 cannot be fairly resolved because the records proving the first proceedings  
9 weren't fair were stricken by order 21-30346. (3, TOBIN 241-242)

10 52. The Office of the Bar Counsel did not comply with Supreme Court Rule  
11 104(1)(a) and Rule 105 when it administratively rejected without investigation  
12 Petitioner's timely 2/14/21 and 2/16/21 complaints of violations of the Nevada  
13 Code of Professional Conduct that occurred between 4/23/19 to 11/15/21.

14 53. The Assistant Bar Counsel's ad hoc requirement to only investigate  
15 complaints to the State Bar after the complainant gets a court order with findings  
16 of attorney misconduct imposes an unreasonable burden on a victim. My 3/8/21  
17 and 3/22/21 counter-claims, cross-claims, and third-party claims (21 -23, TOBIN  
18 3038 – 3441) were filed, attempting to get such an order, but were dismissed  
19 without the court holding an evidentiary hearing to support findings on the  
20 inapplicable grounds of non-mutual claims preclusion.

21 54. My failed attempts put me at risk of having a vexatious litigant order being  
22 unfairly imposed on me because my alleging that attorney and judicial misconduct  
23 had made the process unfair made Judge Peterson angry, and she threatened to  
24 restrict my access to judicial remedies if I didn't stop (36, TOBIN 5273-5278)

25 55. Absent this Court issuing a writ to require investigation of my complaints  
26 by the NCJD and the Bar, the 82294 appeal cannot be fairly resolved as the court  
27 granted opposing counsels' joint motion to strike 15 ½ of the appellant's appendix  
28

1 that contained the prior court records and documents that the Court needs to verify  
2 my allegations that attorney misconduct obstructed a fair adjudication of anyone's  
3 claims in the A-15-720032C proceedings. SC 21-30346. (3, TOBIN 241-242)

4 56. Absent this Court issuing a writ to require investigation of complaints by  
5 the NCJD and the Bar, all of the A-21-828840-C orders that dismissed Petitioner's  
6 claims without conducting an evidentiary hearing will have to be appealed. (2,  
7 TOBIN 154-201)

8 57. Further, if the Bar does not investigate my 3/22/21 complaint against six  
9 attorneys, dismissed without prejudice from A-21-828840-C (2, TOBIN 164),  
10 Petitioner will be forced to file a new district court case lest many alleged ethical  
11 and criminal violations will be condoned by default, and the Nevada Rules of  
12 Professional Conduct will continue to be unenforced as if they didn't even exist.

13 58. Attorney misconduct obstructed the administration of justice, caused the  
14 Court to unwittingly violate the Judicial Code of Conduct, and rendered it  
15 impossible for claims to be fully and fairly litigated in the first proceedings.  
16 Subsequent judges' inability to conceptualize that the first proceedings weren't  
17 fair has prevented Petitioner's case from being heard on its merits in any court.

18 **F. Governance of the legal profession and the judiciary ultimately is the**  
19 **responsibility of the Supreme Court.**

20 *O'Brien v. State Bar of Nev.*, 114 Nev. 71, 73, 952 P.2d 952, 953 (1998)  
21 (internal quotation marks omitted); *see also* SCR 76(1) (providing that  
22 "[t]he state bar is under the exclusive jurisdiction and control of the  
supreme court"). We therefore exercise our discretion to consider this  
petition for a writ of mandamus or prohibition.")

23 *Minton v. Board of Medical Examiners*, 110 Nev. 1060, 1079 n.11 (Nev.  
24 1994) ("This court does, however, exercise independent review over  
25 professional discipline matters involving attorneys because of its authority  
26 to govern the legal profession and its inherent authority flowing therefrom  
27 to discipline attorneys. *See* SCR 39, 99(1); *State Bar of Nevada v.*  
*Claiborne*, 104 Nev. 115, 126, 756 P.2d 464, 471 (1988).")

1 59. The Nevada Commission on Judicial Discipline's supporting role was  
2 created by the public via a constitutional amendment in 1976 to enforce the Code  
3 of Judicial Conduct and to assist the Supreme Court to ensure that the judiciary is  
4 competent and uncorrupted. (Nevada State Constitution,, Article 6, Section 20),  
5 but it is ultimately up to the Supreme Court to ensure the job is done.

6 60. The State Bar of Nevada is chartered by statutes and by the Supreme Court  
7 Rules to assist the Supreme Court in its governance of the legal profession by  
8 investigating complaints and recommending discipline for violations of the  
9 Nevada Rules of Professional Conduct.

10 61. It is not in the public interest, or in the interest of promoting judicial  
11 efficiency, if administrative agencies abdicate their enforcement function,  
12 whether by allowing overzealous staff gatekeeping, or by shifting the burden of  
13 investigation and prosecution of alleged ethical and criminal acts onto a victim or  
14 onto a whistleblower.

15 **VI. CONCLUSION**

16 Petitioner requests that the Court approve an order fashioned on the order  
17 proposed below.

18 Dated this 9<sup>th</sup> day of March 2022  
19  
20

21 

22 NONA TOBIN, AN INDIVIDUAL  
23 2664 Olivia Heights Avenue  
24 Henderson NV 89052  
25 (702) 465-2199  
26 nonatobin@gmail.com  
27 *In Proper Person*  
28

1 PROPOSED ORDER GRANTING WRITS OF MANDAMUS

2 This order grants a petition for this Court to overrule the administrative  
3 rejections of complaints to the Nevada Commission on Judicial Discipline and to  
4 the State Bar of Nevada Ethics & Disciplinary Panels so the administrative  
5 agencies shall fully investigate the complaints and propose disciplinary action, if  
6 warranted by clear and convincing evidence. This Petition is properly within the  
7 Supreme Court of Nevada's jurisdiction.

8 *Agwara v. State Bar of Nev.*, 406 P.3d 488, 491 (Nev. 2017) ("A writ of  
9 mandamus is available to compel the performance of an act that the law  
10 requires as a duty resulting from an office, trust, or station, or to control a  
11 manifest abuse of discretion." *We the People Nev. v. Miller*, 124 Nev. 874,  
879, 192 P.3d 1166, 1170 (2008)).

12 Petitioner filed a complaint to the Nevada Commission on Judicial  
13 Discipline on 1/28/21 against Joanna Kishner for, inter alia, ex parte  
14 communications (NCJC 2.9) that allowed opposing counsels to gain a substantive  
15 and tactical advantage that altered the outcome of the A-15-720032-C proceedings  
16 in a manner that deprived Petitioner of her property and her access to both the  
17 district courts and the courts of appeal.

18 Associate General Counsel Dominka Batten rejected the complaint for lack  
19 of timeliness (NRS 1.4655(2) and as having access to a legal remedy of appeal.  
20 We find that the Petitioner attempted to access the appellate courts on 7/23/19 and  
21 12/19/19, but her appeals as an individual were dismissed first on 9/4/19, and then  
22 finally on 4/30/20. As such, Petitioner's 1/28/21 complaint would have been  
23 timely up to 4/29/21.

24 Secondly, Petitioner argues that because of the NCJD's failure to address  
25 the alleged judicial misconduct in the first proceedings, all her claims in  
26 subsequent proceedings, that had been necessitated by the looming statute of  
27  
28

1 limitations, have been unfairly precluded on the grounds of res judicata, thereby  
2 preventing her claims being fairly adjudicated at all.

3 *Popowitz v. Eighth Judicial Dist. Court of Nev.*, No. 58305, at \*3-4 (Nev.  
4 Feb. 10, 2014) (“Without a right to appeal, MAC does not have an adequate  
5 legal remedy; thus, writ relief is available for it. *See Office of the Washoe*  
6 *Cnty. Dist. Attorney v. Second Judicial Dist. Court*, 116 Nev. 629, 635, 5  
P.3d 562, 566 (2000).”)

7 This Court grants the Petition and mandates the State Bar of Nevada  
8 investigate the complaints, filed on 9/4/17, 2/14/21, 2/16/21, 2/23/22, 3/1/22,  
9 3/6/22 and the outstanding related complain vs. Adam Clarkson, that Assistant  
10 Bar Counsel Patrick J. Pattee has previously rejected without investigation.

11 This court finds that Supreme Court Rules require the Office of Bar Counsel  
12 to assist the Supreme Court in the governance of the legal profession, and that this  
13 mission is not fulfilled if the Bar imposes undue burdens on a complainant. See  
14 *Agwara v. State Bar of Nev.*, 406 P.3d 488, 492 (Nev. 2017) (“State bar counsel  
15 is required to “[i]nvestigate all matters involving possible attorney misconduct ...  
16 called to bar counsel's attention, whether by grievance or otherwise.” SCR  
17 104(1)(a).”)

18 This Court notes the chilling effect the Bar Counsel’s aggressive  
19 gatekeeping has had on this Court’s ability to get to the truth of the matter, and  
20 that the need exists to ascertain the extent to which attorney misconduct mitigates  
21 the culpability of the judges who may have acted reasonably on the good faith  
22 expectation that they could rely on the representations of attorneys as officers of  
23 the court being truthful.

24 Therefore, the Bar Counsel is also ordered to investigate the additional  
25 allegations found in the Petitioner’s Appendix and submitted electronic files in  
26 that other attorneys in these related cases may have participated in the alleged  
27 fraud on the court that, according to ABA Standards for Imposing Lawyer  
28 Sanctions 6.11 and 6.31(b) could warrant disbarment.

1 6.11 Disbarment is generally appropriate when a lawyer, with the intent  
2 to deceive the court, makes a false statement, submits a false document, or  
3 improperly withholds material information, and causes serious or  
4 potentially serious injury to a party, or causes a significant or potentially  
significant adverse effect on the legal proceeding.

5 6.31 Disbarment is generally appropriate when a lawyer:  
6 (b) makes an ex parte communication with a judge or juror with intent to  
7 affect the outcome of the proceeding, and causes serious or potentially  
8 serious injury to a party, or causes significant or potentially significant  
interference with the outcome of the legal proceeding;

9 *Manuela Rubio v. Nevada*, 124 Nev. 1032, 1044 (Nev. 2008) (“As  
10 other jurisdictions have required, we recognize that district courts  
11 should hold an evidentiary hearing for colorable claims of affirmative  
misrepresentation”)

12 *In re Discipline of Droz*, 123 Nev. 163, 168 n.5 (Nev. 2007) (“SCR 39  
13 (“Attorneys being court officers and essential aids in the  
14 administration of justice, the government of the legal profession is a  
15 judicial function.”

16 *Estate of Adams ex rel. Estate v. Fallini*, 386 P.3d 621, 625 (Nev.  
17 2016) (“[W]hen a judgment is shown to have been procured by fraud  
18 upon the court, no worthwhile interest is served in protecting the  
judgment.” *Id.* at 653, 218 P.3d at 858”)

19 *Estate of Adams ex rel. Estate v. Fallini*, 386 P.3d 621, 625 (Nev.  
20 2016) (“We have defined a “fraud upon the court” as “only that species  
21 of fraud which does, or attempts to, subvert the integrity of the court  
22 itself, *or is a fraud perpetrated by officers of the court* so that the  
23 judicial machinery cannot perform in the usual manner its impartial  
task of adjudging cases....” *Id.* at 654, 218 P.3d at 858”)

24 Where the sanction imposed is “case concluding,” that is, where the  
25 sanction results in the striking of an answer “both as to liability and  
26 damages,” we employ “a somewhat heightened standard of  
27 review.” *Bahena v. Goodyear Tire & Rubber Co.*, 126 Nev. —, —  
28 —, **235 P.3d 592, 596** (2010).

1 Generally speaking, only the most egregious misconduct, such as bribery  
2 of a judge or members of a jury, or the **fabrication of evidence** by a party  
3 in which an attorney is implicated, will constitute a fraud on the court . See  
4 Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238, 64 S.Ct.  
5 997, 88 L.Ed. 1250 (1944); Root Refin. Co. v. Universal Oil Products, 169  
6 F.2d 514 (3d Cir. 1948); 7 J.W. Moore, Federal Practice, ¶ 60.33 at 510-  
7 11.

8 *Occhiuto v. Occhiuto*, 97 Nev. 143, 146 n.2 (Nev. 1981)

9 *Ehrenberg v. Roussos (In re Roussos)*, 541 B.R. 721, 729 (Bankr. C.D.  
10 Cal. 2015) (“**Most fraud on the court cases involve a scheme by one**  
11 **party to hide a key fact from the court and the opposing party.** For  
12 example, in *Levander* corporate officer testified in a deposition that the  
13 corporation had not sold its assets, and a bankruptcy court subsequently  
14 entered a judgment against only the corporation. *Levander*, 180 F.3d at  
15 1116–17. It turned out that the corporation had in fact transferred all of its  
16 assets to a related partnership. *Id.* We held that the false testimony  
17 constituted fraud on the court, and the bankruptcy court was allowed to  
18 amend its order to include the partnership as an additional party to the  
19 judgment. *Id.* at 1122–23.”)

1  
2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 NONA TOBIN,  
4 PETITIONER,

Supreme Court Cases 79295. 82094,  
82234, 82294

5  
6 vs.

7 NEVADA COMMISSION ON  
8 JUDICIAL DISCIPLINE; ASSOCIATE  
9 GENERAL COUNSEL DOMINKA  
BATTEN;

Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

10 THE OFFICE OF BAR COUNSEL OF  
11 THE STATE BAR OF NEVADA;  
12 ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

PETITION FOR WRITS OF  
MANDAMUS

13 EIGHTH JUDICIAL DISTRICT COURT  
14 DEPT. 8 JUDGE JESSICA PETERSON

15 RESPONDENTS.  
16

17 **TABLE OF CONTENTS OF PETITION FOR WRIT PRO SE APPENDIX**  
18 **VOLUMES 1 - 36 TOBIN 0001 - 5282**  
19

20 **VOL BATES # TOBIN 0001 - 5282**  
21 **TOBIN**

22	1	001 -104	A-15-720032-C orders that were obtained by fraud
23	2	105 - 201	A-19-799890-C AND A-21-828840-C ORDERS
24			OBTAINED BY FRAUD
25	3	202-279	79295 AND 82294 ORDERS AND 9/4/17 1ST BAR
26			COMPLAINT (ADAM CLARKSON) 9/12/17 BAR
27			COUNSEL'S REJECTION
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1	4	280-460	2/14/21 2ND AND 2/16/21 3RD BAR COMPLAINTS
2			AND 3/4/21 BAR COUNSEL'S REJECTION OF BOTH
3	5	461-646	NCJD COMPLAINT ATTACHMENTS 1-7
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5	6	647-828	NCJD COMPLAINT ATTACHMENTS 8-12
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7	7	829-946	NCJD COMPLAINT ATTACHMENTS 13 AND 14
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10			forced litigation
11	9	1158-1284	NCJD COMPLAINT ATTACHMENT 16 EX PARTE
12			STRICKEN PART 1
13	10	1285-1431	NCJD COMPLAINT ATTACHMENT 16 EX PARTE
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15	11	1432-1676	NCJD COMPLAINT ATTACHMENT 16 190417
16			EVIDENCE EXHIBITS 1-3 STRICKEN PART 3
17	12	1677-1823	NCJD COMPLAINT ATTACHMENT 16 4/17/19
18			EVIDENCE EXHIBITS 4-9 EX PARTE STRICKEN
19			PART 4
20	13	1824-1949	NCJD COMPLAINT ATTACHMENT 16 4/17/19
21			PROOFS OF SERVICE EX PARTE STRICKEN PART 5
22	14	1950-2064	NCJD COMPLAINT ATTACHMENT 16 EVIDENCE VS
23			NATIONSTAR EX PARTE STRICKEN PART 6
24	15	2058-2120	NCJD COMPLAINT ATTACHMENT 16 ANNOTATED
25			ORDERS AND COURT RECORD PART 7
26	16	2121 -2299	4/24/19 MOTION TO VACATE 4/18/19 ORDER PER
27			NRCP 60(b) AND CMSJ vs ALL PARTIES AND
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6/17/19 Motion to intervene as individual per NRCP 24  
UNHEARD PART 1

17 2300-2492 6/17/19 Motion to intervene as individual per NRCP 24  
unheard PART 2

18 2493-2699 6/17/19 Motion to intervene as individual per NRCP 24  
PART 3 AND

7/22/19 Motion for a new trial PER NRCP 5454(b) AND  
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PART 1

19 2700-2919 7/22/19 Motion for a new Trial NRCP 54(b) AND NRCP  
59(a)(1) 9(A)(B)(C)(D)(F) (STRICKEN 9/3/19) PART 2

20 2920-3037 7/29/19 motion to dismiss PER NRS 38.310.2;  
(STRICKEN 9/3/19)

8/7/19 COMPLAINT ABUSE OF PROCESS CLAIM VS.  
MORGAN, HONG & OCHOA @3025-3031

21 3038-3168 3/8/21 NONA TOBIN'S ANSWER, AFFIRMATIVE  
DEFENSES, 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  
PURSUANT TO NRCP 11(b)(1)(2)(3) and/or (4), NRS  
18.010(2), NRS 207.407(1), NRS 42.005 dismissed with  
prejudice per NRCP 12(b)(5) res judicata.

22 3169-3367 3/22/21 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,

1 NRS 205.372, NRS 205.377, NRS 205.395, NRS 205.405,  
2 NRS 111.175 4. RESTITUTION AND RELIEF  
3 REQUESTED EXCEEDS \$15,000 5. EXEMPLARY AND  
4 PUNITIVE DAMAGES PURSUANT TO NRS 42.005,  
5 NRS 207.470(1) & (4) 6. SANCTIONS PURSUANT TO  
6 NRCP 11(b)(1-4); NRPC 3.1, 3.3, 3.4,3.5(b), 4.1, 4.4, 5.1,  
7 5.2, 8.3, 8.4vs. STEVEN B. SCOW; BRODY R. WIGHT;  
8 JOSEPH HONG; MELANIE MORGAN; DAVID  
9 OCHOA; BRITTANY WOOD dismissed without prejudice  
10 as not served within 120 days PART 1  
11  
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13 23 3368 - 3543 3/22/21 NONA TOBIN S THIRD PARTY COMPLAINT  
14 1. ABUSE OF PROCESS 2. RACKETEERING (NRS  
15 207.360(9)(18)(29)(30)(35); NRS 207.390, NRS  
16 207.400(1)(2) 3. FRAUD NRS 205.330, NRS 205.360,  
17 NRS 205.372, NRS 205.377, NRS 205.395, NRS 205.405,  
18 NRS 111.175 4. RESTITUTION AND RELIEF  
19 REQUESTED EXCEEDS \$15,000 5. EXEMPLARY AND  
20 PUNITIVE DAMAGES PURSUANT TO NRS 42.005,  
21 NRS 207.470(1) & (4) 6. SANCTIONS PURSUANT TO  
22 NRCP 11(b)(1-4); NRPC 3.1, 3.3, 3.4,3.5(b), 4.1, 4.4, 5.1,  
23 5.2, 8.3, 8.4 vs. STEVEN B. SCOW; BRODY R. WIGHT;  
24 JOSEPH HONG; MELANIE MORGAN; DAVID  
25 OCHOA; BRITTANY WOOD dismissed without prejudice  
26 as not served within 120 days PART 2;  
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4/12/21 Nona Tobin's Amended Motion for an Order to  
Distribute Interpleaded Proceeds with Interest to Sole  
Claimant Nona Tobin;

4/15/21 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;

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11/10/21 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;

11/10/21 Nona Tobin's Three-Day Notice of Intent to Take Default vs. Nationstar as to Tobin's Cross-Claims Filed on March 8, 2021; AND

2/18/21, 5/11/21, 5/21/21, & 5/25/21 NCJD TOBIN COMMUNICATIONS

- 24    3544-3736    3/15/21 REQUEST FOR JUDICIAL NOTICE APN 191-13-811-052 2003-2019 PROPERTY RECORD PART 1
- 25    3738-3939    3/15/21 REQUEST FOR JUDICIAL NOTICE APN 191-13-811-052 2020-2021 PROPERTY RECORD PART 2
- 26    3944-4044    4/4/21 RFJN UNADJUDICATED CLAIMS & ADMINISTRATIVE COMPLAINTS;  
  
4/7/21 RFJN LAWS  
  
4/9/21 NRCP 16.1 DISCLOSURES
- 27    4045-4154    2/23/22 BAR COMPLAINT VS. MELANIE MORGAN
- 28    4155-4259    2/28/22 WRIGHT FINLEY ZAK BAR COMPLAINT
- 29    4260-4354    3/1/22 STEVEN SCOW BAR COMPLAINT AND EX A FALSE EVIDENCE IN RESPONSE TO SUBPOENA
- 30    4355- 4438    STEVEN SCOW BAR COMPLAINT EX B-F RETAINED PROCEEDS FROM SUN CITY ANTHEM FORECLOSURES AND FROM FORECLOSURES IN MULTIPLE OTHER HOAS AFTER RED ROCK INSTRUCTED HIM TO INTERPLEAD IN 2014
- 31    4439-4603    STEVEN SCOW BAR COMPLAINT EXHIBITS F -H-5

- 1 32 4604 - 4733 3/6/22 BAR COMPLAINT VS. DAVID OCHOA  
2 EXHIBITS A-D  
3  
4 33 4734 - 4847 BAR COMPLAINT VS. OCHOA EXHIBITS E, E-1, E-2,  
5 3-3 AND F  
6  
7 34 4848 - 5046 BAR COMPLAINT VS. OCHOA EXHIBITS G, G-1, G-2,  
8 G-3, G-4, G-5, H, ONLINE COMPLAINT RECEIPT  
9  
10 35 5047 - 5204 PRO SE A-21-828840-C FAILED ATTEMPTS TO GET  
11 ORDER WITH WRITTEN FINDINGS OF ATTORNEY  
12 MISCONDUCT  
13  
14 36 5205 - 5282 A-21-88840-C 8/19/21, 11/16/21, and 1/18/22 HEARING  
15 TRANSCRIPTS  
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I, Nona Tobin, certify that I filed all of the above pro se documents that were stricken or otherwise disregarded by the courts or were administratively rejected by the NCJD, the State Bar or the Nevada Attorney General's Office, or that are still in the court records, and that the summaries are a true and accurate representation of their contents.

Dated this 7<sup>th</sup> day of March 2022,



---

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

NO. 84371

FILED

MAR 15 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
PETITIONER,

VS.

NEVADA COMMISSION ON  
JUDICIAL DISCIPLINE; ASSOCIATE  
GENERAL COUNSEL DOMINKA  
BATTEN;

THE OFFICE OF BAR COUNSEL OF  
THE STATE BAR OF NEVADA;  
ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;  
EIGHTH JUDICIAL DISTRICT COURT  
JUDGE JESSICA PETERSON

RESPONDENTS.

Supreme Court Cases 79295, 82094,  
82234, 82294

Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

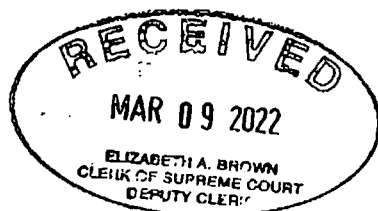
PETITION FOR WRITS OF  
MANDAMUS FOR THE  
ENFORCEMENT OF THE  
NEVADA JUDICIAL AND  
PROFESSIONAL CODES OF  
CONDUCT

Comes now, Petitioner Nona Tobin, In Proper Person, to respectfully  
petition this court to order investigations and evidence-based rulings by the  
Nevada Commission for Judicial Discipline, the State Bar of Nevada, and the  
district court, of ethical complaints of fraud on the court that were  
rejected/dismissed without good cause.

Dated this day of 8<sup>th</sup> March 2022,

*nona Mi*

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



22-08149

NO. 84371

FILED

MAR 15 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
PETITIONER,

Supreme Court Cases 79295, 82094,  
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VS.

Related 8<sup>th</sup> District Court Cases Nos.  
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NEVADA COMMISSION ON  
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BATTEN;

THE OFFICE OF BAR COUNSEL OF  
THE STATE BAR OF NEVADA;  
ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

PETITION FOR WRITS OF  
MANDAMUS

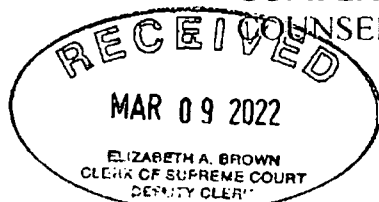
EIGHTH JUDICIAL DISTRICT COURT  
DEPT. 8 JUDGE JESSICA PETERSON

RESPONDENTS.

**TABLE OF CONTENTS OF PETITION FOR WRIT PRO SE APPENDIX  
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TOBIN**

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22-08152

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24 as not served within 120 days PART 2;

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26 Distribute Interpleaded Proceeds with Interest to Sole  
27 Claimant Nona Tobin;

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Motion for Summary Judgment vs. Counter-Defendant Red  
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Mortgage LLC & Wells Fargo, N.A. and Motion for  
Punitive Damages and Sanctions Pursuant to NRCP 11  
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2		Default vs. Wells Fargo, N.A. as to Tobin's Cross-Claims
3		Filed on March 8, 2021;
4		11/10/21 Nona Tobin's Three-Day Notice of Intent to Take
5		Default vs. Nationstar as to Tobin's Cross-Claims Filed on
6		March 8, 2021; AND
7		2/18/21, 5/11/21, 5/21/21, & 5/25/21 NCJD TOBIN
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I, Nona Tobin, certify that I filed all of the above pro se documents that were stricken or otherwise disregarded by the courts or were administratively rejected by the NCJD, the State Bar or the Nevada Attorney General's Office, or that are still in the court records, and that the summaries are a true and accurate representation of their contents.

Dated this 7<sup>th</sup> day of March 2022,



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

1  
2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 NONA TOBIN,  
4 PETITIONER,

Supreme Court Cases 79295. 82094,  
82234, 82294

5  
6 vs.

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8 JUDICIAL DISCIPLINE; ASSOCIATE  
9 GENERAL COUNSEL DOMINKA  
BATTEN;

Related 8<sup>th</sup> District Court Cases Nos.  
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11 THE STATE BAR OF NEVADA;  
12 ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

PETITION FOR WRITS OF  
MANDAMUS

13 EIGHTH JUDICIAL DISTRICT COURT  
14 JUDGE JESSICA PETERSON

15 RESPONDENTS.  
16

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25		006-011 6/22/17 OPPORTUNITY HOMES MSJ <b>DENIAL</b> VS.
26	1	Nationstar
27		012-022 8/11/17 OPPORTUNITY HOMES MSJ <b>GRANTED</b> VS.
28	1	TOBIN

1 023-028 9/20/17 NEO stipulate to dismiss Tobin's claims vs. Sun  
2 1 City Anthem except quiet title pending completion of  
3 mediation  
4 029-039 2/20/19 NATIONSTAR stipulated to dismiss its claims vs.  
5 1 opportunity Homes & F. Bondurant LLC  
6 040-049 3/12/19 NATIONSTAR & Jimijack stipulate to  
7 VOLUNTARILY dismiss their claims against all fictitious  
8 1 defendants AND PREVAIL WITH NO FILED CLAIMS  
9 4/18/19 order granted HOA MSJ as to Hansen Trust quiet  
10 050-063 title and NATIONSTAR'S joinder as BANA's successor  
11 1 AFTER NATIONSTAR rescinded its false claim to be  
12 BANA's successor and FALSELY claimed to be Wells  
13 Fargo's successor  
14 064-070 5/31/19 reconsideration of 4/18/19 order denied after fight  
15 1 focused on Tobin's alleged lack of standing to be a party  
16 5/31/19 NATIONSTAR stipulated to dismiss its last quiet  
17 1 071-077 title claim and PREVAILED in A-15-720032-C **WITH NO  
FILED CLAIMS**  
18 078-093 6/24/19 NEFF notice of entry of final judgment after a trial  
19 1 **that had no parties with a recorded deed allowed and all  
documentary evidence and witnesses excluded**  
20  
21 094-104 11/22/19 order to clarify Tobin was never a party and to  
22 1 strike motion for a new trial and motion to dismiss for lack  
23 of jurisdiction – unappealable per SC 4/30/20 order  
24 20-16346  
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IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
PETITIONER,

Supreme Court Cases 79295, 82094,  
82234, 82294

vs.

NEVADA COMMISSION ON  
JUDICIAL DISCIPLINE; ASSOCIATE  
GENERAL COUNSEL DOMINKA  
BATTEN;

Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

THE OFFICE OF BAR COUNSEL OF  
THE STATE BAR OF NEVADA;  
ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

PETITION FOR WRITS OF  
MANDAMUS

EIGHTH JUDICIAL DISTRICT COURT  
JUDGE JESSICA PETERSON

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VOLUME 2 OF 36

VOL	TOBIN	A- 19-799890-C orders obtained by fraud
2	105-115	10/8/20 sanction vs. Tobin ordered per EDCR 7.60(b)1 and/or (3) because 8/7/19 complaint was filed "without reasonable grounds" of \$3,165 to Hong's fees
2	116-126	11/17/20 2 <sup>nd</sup> sanction vs. Tobin ordered per NRS 18.010(2) because 8/7/19 complaint was filed "without reasonable grounds" of \$12,949 to Wood's fees

1 2 127-153 12/3/20 NODP dismiss with prejudice Tobin's claims per  
2 res judicata entered by ignoring Tobin's objections found  
3 on pages 144-151.

4 **A-21-828840-C orders obtained by fraud**

5 2 154-163 7/27/21 stipulation to hold evidentiary hearing on  
6 three motions (motion to distribute. Interpleaded  
7 proceeds, Tobin motion for summary judgment, and  
8 Red Rock motion to dismiss per NRCP 12(b)(5) res  
9 judicata on 8/18/19, but the date was mysteriously  
changed by court to 8/19/21 motion calendar.

10 **The court then refused to hold an evidentiary hearing**  
11 **which resulted in Tobin accruing \$29,874 in attorney**  
12 **fees without the court ever looking at verified**  
13 **evidence**

14 2 164 9/8/21 Minute order to show cause why the third-party  
15 complaint should not be dismissed for filing to serve  
within 120-days

16 2 164A-H 10/13/21 NEO Tobin, on the advice of counsel, voluntary  
17 dismissed without prejudice of 3/22/21 complaint against  
18 attorneys since the court clearly did not want to hear it

19 2 165-180 9/10/21 NODP Tobin's never heard 3/8/21 claims and  
20 petition for sanctions were dismissed with prejudice on  
21 the grounds of res judicata

22 2 181-190 11/30/21 motion for reconsideration of the 9/10/21 order  
23 was denied

24 2 191-201 11/30/21 NEO of Order Clarifying that the 9/10/21 order  
25 precludes all Tobin claims against NSM & Wells Fargo  
26 and mooting Tobin's Notice of Intent to take NSM/WF's  
27 Default for non-response to 3/8/21 cross-claims and  
petition for sanctions and NSM/WF's Motion to Strike



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VOLUME 3 OF 26 TOBIN 202 - 279

VOL	TOBIN	Appeal 79295 orders obtained by fraud
	202-279	
3	202-203	9/4/19 order 19-37046 dismissed Tobin as an individual from 79295 appeal because if not a party, then not aggrieved per NRAP 3A even if she did lose her house
3	204-230	9/10/19 SC 19-37846 docking statement returned unfiled
3	231-232	4/30/20 SC 20-16346 reaffirmed Tobin as individual can't appeal any A-15-720032-C orders

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3      233-240    4/12/21 79295 21-10482 Order of Affirmance allowed quiet title to Jimijack to stand even though Jimijack never had an admissible deed and didn't have any deed at the time of the trial

**Appeal 82294 orders obtained by fraud**

3      241-242    10/21/21 21-30326 granted respondents' joint motion to strike volumes 1-15, part of 16 so the court can't consider any of the A-15-720032-C court records that support Tobin's claim that the first proceedings were not fair because **the parties produced false evidence and concealed inculpatory evidence, met ex parte with the judge, obstructed Tobin's ability to put on her case, and lied to the court to cover it up**

**FIRST BAR COMPLAINT AND REJECTION**

3      243-278    9/4/17 17-1198 Bar complaint with 3 NRED Form 530 INTERVENTION AFFIDAVITS vs. Adam Clarkson (Bar #10003).

3      279        9/12/17 NV bar rejection 17-1198 complaint as **not meeting the "clear and convincing " standard of proof in the complaint**

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**VOLUME 4 OF 36 TOBIN 280-460**

<b>VOL</b>	<b>TOBIN</b>	<b>2ND AND 3RD REJECTED BAR COMPLAINTS</b>
4	280-399	2/14/21 21-0181 complaint vs. Joseph Hong (Bar #5995)
4	400-459	2/16/21 21-0187 complaint Brittany Wood Bar #7562
4	460	3/4/21 NV Bar rejection of 21-0181 (Hong) and 21-0187 (Wood).pdf

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VOLUME 5 OF 26 TOBIN 461 - 646

VOL	TOBIN	NCJD COMPLAINT AND ATTACHMENTS 1-7
	461-646	
5	461-463	1/26/21 NCJD complaint Kushner 1.1 1.2 2.2 2.3 2.4 2.6 2.7 2.9
5	464-465	Attach 1 NV Code of Judicial Conduct excerpts
5	466-471	Attach 2 2/7/21 outline NCJD claims vs. Judge Kushner.

- 1 5 472-571 Attach 3 1/28/21 NCJD complaint Kishner 1.1 1.2 2.2 2.3  
2 2.4 2.6 2.7 2.9.
- 3 5 572-593 Attach 4 UNHEARD Tobin MSJ VS JIMIJACK
- 4 5 594- 609 Attach 5 UNHEARD Tobin MSJ v. ALL.
- 5
- 6 5 610-621 Attach 6 12-page TOC of verified evidence filed 4/17/19  
7 and stricken unheard by ex parte bench order on 4/23/19
- 8 5 622-646 Attach 7 NOTC notice of completion of Tobin/Hansen  
9 Trust completion of NRS 38.310 mediation (significant  
10 because **no other parties were compliant and NRS**  
11 **38.310(2) removes jurisdiction from the court if the**  
12 **parties do not submit their claims to mediation.**
- 13 **This was stricken by ex parte bench order on 4/23/19,**  
14 **and Tobin's 7/29/19 motion for dismissal for lack of**  
15 **jurisdiction was stricken unheard by order entered on**  
16 **11/22/19.**
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1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
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19 **VOLUME 6 OF 36 TOBIN 647-828**

20	<b>VOL</b>	<b>TOBIN</b>	<b>NCJD COMPLAINT AND ATTACHMENTS 8-12</b>
21		647-828	
22	6	647-754	Attach 8 Tobin declaration vs. Nationstar showing that NSM
23			did not have standing to pursue a quiet title claim as its
24			claims to be the beneficiary of the 7/22/04 deed of trust that
25			was extinguished by the 8/15/14 sale are provably false. –
26			stricken by ex parte bench order 4/23/19
27	6	755- 784	Attach 9 3/14/19 complaint to the NV Attorney General vs.
28			Nationstar for abuse of process and mortgage servicing fraud
			was not investigated by the AG who claims it is outside of

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that office's jurisdiction. This was an exhibit to Tobin's  
4/10/19 opposition to NSM's MSJ vs. Jimijack - stricken by  
ex parte bench order 4/23/19

- 6     785-792    Attach 10 2ND 11/10/21 AG COMP WITH TOCS was  
                 rejected by the AG on 12/4/20 as outside jurisdiction
- 6     793-795    Attach 11 4/23/19 EX PARTE MINUTES
- 6     796-828    Attach 12 4/23/19 EX PARTE TRANSCRIPT

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**VOLUME 7 OF 36 TOBIN 829-946**

**VOL TOBIN NCJD COMPLAINT AND ATTACHMENTS 13-14**

7 829-891 Attach 13 RECORDED FRAUD BY Nationstar

7 892-946 Attach 14 55 pages of detailed analysis of the damage  
caused to Tobin by the misrepresentations of attorneys  
at the 4/23/19 ex parte meeting with judge Kishner



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VOLUME 8 OF 36 TOBIN 947-1157

<b>VOL</b>	<b>TOBIN</b>	<b>NCJD COMPLAINT AND ATTACHMENT 15</b>
8	947-1157	Attach 15 obstruction of forced litigation
8		EX I shows Tobin was not provided alternative dispute resolution guaranteed by HOA CC&Rs XVI
8	947-967	3/22/17 settlement attempts 21pages
8	968	3/27/17 Ochoa obstruction CC&Rs XVI

1			
2	8	980-982	8/13/14 Notice of Fines – This 8/13/14 notice of a \$25
3			fine for a dead tree was the only notice related to the
4			property Tobin received after the 2/12/14 notice of a
5			cancelled 3/7/14 foreclosure sale from either the HOA or
6			Red Rock. There was no notice whatsoever of the
7			8/15/14 sale - before or after.
8	8	983-984	1/31/17 excerpt from 1/31/17 cross-claim vs SCA HOA
9			agents about why the Agents weren't named separately
10			from the HOA
11	8	985-998	4/18/19 NEO -FFCL order granted 2/5/19 HOA MSJ and
12			Nationstar's joinder
13	8	999-1015	7/24/19 expunged GBH Trust LISP Hong Recorded
14			uncertified 190624 order
15	8	1016-1021	18/7/19 NOLP Notice of Lis Pendens was expunged by
16			Judge Kishner instead of just striking from the court
17			record because it was filed by Tobin as a pro se
18	8	1022-1052	8/7/19 A-19-799890-Complaint filed of necessity
19			because of Tobin being removed from the first case and
20			the statute of limitations was 8/14/19
21	8	1023	I. INTRODUCTION
22	8	1025	II. JURISDICTION, VENUE
23	8	1025	III. PARTIES
24	8	1028	IV. FIRST CAUSE OF ACTION: QUIET TITLE AND
25			EQUITABLE RELIEF (vs. ALL DEFENDANTS)
26	8	1028	A. The HOA Sale Was Invalid to Remove Plaintiff's
27			Rights To Title As It Was Non-Compliant With
28			Foreclosure Statutes
29	8	1031	B. Right Of Redemption Not Lost Per NRS 116.31166
30			as Recitals Were False

1	8	1034	C. The sale is void as it was not authorized by valid HOA Board votes.
2	8	1034	D. The sale is void as the owner was denied
3			contractually guaranteed due process.
4	8	1034	E. The sale was unfair and commercially unreasonable
5			as the sale was not properly noticed and bidding by bona
6			fide purchasers was suppressed.
7	8	1035	F. Quiet title should be granted to Tobin as her deed is
8			superior to all others
9	8	1036	G. Quiet title should be granted to Tobin against NSM
10			whose claims are provably false.
11	8	1038	H. Plaintiff is entitled to quiet title vs. BANA & NSM as
12			they obstructed four FMV sales, but would not foreclose
13			or take the liability and duties of owning the title.
14	8	1038-1040	I. Plaintiff is entitled to quiet title against all defendants
15			who claim an interest in recorded security instruments as
16			they are false and/or were unauthorized.
17	8	1040-1041	V. SECOND CLAIM FOR RELIEF: CANCELLATION
18			OF INSTRUMENTS
19	8	1041-1042	VI. THIRD CLAIM FOR RELIEF: UNJUST
20			ENRICHMENT (VERSUS RRFS, SCOW & KOCH,
21			JOEL STOKES AND NATIONSTAR)
22	8	1042-1047	<b>VII. ABUSE OF PROCESS (Against HONG,</b>
23			<b>MORGAN, AND OCHOA)</b>
24	8	1046-1047	J. Tobin's rights as an SCA member were abridged by
25			SCA attorney misconduct.
26	8	1047-1051	VIII. PRAYER
27	8	1053-1091	9/10/19 DISMISSAL OF TOBIN APPEAL 79295 AS
28			AN INDIVIDUAL 19-37846
29	8	1092-1093	4/30/20 20-16346 Tobin can't appeal any A-15-720032-
30			C orders

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8 1094-1104 11/17/20 NOE to Order Granting Sanction NRS  
18.010.2 vs. Tobin for B. Wood's Attorney Fees

8 1105-1131 12/03/20 NODP dismiss with prejudice Tobin's claims

8 1132-1157 12/4/20 Uncertified 201203 order recorded to expunge 3  
Tobin Lis Pendens

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19 **VOLUME 9 OF 36 TOBIN 1159-1484**

20 **VOL TOBIN NCJD COMPLAINT AND ATTACHMENT 16**  
21 **1159-1484 PART 1**

22 9 1159-1161 4/9/19 NOTA return to pro se blocked

23 9 1162-1186 4/9/19 NOTC notice of completion of mediation

24  
25 9 1187-1284 4/10/19 TOBIN OPPOSITION TO NATIONSTAR  
26 MOTION FOR SUMMARY JUDGMENT AGAINST  
27 JIMI JACK AND COUNTER MOTION FOR  
SUMMARY JUDGMENT

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**VOLUME 10 OF 36 TOBIN 1285-1431**

**TOBIN NCJD COMPLAINT AND ATTACHMENT 16  
1285-1431 PART 2**

- 10 1285-1330 3/14/19 complaint to the NV Attorney General vs.  
Nationstar and its attorneys
- 10 1317-1332 3/12/19 counter motion for summary judgment that my  
then-attorney failed to file
- 10 1333-1376 Exhibits to support Tobin's pro se stricken MSJs

1 10 1378-1406 1/17/17 Tobin Declaration vs. notary fraud  
2  
3 10 1408-1410 3/18/19 Nationstar duplicitous notice of intent to take  
4 default vs Jimijack for its non-response to Nationstar's  
5 6/2/16 answer, affirmative defenses and counter-claim  
6 for quiet title and unjust enrichment  
7  
8 10 1412-1414 3/7/17 TOBIN notice of intent to take default against  
9 Jimijack for nonresponse to my 2/1/17 AACC  
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**VOLUME 11 OF 36 TOBIN 1432-1676**

**VOL TOBIN NCJD COMPLAINT AND ATTACHMENT 16  
1432-1676 PART 3**

- 11 1432-1443 4/17/19 TOC Exhibits to 190412 OPPC NSM MSJ vs  
Jimijack
- 11 1444-1468 4/17/19 RPLY OPPC NSM MSJ vs. Jimijack
- 11 1470-1481 4/17/19 RPLY TOC EX 1-12 -verified evidence  
STRICKEN EX PARTE 4/23/19



11 1482-1501 **EXHIBIT 1 Ombudsman NOS Compliance Screen**  
Received on public records request on 5/23/16 – rejected  
by court on 3/26/19 as not authenticated  
  
Authenticated on 4/15/19 – filed on 4/17/19, but stricken  
by ex parte bench order on 4/23/19  
  
Re-filed on 5/23/19 to support 4/29/19 motion for  
reconsideration, but ignored by the court in 5/31/19 order  
  
Ombudsman's Compliance Record of Actions/Omissions  
1. The 2/12/14 Notice of Sale was cancelled on 5/15/14.  
2. The 5/15/14 Trustee sale was cancelled.  
3. No 2nd notice of sale published the 8/15/14 sale date.  
4. No foreclosure deed was ever submitted to the  
Ombudsman

11 1502-1507 **EXHIBIT 2 Resident Transaction Report**  
SCA Ownership/Payment Record: Resident Transaction  
Report  
  
1. "08/27/2014 Collection Payment PIF-\$2,701.04"  
  
2. "Jimijack Jr Tst", was the 2nd owner  
  
\*09/25/2014 Account Setup Fee Resale 5225"  
  
3. No record of Thomas Lucas/Opportunity Homes as an  
owner  
  
4. No record of Yuen K. Lee/F. Bondurant LLC as an  
owner  
  
5. No record that SCA foreclosed on the property  
  
6. No Asset Enhancement Fee payments recorded from  
anyone on any date  
  
7. No record of \$63,100 proceeds from the sale

11 1508-1676 **Exhibit 3 2012-2014 SCA Board agendas**

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3 NONA TOBIN,

4 PETITIONER,

Supreme Court Cases 79295. 82094,  
82234, 82294

5 vs.

6  
7 NEVADA COMMISSION ON  
8 JUDICIAL DISCIPLINE; ASSOCIATE  
9 GENERAL COUNSEL DOMINKA  
BATTEN;

Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

10 THE OFFICE OF BAR COUNSEL OF  
11 THE STATE BAR OF NEVADA;  
12 ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

PETITION FOR WRITS OF  
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13 EIGHTH JUDICIAL DISTRICT COURT  
14 DEPT. 8 JUDGE JESSICA PETERSON

15 RESPONDENTS.

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19 **VOLUME 12 OF 36 TOBIN 1677-1823**

20 **VOL TOBIN NCJD COMPLAINT AND ATTACHMENT 16 PART 4**  
21 **1677-1823**

22 12 1677-1681 **EXHIBIT 4 2013-2014 SCA BOARD ACTIONS TO**  
23 **FORECLOSE OR WRITE OFF DEBT OF AN**  
24 **UNKNOWN NUMBER OF UNIDENTIFIED**  
**PROPERTIES 1/10/13 to 12/4/14**

25 12 1682-1702 **EXHIBIT 5 BOD approved the sale in secret violating**  
26 **NRS 116.31083 or NRS 116.31085**  
27 **1. SCA disclosed no minutes of any BOD action to authorize**  
28

1 this sale or any of the 12 (or more) SCA foreclosures in  
2 2014.

3 2. SCA response to Tobin ROGGs stated minutes were in  
4 SCA000644 - through SCA000654, but SCA disclosures  
5 only went up to SCA000643.

6 3 SCA 000315 reports BOD approval, "Approved 12/5 R05  
7 120513" to sell 2763 White Sage on March 7, 2014 but:  
8 a. motion R05 is a vote on a Reserve Study, not on a sale.  
9 b. The only published Notice of Sale was posted 2/12/14.  
10 c. Jean Capillupo signed the approval 2/27/14,

11 4. 12/5/13 President Report states "we took action to  
12 foreclose on five properties" that were not identified

13 5. SCA 406 "Association Foreclosure Sale Approval" "all  
14 twelve properties attached", signed on 1/9/14, but:

15 a. no list of properties was attached

16 b. no action item was on any agenda to authorize posting  
17 any property for sale at all, let alone 12 properties identified  
18 by address

19 c. no sale date for any property was in any BOD minutes

20 12 1703-1751 **EXHIBIT 6 Full text of Relevant NRS 111, 116, 205, 240**  
21 **provisions**

22 12 1752-1796 **EXHIBIT 7 Table of Authorities**

23 1. Table of Authorities compiled by Nona Tobin

24 2. SCA bylaws 3.20/3.18 prohibiting delegation of certain  
25 duties

26 3. SCA bylaws 3.21(F)(v) requiring quarterly delinquency  
27 report

28 4. Analysis of NRS 116 requirements for valid BOD action  
29 in compliant meetings

30 5. SCA bylaws 3.15A permissible topics/actions in closed  
BOD meetings

1  
2 6. SCA BOD Resolution Establishing the Governing  
Documents Enforcement Policy & Process

3  
4 7. SCA CC&Rs XVI Dispute Resolution and Limitation on  
Litigation

5  
6 8. SCA CC&Rs 7.4 Compliance and Enforcement

7 9. Assemblyman Conklin summary of AB 284 (2011)

8 10. 2011 Legislative Digest of AB 284 changes to NRS 107  
and NRS 205

9  
10 12 1797-1808 **EXHIBIT 8 SCA Response to Tobin ROGGs**

11 SCA Board, despite the legal prohibitions to do so,  
12 "outsourced" collections and enforcement in violation of  
SCA bylaws 3.20 and 3.18 (b)(1).

13 SCA does not account for or control the money collected in  
violation of SCA bylaws 3.20 and 3.18 (e) (g)

14  
15 12 1809-1823 **EXHIBIT 9 SCA Response to Tobin RFDs**

16 SCA has no record the property was foreclosed or sold and  
has no independent accounting of the funds collected.

17 "Minutes (SCA000644-SCA000654)" referenced were not  
18 disclosed, meaning no such minutes exist.

19 The attorneys were covering up the wrongdoing of the HOA  
20 agents by acting as if there were minutes of the Board  
21 approval of the dozen foreclosures Red Rock did for SCA  
that year.

22 The attorneys know that if there are no agendas or minutes  
23 that show the HOA Board took official action, then there  
24 was no VALID HOA Board official action, and the approval  
25 of the sales in secret meetings is voidable as noncompliant  
26 with NRS 126.31083 and NRS 116.31085 and SCA bylaws  
3.15 and 3.15A.

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
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4 PETITIONER,

5 vs.

6  
7 NEVADA COMMISSION ON  
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9 GENERAL COUNSEL DOMINKA  
BATTEN;

10 THE OFFICE OF BAR COUNSEL OF  
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PATRICK J. PATTEE;

13 EIGHTH JUDICIAL DISTRICT COURT  
14 DEPT. 8 JUDGE JESSICA PETERSON

15 RESPONDENTS.

Supreme Court Cases 79295. 82094,  
82234, 82294

Related 8<sup>th</sup> District Court Cases Nos.  
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A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
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19 VOLUME 13 OF 36 TOBIN 1824-1949

20 VOL TOBIN NCJD COMPLAINT AND ATTACHMENT 16  
21 1824-1949 PART 5

22 13 1824-1933 EXHIBIT 10 No SCA Proofs of Service were  
23 authenticated.

24 RRFs' proofs in response to Tobin Subpoena were  
25 authenticated as complete.

26 There are no proofs that any notices Tobin disputed  
27 were sent.  
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13     1934-1949   **EXHIBIT 11 Relevant Proofs of Service** Only SCA  
or RRFS Proofs of Service of Notices to the property  
(2763 White Sage Drive) or to owner's address of  
record (2664 Olivia Heights Ave).

Also, no proofs disclosed for any notices Tobin  
disputed.

Tobin did not dispute 2/12/14 NOS was sent, just that it  
was post po ed more than three times so no one knew  
when it was scheduled or when it occurred.

Tobin claimed no second NOS was published after the  
notice of 3/7/14 sale was canceled by a letter from Red  
Rock to the Ombudsman.

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19 **VOLUME 14 OF 26 TOBIN 1950-2064**

20 **VOL TOBIN NCJD COMPLAINT AND ATTACHMENT 16**  
21 **1950-2064 PART 6**

22 **14 1950-1956 EXHIBIT 12 Claims Against Nationstar**  
23 Tobin drafted 12/26/18

24 1. BANA and NSM obstructed five sales at FMV

25 2. BANA took possession without foreclosing 2013

26 3. Blocked HOA from being paid \$3,055 June 2013  
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- 4. NSM refused to ID beneficiary in July 2014
- 5. BANA and NSM recorded false claims to title
- 6. NSM and BHHS concealed inculpatory evidence (Equator file)
- 7. NSM let the HOA sell for \$63,100 when \$358,800 offer was pending lender approval
- 8. NSM faked two powers of attorney

14	1957-2064	<b>Exhibit A to 4/17/19 RPLY with TOC of Exhibits</b>
14	1958-1961	4/14/19 Declaration under penalty of perjury
14	1963-1975	1. 9/23/16 Tobin AFFD support motion to intervene
14	1977-1979	2. 1/11/17 order-Tobin granted leave to intervene as the trustee and as an individual beneficiary
14	1981	3. NSM 190 improperly notarized Jimijack deed is inadmissible pursuant to NRS 111.345
14	1983-1985	4. Lucas Disclaimer of interest
14	1987-1990	5. Hansen Disclaimer of interest
14	1992-1994	6. Op Homes Disclaimer of interest
14	1996-2000	7. Yuen Lee/F. Bondurant Disclaimer of interest
14	2002-2005	8. Tobin 3/28/17 deed
14	2007-2008	9. 12/1/14 recorded NSM as BAN attorney-in-fact



1	14	2010-2012	10. 3/8/19 NSM rescission of NSM as BANA's successor in interest 12/1/14
2			
3	14	2014-2015	11. 3/8/19 NSM as Well Fargo attorney-in-fact
4			
5	14	2017-2019	12. NSM 270-272 inapplicable attorney-in-fact
6			
7	14	2021-2023	13. 3/12/15 Wells Fargo itself did substitute trustee and reconveyance correctly for 2nd DOT
8			
9	14	2025-2026	14. 8/17/15 NSM recorded a fraudulent substitution of trustee for Western Thrift DOT
10			
11	14	2028-2030	15. NSM0258-0259 is NSM's copy of the note NSM 0260 are undated endorsements to unrelated 3rd parties
12			
13	14	2032-2057	16. 2011 Amicus curiae -M. MacDonald, Certified Mortgage Fraud Examiner
14			
15	14	2058-2064	12/26/18 Complaints against Nationstar
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19 **VOLUME 15 OF 26 TOBIN 2065-2120**

20  
21 **VOL TOBIN ANNOTATED ORDERS AND 1ST COURT**  
22 **2065-2120 RECORD**

23 15 2065-2080 6/24/19 final judgment annotated  
24 15 2081-2090 11/22/19 NEO FFCO annotated  
25 15 2092-2120 Case Summary A-15-720032-C as of 12/23/19  
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28

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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19 **VOLUME 16 OF 36 TOBIN 2121 - 2220**

20 VOL	21 TOBIN	Dismissed unheard district court attorney
	2121-2220	complaints
22 16		190424 Motion to vacate order entered on 4/18/19
		NRCP 60(b) and counter-motion for summary
23	2121-2192	judgment vs. all parties unheard
24		
25		<b>TOC 4/24/19 Tobin MVAC vs. SCA MSJ &amp;</b>
		<b>NSM Joinder</b>
26	2122	<b>I. Hearing requested to coincide with</b>
27		<b>pending motions to prevent fraud</b>

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- 2123      **II.    MOTION TO VACATE ORDER,  
APRIL 17, 2019, PURSUANT TO  
NRCPT RULE 60 (b) Relief From a  
Judgment or Order**
- 2124      **III.   SCA AND NSM DID NOT MEET  
THEIR BURDEN PURSUANT TO  
RULE 56(C) OF NO DISPUTED  
MATERIAL FACTS**
- 2124      A. Facts listed in Findings of Fact are Disputed
- 2124      B. Evidence Presented to Dispute "Findings of  
Fact"
- 2125      C. Per rule 56(d) Tobin petitions court to admit  
authenticated records previously excluded.
- 2126      D. SCA waived its objection to the  
admissibility of the Ombudsman's  
Compliance Record by failing to object to it  
for nearly three years
- 2126      E. E. Per rule 56(c)(2) Tobin raises an  
objection to SCA's allegations are not  
supported by admissible evidence.
- 2126      F. F. Sun City Anthem evidence does not meet  
the Rule 56 (c)(4) standard re supporting  
factual positions
- 2130      G. NSM evidence does not meet the Rule 56  
(c)(4) standard re supporting factual  
positions
- 2131      **G. The entire sale is void due to SCA's  
rejection of \$825 that would have cured  
the default, not just the super-priority  
portion**
- H. CONCLUSIONS OF LAW WERE TOO  
            NARROWLY CONSTRUED
- 2132      1. Tobin does not have unclean hands by  
virtue of a single error of memory.
- 2133      2. Equitable estoppel standard must be  
equally applied.
- 2136      V. CONCLUSION

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2138	<b>4/24/19 TOBIN MOVES FOR SUMMARY JUDGMENT</b>
2139	<b>II. LEGAL STANDARD</b>
2140	Rule 60. Relief From a Judgment or Order
	(1) mistake, inadvertence, surprise, or excusable neglect;
	(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
	(6) any other reason that justifies relief.
	(3) set aside a judgment for fraud upon the court
2140	<b>III ARGUMENT</b>
2141	Shadow Wood, 132 Nev., Adv. Op. 5, 366 P.3d at 1112
2142	Sale was not authorized by official Board action
2142	<b>NO NOTICE OF ANY VOTE RE 2763 WHITE SAGE ON ANY AGENDA</b>
2143	<b>NO CERTIFIED BOARD MINUTES DOCUMENT ANY VOTE TO SELL</b>
2143	<b>IT IS IMPERMISSIBLE TO SANCTION AN OWNER IN A CLOSED MEETING.</b>
2144	NRS 116.31085
2145	<b>UNDISPUTED FACTS</b>
2146	SCA 315
2147-2149	<b>VI. CONCLUSION</b>
	<b>EXHIBITS</b>
2150-2169	Authenticated Ombudsman Notice of Sale Compliance Records
2170-2178	Tobin 3/5/19 DECL
2179-2180	Leidy 5/11/18 DECL
2181-2187	Tobin 5/11/18 DECL annotated to correct check 143 and 10/3/12 letter
2188-2192	Table of Authorities

16 2193-2299 **190617 Motion to intervene pursuant to NRCP  
24(a)(2) BY RIGHT - UNHEARD PART I**

2195 I. Introduction

2196 A. Applicant Nona Tobin's standing

2197 A. Promissory estoppel precludes Sun City Anthem  
from Opposing Applicant's Motion to Intervene

2197 Contractual Relationship with mutual obligations exists  
between Nona and SCA.

2197 The SCA CC&Rs require Bound Parties to act in good  
faith to resolve conflicts without litigation, but SCA  
attorneys obstruct the use of ADR

2197 Nona Tobin offered this deal to SCA in March 2017  
Nona would agree to:

- No claim for attorney fees
- No claim for damages
- Waive claim of Respondeat Superior
- Withdraw 2/1/17 Cross-claim against SCA as if with  
prejudice

2197-2198 ■ No further civil action or NRED complaint to hold  
SCA accountable for the acts of SCA's agents that  
resulted in a defective foreclosure sale

2198 SCA Board would have to agree to: Not oppose my A-  
15-720032-C motion to void the sale filed as a pro Se  
on 3/3/17

- statutory non-compliance NRS 116.31162 et seq &  
NRS 116.31085
- Failure to provide notice and due process
- Failure to distribute the proceeds per NRS 116.31164
- Improper accounting and excessive fees charge
- Instruct the attorneys to withdraw two motions to  
dismiss Tobin as an individual and as a trustee for NRS  
38 mediation and for practicing law without a license
- SCA Board to conduct a review of the collection  
process to ensure owners get the same notice and due  
process when their house is sold as SCA owners get  
when fined \$25 for a dead tree.

2198 SCA Board to affirm or deny Tobin's 2/1/17 claims on  
their merits

1	2199	Tobin's offer to SCA in March 2017 was unilaterally
2		rejected by Ochoa
3	2199	SCA attorneys obstructed parties' use of CC&Rs 16 or
4		NRS 38.310
5	2199	Detriment
6	2199	Unconscionability
7	2200	<b>FRAUDULENT MISREPRESENTATION</b>
8		<b>PRECLUDES Nationstar ATTORNEYS OR HONG</b>
9		<b>FROM OPPOSING APPLICANT'S MOTION TO</b>
10		<b>INTERVENE</b>
11	2200	The Elements of Fraudulent Misrepresentation are all
12		present.
13	2200	Material Representation.
14	2201	False premise
15	2202	Reckless disregard
16	2202	Intent to induce
17	2202	Reliance
18	2203	Damages
19		<b>B. INTERVENE PURSUANT TO RULE 24(A)(2)</b>
20	2203	<b>INTERVENTION OF RIGHT</b>
21	2204	Applicant Nona Tobin Has Substantial Interest in The
22		Property, Which Is the Subject of The Action, as an
23		Individual
24	2204	The applicant is so situated that the disposition of the
25		action may as a practical matter impair or impede the
26		applicant's ability to protect that interest;
27	2205	If the June 5 trial order protects Nona Tobin's interests,
28		there is no need for a hearing
29	2206	iii. Applicant's Interests are not Adequately
30		Represented by Existing Parties
31	2206	iv. The Motion is Timely
32	2208	II. Argument
33	2209	<b>C. INTERVENE PURSUANT TO RULE 24(B)(2)</b>
34		<b>PERMISSIVE INTERVENTION</b>
35	2209	<b>III. PROCEDURE FOR INTERVENTION</b>

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2209 A. THIS MOTION HAS BEEN SERVED UPON THE  
PARTIES AS PROVIDED BY RULE 5

2210 V. CONCLUSION

2213 LIST OF EXHIBITS

2214 5/16/19 Gmail Tobin to Hong requesting the mandatory  
pre-trial meeting (no answer)

2215-2216 **Tobin's 3/22/17 offer to the HOA to settle at no cost**

2217-2218 Minutes show on page 1:

**SUN CITY ANTHEM COMMUNITY  
ASSOCIATION'S MOTION TO DISMISS NONA  
TOBIN, AN INDIVIDUAL AND TRUSTEE OF  
THE GORDON B. HANSEN TRUSTS CROSS...**  
**Matter argued and submitted. COURT ORDERED,  
Motion DENIED WITHOUT PREJUDICE as to  
Nona Tobin as an individual; Ruling DEFERRED as  
to Nona Tobin as a Trustee of the Gordon B. Hansen  
Trust. COURT FURTHER ORDERED, Status Check  
SET.**

2219 3/12/19 gmail Tobin to then-attorney Coppedge  
transmitting draft motion for summary judgment in  
time to file before the 3/26/19 hearing (Tobin attached  
it to her 3/14/19 complaint to the AG, but Coppedge did  
not timely file it and so Tobin tried to fire him and  
return to her pro se status

2220 draft MSJ 1st page



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IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
  
PETITIONER,  
  
vs.  
  
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**VOLUME 17 OF 26 TOBIN 2300-2492**

<b>VOL</b>	<b>TOBIN</b>	
17	2300-2492	
17	<b>2300-2492</b>	<b>6/17/19 MOTION TO INTERVENE BY RIGHT PURSUANT TO NRCP (a)(2) UNHEARD PART 2</b>
		Exhibits to Motion to Intervene

1 2300 **EDCR 2.67 Tobin Supplement - REFUSED BY THE COURT AT**  
2 **THE 6/3/19 CALENDAR CALL. NONE OF THESE WERE**  
3 **ADJUDICATED AT TRIAL**

4 2303 **Tobin Claims**

5 2305 **Tobin Affirmative Defenses**

6 2306 **EVIDENCE RULINGS REQUESTED**  
Request pre-trial rulings on admissibility/exclusion

7 2307 Exclude 6/8/15 Jimijack's Deed, recorded 6/9/15

8 2308 Admit or exclude evidence of Trusts

9 2309 Admit State of Nevada NOS Compliance Records for 17 relevant  
foreclosures

10 2310 Admit Tobin's evidence of ownership

11 2311 Admit County Property Records 5/31/19 chain of title

12 2313 **Admit Evidence of Probative Value to Tobin that was**  
**concealed/misrepresented that unfairly helps Jimijack**

13 2314 **EXCLUDE SCA315 AS EVIDENCE OF BOD AUTHORIZATION.**  
**ADMIT 12/5/13BOD MINUTES**

14 2315 Admit SCA official ownership records - Resident Transaction Report  
2763 WHITE SAGE

15 2317 Court Approval Requested. Approve Irma Mendez as an impeachment  
16 witness

17 2318 **List of Witnesses**

18 2320 **DAMAGES**

19 2322 **ISSUES OF LAW**

20 2323 **No Adjudication on Interpretation or Applicability of Laws**  
**Violated**

21 2323 Requirements for valid conveyance of real property« Rights to due  
process whenever the Board sanctions an owner

22 2323 Meeting laws - agendas, minutes, owner rights to be present« Good  
23 faith/conflict resolution without litigation« Prohibition of retaliation,  
24 harassment, recording false title claims,« Limits on Board authority«  
25 Role of the Ombudsman« Board duties that can't be delegated -  
26 assessments, enforcement of governing documents,  
controlling/accounting for ALL SCA money

27 2324 **Issues of Law -Conveyance of Real Property**

- 1 2324 NRS 111.340 Certificate of acknowledgment and record may be  
2 rebutted.
- 3 2324 NRS 111.345 Proof taken upon oath of incompetent witness:  
4 Instrument not admissible until established by competent proof«
- 5 2324 NRS 111.180 Bona fide purchaser: Conveyance not deemed fraudulent  
6 in favor of bona fide purchaser unless subsequent purchaser had actual  
7 knowledge
- 8 2324 NRS 111.125 Proof required from subscribing witnesses
- 9 2324 NRS 111.120 Conditions necessary before proof by subscribing witness  
10 can be taken.
- 11 2324 NRS 111.105 Conveyances by deed.
- 12 2324 NRS 240.155 Notarization of signature of person not in presence of  
13 notary public unlawful;  
14 NRS 240.120 Journal of notarial acts: Duty to maintain; contents;  
15 verification based upon credible witness
- 16 2324 NRS 111.210 Contracts for sale or lease of land for periods in excess of  
17 one year void unless in writing.
- 18 2325 **Issues of Law - Mediation/Jurisdiction**
- 19 2325 NRS 38.310(2) Court jurisdiction over Jimijack's claims challenged
- 20 2325 NRS 116.1112 Unconscionable agreement or term of contract (Is there  
21 an exception to contractual due process when property is seized and sold  
22 to enforce a lien and enforce the governing documents?)
- 23 2325 CC&Rs XVI Dispute resolution and limitation on litigation
- 24 2326 **Issues of Law - Foreclosure Statutes**
- 25 2326 NRS 116.31162 (4) Must provide owner schedule of fees, proposed  
26 repayment plan, right to hearing« NRS 116.311635 Notice of Sale  
27 Requirements to give Ombudsman prior notice of sale date
- 28 2326 NRS 116.31164(3)(b) SHALL deliver copy of foreclosure deed to  
29 Ombudsman within 30 days after sale« NRS 116.31164(3)(c) Manner to  
30 distribute the proceeds of the sale
- 31 2327 **Issues of Law - Limits on Board's Authority**
- 32 2328 **Issues of Law - Owner Rights to Due Process**
- 33 2328 NRS 116.31085(4b) Owner is entitled to due process which must  
34 include without limitation the right to counsel, right to present witnesses  
35 and the right to present Information relating to any conflict of interest of  
36 any member of the hearing panel-

1 NRS 116.31085(5) Subsection 4 establishes the MINIMUM protections  
the BOD must provide before it makes a decision

2 2328 NRS 116.31085(6f) Board SHALL maintain minutes of any decision  
3 ....concerning the alleged violation and upon request SHALL provide a  
4 copy of the decision to the owner subject to being sanctioned or  
representative-

5 NRS 116.31031/CC&RS 7.4/Bylaws 3.26 Limits on BOD power to  
6 impose sanctions

7 2329 **Issues of Law - Owner Rights**

8 2329 NRS 116.1112 Unconscionable agreement or term of contract (Is there  
an exception to contractual due process when property is seized and  
9 sold?).-

10 2329 NRS 116.31083. Owner rights defined to attend ALL Board meetings  
and hear ALL deliberations, except specific exceptions delineated in  
11 NRS 116.31085-

12 2329 7.4 Compliance & Enforcement: The Board may impose sanctions for  
violation of the governing documents ONLY if the required notice and  
13 due process is provided

14 2330 **Issues of Law - Owner Rights 2**

15 NRS 116.31087 Right of units' owners to have certain complaints  
2330 placed on BOD agenda-

16 NRS 116.31065 Rules must not evade an obligation, must be uniformly  
17 enforced or can't be enforced at all; association may only sanction an  
2330 owner after complying with NRS 116.31031

18 NRS 116.4117 Civil action is a member right to address Board failure to  
2330 comply with NRS 116 or governing documents-

19 NRS 116.31175 /SCA bylaws 6.4 Board required to provide owner  
rights to access association records-

20 NRS 116.31183 Retaliatory action prohibited; separate action by unit's  
2330 owner

21 NRS 116.31184 Threats, harassment and other conduct prohibited;  
2330 penalty.

22 2331 **Issues of Law - Limits on Fees**

23 2331 NRS 116A.640 (8) Can't apply assessment payment to other fees or  
charges first-

24 2331 NRS 116A.640(9) Can't refuse an owner's payment-includes a bank's

25 2331 NRS 116A.640(10) Can't pay manager what's not in contract

26  
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1 2331 NRS 116.310313 An HOA agent can charge reasonable fees to collect;  
CIC Commission sets fees, not the Agent

2 2331 NRS 116.310315 Accounting for fines imposed by association

3 2331 CC&Rs 8.8 Lien for assessment may be enforced in the manner  
4 proscribed in act-

5 2331 CC&Rs 8.12 Asset enhancement fee 1/3 of 1 % due to SCA except  
exempted transfers

6 2332 **Judicial Notice Requested**

7 2333 **SCA is helping Jimijack and hurting Tobin**

8 2333 Tobin is a 15-year member in good standing of SCA- SCA is a mutual  
benefit association- SCA and Tobin have mutual obligations pursuant to  
9 the deed restrictions-

10 2333 The SCA Board must act in the best interest of this membership-

11 2333 SCA must not help JIMI JACK against Tobin, but it did.

12 2333 **SCA Concealed records**

13 2333 **SCA Misrepresented evidence to the Court-**

14 2333 **SCA Refused Tobin's attempts to get SCA out of the case at no cost-**

15 2333 Did not participate in good faith in ADR-

16 2333 Retaliated against Tobin for being a party to this case-

17 2333 Forced Tobin to pay \$40,000 attorney fees to get her seized property  
returned

18 2334 Sale was not commercially reasonable

19 2335 **Fraudulent transfers**

20 2335 June 16 2015 two deeds were recorded to transfer title from Opportunity  
Homes -one to Lee and one to JJ (and the one to JIMI JACK is fraught  
with notary violations)- JJ does not have written purchase agreement to  
21 prove how it received the property, from whom and for how much- June  
16 2015 JJ listed on the

22 2335 Stokes listed for sale on MLS 6/15/15 for \$569,000 - marketing an un-  
23 merchantable title failed to list it was an HOA foreclosure

24 2335 June 16 2015 Jimijack sued BANA, that had no interest and did not sue  
NSM- J J did not record a Lis Pendens on this 2015 case, but NSM  
25 recorded one for Jimijack in June 2016 after recording one for its own  
26 case against Op Homes in January 2016- May 1 2019 Hong received  
NOLP Lis Pendens; Jimijack transferred title to Joel Stokes

27

1 2335 May 28 2019 Joel Stokes encumbered the property with \$355,000 fake  
2 deed of trust that was misrepresented as Jimijack-Nationstar out-of-  
3 court settlement  
4 2336 Jjimijack is not a bona fide purchaser for value  
5 2336 Knew that HOA foreclosures before September 2014 occurred on  
6 houses where the HOA filed a Notice of Default but the lender had not  
7 2336 Not in good faith-  
8 2336 No valuable consideration-  
9 2336 Knew the title was clouded-  
10 2336 Knew he could collect rents without paying a DOT or the taxes for years  
11 2337 **4/9/19 NOTICE OF APPEARANCE - stricken ex parte 4/23/19**  
12 2340 **NOTICE OF COMPLETION OF MEDIATION PURSUANT TO**  
13 **NRS 38.310 - stricken ex parte 4/23/19**  
14 2365 **TOBIN OPPOSITION TO NATIONSTAR MOTION FOR**  
15 **SUMMARY JUDGMENT AGAINST JIMI JACK AND COUNTER**  
16 **MOTION FOR SUMMARY JUDGMENT - stricken ex parte**  
17 **4/23/19**  
18 2375 **TOBIN MOTION FOR SUMMARY JUDGMENT AGAINST**  
19 **JIMI JACK**  
20 2463- **3/14/19 TOBIN VERIFIED COMPLAINT TO THE NV**  
21 **ATTORNEY GENERAL - not investigated. outside the NVAG's**  
22 **jurisdiction**  
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IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,

PETITIONER,

vs.

NEVADA COMMISSION ON  
JUDICIAL DISCIPLINE; ASSOCIATE  
GENERAL COUNSEL DOMINKA  
BATTEN;

THE OFFICE OF BAR COUNSEL OF  
THE STATE BAR OF NEVADA;  
ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

EIGHTH JUDICIAL DISTRICT COURT  
DEPT. 8 JUDGE JESSICA PETERSON

RESPONDENTS.

Supreme Court Cases 79295. 82094,  
82234, 82294

Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

PETITION FOR WRITS OF  
MANDAMUS

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**VOLUME 18 OF 36 TOBIN 2493 - 2699**

VOL	TOBIN	6/17/19 MOTION TO INTERVENE PURSUANT TO 2493-2699 NRCP 24(a)(2) BY RIGHT PART 3 UNHEARD
18	2493	HOA debt collectors wield an unlawful level of power
18	2495-2609	<b>TOBIN COUNTER MOTION FOR SUMMARY JUDGMENT – UNHEARD</b>
18	2610-2699	<b>7/22/19 motion for a new trial NRCP 54(b) AND NRCP 59(a)(1)(A)9)(C)(D)(F) STRICKEN PART 1</b>

1 18 2493-2609 6/17/19 motion to intervene BY RIGHT pursuant to NRCP  
2 24(a)(2) UNHEARD PART 3  
3 18 2493 HOA debt collectors wield an unlawful level of power  
4 18 2495-2609 TOBIN COUNTER MOTION FOR SUMMARY  
5 JUDGMENT UNHEARD  
6 18 2610-2699 7/22/19 motion for a new trial NRCP 54(b) AND NRCP  
7 59(a)(1)(A)9)(C)(D)(F) STRICKEN PART I  
8 18 2612 The claims of all parties should be fully adjudicated by the  
9 trial court. Rule 54. (b)  
10 18 2612 Granting a new trial is an elegant solution avoiding  
11 wasteful appeals.  
12 18 2613 **C. Irregularities in the proceedings, by adverse parties  
13 resulted in orders of the court that materially affected  
14 Tobin's substantial rights to a fair trial.**  
15 18 2614 D. The Court has not evaluated opposing parties' proffered  
16 evidence on equal standards.  
17 18 2614 E. Tobin's notice of completion of mediation was declared  
18 rogue on April 23 at the strong urging of opposing counsels  
19 Morgan and Hong. It will be re-filed Pro Se now.  
20 18 2615 Tobin asserts that the Court does not have jurisdiction  
21 pursuant to NRS 38.310 to grant Jimijack equitable relief  
22 18 2615 **F. The SCA Motion for Summary Judgment and the  
23 NSM Joinder were, Tobin asserts, sanctionable  
24 pursuant to Rule 11**  
25 18 2616 **G. Tobin's Pro se Motion, filed on April 24, 2019 to  
26 Vacate the 4/17/19 order is in limbo and will be re-filed**  
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1			<b>in conjunction with a motion to set aside the 6/24/19 order.</b>
2			
3	18	2616	<b>H. Nationstar -Jimijack colluded to deprive Tobin of a fair adjudication of a quiet title dispute</b>
4			
5	18	2617	<b>I. Filing false affidavits against title and abusing this civil action to create ownership rights is fraud.</b>
6			
7	18	2617	<b>J. Nona Tobin's standing, and rights to make claims, as an individual, in this civil action, have been mischaracterized for improper purposes by opposing counsels.</b>
8			
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10			
11			<b>Tobin has held the recorded title interest of the GBH Trust in the property since 3/28/17.</b>
12			
13	18	2618	<b>K. Role of SCA if the motion for a new trial is granted should be non-intrusive.</b>
14			
15	18	2623	<b>Exhibit 1 STIPULATION AND ORDER NOTICE OF SETTLEMENT DRAFTED MAY 26, 2019 NOT USED FOR JUNE 5-6, 2019 TRIAL RECOMMENDED FOR USE IF MOTION FOR A NEW TRIAL IF GRANTED</b>
16			
17			
18	18	2625	<b>In the June 5-7 trial, SCA will not be a party</b>
19	18	2626	<b>Distribution of the Proceeds of the Sale</b>
20			
21	18	2628	<b>Stipulated Facts</b>
22			<b>MNTR Exhibit 1– not used 5/26/19 new attempt to get the HOA to admit what its agents did was wrong &amp; settle before trial; requested court to use if a new trial was granted</b>
23			
24			
25	18	2636	<b>Exhibit 2 NONA TOBIN DECLARATIONS IN SUPPORT OF HER RULE 24 MOTION TO INTERVENE INTO A - 15-720032-C AS AN INDIVIDUAL</b>
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|----|-----------|---|
| 18 | 2648      | Tobin 3/28/17 deed  |
| 18 | 2653      | 3/22/17 offer to the HOA to settle at no cost that, had the HOA simply complied with its CC&Rs and prevented its agents from conducting an unlawful sale, or failing that, voided the sale as statutorily-non-compliant, then all the litigation could have been avoided. |
| 18 | 2688      | Exhibit 4 Clerk's 3/22/19 notice of 4/23/19 hearing for Nationstar MSJ  |
| 18 | 2690      | Exhibit 5 4/23/19 ex parte minutes of continued hearing   |
| 18 | 2694      | Exhibit 6 4/15/19 stipulation and order to continue hearing from 4/23/19 to 5/7/19  |
| 18 | 2697-2699 | Exhibit 7 Notice of entry of order to continue the 4/23/9 hearing to 5/7/19   |

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3 NONA TOBIN,

4 PETITIONER,

5 vs.

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7 NEVADA COMMISSION ON  
8 JUDICIAL DISCIPLINE; ASSOCIATE  
9 GENERAL COUNSEL DOMINKA  
BATTEN;

10 THE OFFICE OF BAR COUNSEL OF  
11 THE STATE BAR OF NEVADA;  
12 ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

13 EIGHTH JUDICIAL DISTRICT COURT  
14 DEPT. 8 JUDGE JESSICA PETERSON

15 RESPONDENTS.

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17 **TABLE OF CONTENTS OF**  
18 **WRIT APPENDIX**

19 **VOLUME 19 OF 36 TOBIN 2700-2919**

20 **VOL TOBIN 7/22/19 motion for a new trial NRCP 54(b) AND NRCP**  
21 **19 2700-2919 59(a)(1)(A)9)(C)(D)(F) STRICKEN PART 2**

22  
23 Exhibit 2 is two declarations, 6/20/19 and 6/21/19, I made  
24 to support my motion to intervene as an individual before  
the trial order was finalized.

25 2700 EXHIBIT 7 4/12/19 signed court order to continue the  
4/23/19 hearing.

26  
27 2702 EXHIBIT 8 - Tobin OPPC p. 1 HEARING REQUESTED  
IN CONJUNCTION WITH HEARING FOR

1  
2 2704 EXHIBIT 9 6/17/19 Coppedge motion to withdraw as  
3 counsel for me as an individual  
4 2712 EXHIBIT 10 TOBIN: *"My complaint is SCA forced me to*  
5 *have an attorney by lying about the court record."*  
6 2715 EXHIBIT 11 JEA Cordoba response to Tobin email re June  
7 3 Calendar Call and June 5 Trial minutes contain significant  
8 errors  
9 2722 EXHIBIT 13 Tobin 6/21/19 9:37 AM email to all attorneys  
10 and Court JEA entitled *"Jimijack-Nationstar collusion*  
11 *should not be tolerated by this court"*  
12 2727 EXHIBIT 14 JEA Cordoba's 6/21/19 10:53 AM response  
13 (after minute order was served.)  
14 2729 EXHIBIT 12 Tobin email to Coppedge to request her  
15 DECL plus exhibits is given to the court before 6/21/19 trial  
16 order  
17 2733 EXHIBIT 15 JOURNAL ENTRIES- Decision made -  
18 Order filed separately.  
19 2734 ATTACHMENT B NONA TOBIN DECLARATION  
20 MADE JUNE 20, 2019  
21 2735 DECLARATION OF NONA TOBIN  
22 2749 EXHIBIT 1 June 5 first day of trial minutes  
23 2751 EXHIBIT 2 6/3/19 timely Counter-claimant Nona Tobin's  
24 Proposed Findings of Fact and Conclusions of Law  
25 2768 EXHIBIT 3 Wed, Jun 5, 2019 at 3:23 PM Notification of  
26 Service of Jimijack's two days late FFCL  
27  
28

- 1 2771 EXHIBIT 4 COURT MINUTES June 03, 2019
- 2 2773 EXHIBIT 5 Court minutes 4/23/19 ex-parte unnoticed
- 3 hearing
- 4 2778 EXHIBIT 6 4/27/17 court minutes when SCA Tobin to
- 5 dismiss Tobin as an individual for not having an attorney
- 6 was denied
- 7 2780 EXHIBIT 6 12/20/16 court minutes when Tobin's Pro Se
- 8 MINV was granted
- 9 2782 EXHIBIT 7 5/16/19 Tobin email following up on ignored
- 10 calls to set up EDCR 2.67 meeting.
- 11 2783 Ex 8 Nona Tobin, March 27, 2017 10:29 AM To: David
- 12 Ochoa asking for an explanation for why to refuse
- 13 settlement
- 14 2783 ***"Your reasoning does not account for the fact that I have***
- 15 ***no claim against Nationstar unless the HOA sale is***
- 16 ***voided, and if the HOA sale is voided, neither Nationstar***
- 17 ***nor I have any claim against the HOA."*** (Tobin to Ochoa)
- 18 2783 ***"By agreeing to my settlement offer, the HOA is totally***
- 19 ***benefited and suffers no detriment.***
- 20 ***Why would you advise the HOA to continue to stay in the***
- 21 ***litigation with both Nationstar and me when I offered to***
- 22 ***release them from all liability?***
- 23 ***Given that if the HOA sale were voided, Nationstar's***
- 24 ***complaint against the HOA would become moot, what***
- 25 ***possible value is there in making the HOA defend the***
- 26 ***actions of its prior agents?*** (Tobin to Ochoa)

27 This connects to the conspiracy among the attorneys to

28 conceal the 4/27/12 debt collection contract that requires

29 Red Rock to indemnify the HOA. Non-enforcement of that

1 contract has shifted more than \$100,000 (maybe much  
2 more) from Red Rock to SCA homeowners).

3 2783 ***"I must be missing something here. Please tell me what***  
4 ***SCA would "win" if it stayed in litigation rather than***  
5 ***settling."*** (Tobin to Ochoa)

6 2783 ***Also, your motion to force me to get an attorney, beside***  
7 ***having already been adjudicated, is now moot. Steve***  
8 ***Hansen has signed a declaration disclaiming any interest in***  
9 ***the property or in the Gordon B. Hansen Trust.***

10 ***Therefore, as the Trustee and sole beneficiary, I am***  
11 ***executing a Quit claim deed to the property to transfer it***  
12 ***from the Gordon B. Hansen Trust to myself as an***  
13 ***individual.*** (Tobin to Ochoa)

14 2783 ***I respectfully request that you look again at the merits of***  
15 ***se settlement I offered and present my offer to the SCA***  
16 ***Board And give them an accurate picture of risks of***  
17 ***staying in vs. the benefit of my offer to let the HOA out of***  
18 ***the case.*** "(Tobin to Ochoa)

19 2784 David Ochoa Mar 27, 2017 at 11:39 AM To: Nona Tobin  
20 Nona, "Your request for settlement was previously denied.  
21 We will not be vacating our recent motion. Let me know if  
22 you change your mind on the recent stipulation to  
23 consolidate the hearings we sent you."

24 2788 EXHIBIT 9 Ochoa to Tobin 3/23/17 ***"In our assessment of***  
25 ***the case and your claims, many of the claims are similar***  
26 ***to the claims made by the bank. As the HOA will have to***  
27 ***defend against those claims anyway, a settlement with a***  
28 ***single party does not benefit the HOA at this time, and we***  
29 ***will have to decline your proposal."***

30 2790 Pg 156 Nona Tobin" : Mar 8, 2017 1:32 PM to SCA  
31 attorneys before Lipson Subject: Request for settlement  
32 discussion and for stipulation and order to combine  
33 hearings on SCA motion and my opposition/counter motion

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2794 EXHIBIT 10 Tobin 3/22/17 offer to release SCA from all liability

2816 EXHIBIT 11 NSM's 12/1/14-recorded false affidavit that it acquired the beneficial interest in the Western Thrift DOT from BANA on 10/23/14, two months after the sale, and one month after BANA assigned its interest, if any, to Wells Fargo

This is Nationstar's initial false claim to be the beneficiary.  
2819 EXHIBIT 12 BANA's 9/9/14 assignment of its interest in the DOT to Wells Fargo

**This 9/9/14 assignment is one reason why Nationstar rescinded the false claim in Exhibit 11 above by recording Exhibit 13 below.**

2822 EXHIBIT 13 NSM's 3/8/19-recorded false AFFD claiming it had Wells Fargo's power of attorney to assign itself the beneficial interest in the DOT.

2825 EXHIBIT 14 NSM's disclosed COPY of the note. **MUST HAVE ORIGINAL PROMISSORY NOTE**

2830 EXHIBIT 15 - JIMI JACK'S ONLY RECORDED DEED IS INADMISSIBLE PER NRS 111.345

2831 EXHIBIT 15 YUEN LEE EXECUTED AS THOMAS LUCAS - NO ENTRY IN NOTARY JOURNAL

2834 EXHIBIT 16 5/1/19 QUIT CLAIM JJ'S INTEREST TO JOEL STOKES AS AN INDIVIDUAL

Fraudulent conveyance NRS 111.175; NRS 205.330

2838 EXHIBIT 17 5/21/19 STATUS CHECK ON SETTLEMENT DOCS - no notice of 5/1/19 deed

1 fraudulently and covertly conveying Jimijack's defective  
2 title to Court or to Tobin whose quiet title claim against  
3 Jimijack is still pending

4 2841 EXHIBIT 18 Lis Pendens recorded on 5/6/19

5 2842 EXHIBIT 18 page 2 shows 4/30/19 Notice of Lis Pendens  
6 NOLP filed into this case and served on all parties at 2:51  
7 PM.

8 **As soon as Hong was served this NOLP, he orchestrated**  
9 **the fraudulent reconveyance in Exhibit 16 above.**

10 2845 EXHIBIT 19 5/23/19 Joel Stokes recorded this "DOT"  
11 and encumbered the property with a new \$355,000 DOT  
12 through Civic Financial, a CA LLC (despite Stokes  
13 never having been party to this case as an individual,  
14 the Tobin Lis Pendens was still in effect, and the court  
15 should not have allowed Jimijack to divest itself of its  
inadmissible deed before the trial, before the motion to  
reconsider was not heard until 5/29/19.

16 2848-2919 4/24/19 Pro Se motion to vacate the 4/18/19 order pursuant  
17 to NRCP 60(b) and countermotion for summary judgment  
18 against all parties UNHEARD, UNDECIDED,

19 I inadvertently filed into the consolidated case A-16-  
20 730078-C court record, and it is still there.



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**VOLUME 20 OF 36 TOBIN 2920-3037**

**VOL TOBIN 7/29/19 PRO SE MOTION TO DISMISS PURSUANT**  
**20 2920-3037 TO NRS 38.310(2)**

2931 EXHIBIT 1 NONA TOBIN'S 7/26/19 NOTICE OF  
COMPLETION OF MEDIATION

2954-2960 Exhibit C Tobin's ADR 19-27 confidential to mediator  
includes a table showing years of harassment and retaliation

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by the HOA for me being a whistleblower on the corrupt practices of HOA debt collectors  
11/9/17 NOTC Nationstar filed a notice that it completed mediation that did not include an affidavit from the mediator that stated he or she conducted the mediation. Since Nationstar did not file and claims against the HOA, it had no claims to submit to mediation and so it is probable that mediation did not actually occur.

2974-3006 4/23/19 filed transcript hearing held ex parte after notice was served that it was continued to 5/7/19

**3007-3037 8/7/19 A-19-799890-C COMPLAINT**

FIRST CAUSE OF ACTION: QUIET TITLE AND  
EQUITABLE RELIEF (AGAINST ALL DEFENDANTS)

SECOND CLAIM FOR RELIEF: CANCELLATION OF  
INSTRUMENTS

THIRD CLAIM FOR RELIEF: UNJUST ENRICHMENT  
(VERSUS RRFS, SCOW & KOCH, JOEL STOKES AND  
NATIONSTAR)

**3027 - 3032 ABUSE OF PROCESS (Against HONG, MORGAN,  
AND OCHOA)**  
**This cause of action was withdrawn by counsel, and did  
not appear in the 6/3/20 First Amended Complaint that  
was dismissed with prejudice by the 12/3/20 order under  
appeal in case 82294.**

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3 NONA TOBIN,

4 PETITIONER,

5 vs.

6  
7 NEVADA COMMISSION ON  
8 JUDICIAL DISCIPLINE; ASSOCIATE  
9 GENERAL COUNSEL DOMINKA  
BATTEN;

10 THE OFFICE OF BAR COUNSEL OF  
11 THE STATE BAR OF NEVADA;  
12 ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

13 EIGHTH JUDICIAL DISTRICT COURT  
14 DEPT. 8 JUDGE JESSICA PETERSON

15 RESPONDENTS.

Supreme Court Cases 79295, 82094,  
82234, 82294

Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

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17 **TABLE OF CONTENTS OF**  
18 **WRIT APPENDIX**

19 **VOLUME 21 OF 36 TOBIN 3038-3168**

20  
21 **VOL TOBIN NONA TOBIN'S ANSWER, AFFIRMATIVE**  
22 **3038-3168 DEFENSES AND COUNTER-CLAIM VS. RED ROCK**  
23 **FINANCIAL SERVICES, CROSS-CLAIMS VS.**  
24 **NATIONSTAR MORTGAGE LLC AND WELLS**  
25 **FARGO, N.A., AND MOTION FOR SANCTIONS VS.**  
26 **RED ROCK FINANCIAL SERVICES AND**  
27 **NATIONSTAR MORTGAGE LLC, AND/OR**  
28 **NATIONSTAR MORTGAGE DBA MR. COOPER**  
**PURSUANT TO NRCP 11(b)(1)(2)(3) and/or (4), NRS**  
**18.010(2), NRS 207.407(1), NRS 42.005**

1	3053	PRAYER
2	3059	
3		FACTUAL ALLEGATIONS
4	3061	FIRST CAUSE OF ACTION (INTERPLEADER)
5		SECOND CAUSE OF ACTION: (UNJUST ENRICHMENT) OR
6	3061	(CONVERSION)
7	3062	THIRD CAUSE OF ACTION: FRAUD
8		
9		FIFTH Cause of Action: RACKETEERING
10	3066	NONA TOBIN'S CROSS-CLAIM
11	3067	VS. NATIONSTAR MORTGAGE & WELLS FARGO
12	3071	FACTUAL ALLEGATIONS
13	3072	FIRST CAUSE OF ACTION: RACKETEERING
14		SECOND CAUSE OF ACTION: (UNJUST ENRICHMENT) OR
15	3073	(CONVERSION)
16		
17	3075	THIRD CAUSE OF ACTION: FRAUD
18		
19	3081-3189	PRAYER
20	3190	Exhibit 1 - Exhibit 1 – _APN 191-13-811-052 Clark County
21		Property Record and allegations of fraud vs. all opposing parties
22		Exhibit 2 - the sale was void for rejection of assessments.
23	3091-3094	
24		Exhibit 3 The alleged default was cured three times
25	3095-3096	
26		Exhibit 4 SCA Board did not authorize the sale by valid corporate
27		action
28	3097-3099	
29		Exhibit 5 Required notices were not provided, but records were
30		falsified
31	3100-3101	
32		Exhibit 6 SCA Board imposed ultimate sanction with NO due
33		process

1	3102-3104	Exhibit 7 Neither BANA nor NSM ever owned the disputed DOT
2	3106-3111	Exhibit 8 Examples of RRFS corrupt business practices
3		
4	3111-3113	Exhibit 9 Attorneys' lack of candor to the tribunal
5	3114-3115	Exhibit 10 the proceeds of the sale were not distributed pursuant to
6		NRS 116.31164(3) (2013)
7	3116-3121	Exhibit 11 RRFS's fraud, oppression & unfairness
8		
9	3122-3127	Exhibit 12 attorney interference in the administration of justice
10	3128-3131	Exhibit 13 lack of professional ethics and good faith
11		
12	3132-3137	Exhibit 14 Presented false evidence to cover up crime
13	3138-3141	Exhibit 15 Civil Conspiracy to cover up racketeering warrants
14		punitive damages
15	3142-3143	Exhibit 16 Republic Services lien releases
16		
17		Exhibit 17 Nona Tobin's standing as an individual
18	3144-3147	
19		Exhibit 18 Relevant statutes and regulations
20	3148-3151	
21		Exhibit 19 RELEVANT HOA GOVERNING DOCUMENTS
22	3152-3155	PROVISIONS
23	3156-3159	Exhibit 20 Administrative Complaints related to the APN 19 -13-
24		811-052 title dispute
25	3159-3160	2012-026 NCJD NEVADA COMMISSION ON JUDICIAL
26		DISCIPLINE CASE 2021-026
27	3160	2/16/21 complaint to the Bar discipline panel re Brittany Wood

1 12/14/21 complaint to the NV Bar discipline panel re Joseph Hong  
2 3160  
3 3161 Exhibit 21 Nevada court cases related to the APN 191-13-811-052  
4 title dispute  
5 Appeals - 79295, 82094, 82234, 82294  
6 3161  
7 3162-3168 Exhibit 22 - 1/31/17 cross-claim vs. HOA and its agents Excerpts:  
8 FIFTH CAUSE OF ACTION: UNJUST ENRICHMENT (1/31/17  
9 cross-claim vs. HOA pages 18-19 PARTIES (1/31/17 CRCM vs.  
10 SCA, DOEs & ROEs pages 2-4)  
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1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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18 **WRIT APPENDIX**

19 **VOLUME 22 OF 36 TOBIN 3169-3367**

20 VOL TOBIN NONA TOBIN'S 3/22/21 THIRD PARTY  
21 22 3169-3367 COMPLAINT vs. STEVEN B. SCOW; BRODY R.  
22 WIGHT; JOSEPH HONG; MELANIE MORGAN;  
23 DAVID OCHOA; BRITTANY WOOD  
24 JURY TRIAL DEMANDED  
25 1. ABUSE OF PROCESS  
26 2. RACKETEERING (NRS 207.360(9)(18)(29)(30)(35);  
27 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

1 4. RESTITUTION AND RELIEF REQUESTED  
2 EXCEEDS \$15,000  
3 5. EXEMPLARY AND PUNITIVE DAMAGES  
4 PURSUANT TO NRS 42.005, NRS 207.470(1 )& (4)  
5 6. SANCTIONS PURSUANT TO NRCP 11(b)(1-4);  
6 NRPC 3.1, 3.3, 3.4,3.5(b), 4.1, 4.4, 5.1, 5.2, 8.3, 8.4  
7 Part 1

8 3174-3177 FACTUAL ALLEGATIONS

9 3177 FIRST CAUSE OF ACTION: ABUSE OF PROCESS  
10 3178 SECOND CAUSE OF ACTION: FRAUD  
11 3178 THIRD CAUSE OF ACTION: CIVIL CONSPIRACY  
12 3179 FOURTH CAUSE OF ACTION: RACKETEERING  
13 3179 PRAYER

14 Exhibit to A-21 -828840-C 3rd party COMPLAINT IS  
15 COMPRISED OF SCASTRONG.COM  
16 PUBLICATIONS

17 3183 Cause of Action\_ Fraud

18 3186 Cause of Action\_ Abuse of Process

19 3192 Cause of Action\_ RICO Damages pursuant to NRS  
20 207.470 Racketeering

21 3199 Cause of Action\_ Civil Conspiracy

22 3201 What is the PUD Rider?

23 3205 What does it take to get disbarred in Nevada?

24 3206 1st complaint to the Nevada Attorney General & exhibits

25 3219 2nd complaint to the Nevada Attorney General &  
26 exhibits

27 3228 WHY NATIONSTAR & ITS ATTORNEYS MUST BE  
28 SANCTIONED AND PAY PUNITIVE DAMAGES

29 3247-3257 All declarations under penalty of perjury support Nona  
30 Tobin's claims

31 3258-3265 11/10/21 We can learn a lot from this Spanish trail HOA  
32 case.



1 3266-3270 A Duel to the Death: How Nationstar and Jimijack  
2 weaponized settlement  
3 3272-3279 2020 Court hearings Part I  
4 Clark County Property Record APN 19 -13-811-052  
5 3280-3281 2003-2021  
6 3282-3286 Complaint Against Melanie Morgan  
7 3287-3288 Complaint to the Nevada Mortgage Lending Division  
8 3289-3310 Complaint vs. Brittany Wood  
9 3311-3312 Complaints to law enforcement  
10 3313-3314 Complaints to the Nevada Attorney General  
11 3315-3325 Harassment or bullying an HOA homeowner is a crime  
12 3326-3334 How the crooks steal HOA houses  
13 3335-3339 Implicated Nevada Law  
14 3340-3359 Interpleader Complaint was filed with an ulterior motive  
15 Joseph Hong\_ pay Nona Tobin treble damages for  
16 3360-3366 stealing her house and be disbarred  
17 3367 Judicial Jiu-Jitsu is fraud on the court  
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1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
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17 **TABLE OF CONTENTS OF**  
18 **WRIT APPENDIX**

19 **VOLUME 23 OF 36 TOBIN 3368-3543**

20 VOL TOBIN NONA TOBIN'S 3/22/21 THIRD PARTY COMPLAINT  
21 3368-3441 vs. STEVEN B. SCOW; BRODY R. WIGHT; JOSEPH  
22 HONG; MELANIE MORGAN; DAVID OCHOA;  
23 BRITTANY WOOD  
24 JURY TRIAL DEMANDED  
25 1. ABUSE OF PROCESS  
26 2. RACKETEERING (NRS 207.360(9)(18)(29)(30)(35);  
27 NRS 207.390, NRS 207.400(1)(2)  
28 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 )& (4)

6. SANCTIONS PURSUANT TO NRCP 11(b)(1-4); NRPC

3.1, 3.3, 3.4,3.5(b), 4.1, 4.4, 5.1, 5.2, 8.3, 8.4

Part 2

3442-3543 NCJD COMMUNICATIONS

**3368-3441 CONTINUING EXHIBITS TO THIRD-PARTY  
COMPLAINT PART 2**

3368-3386 Nationstar Mortgage's Fraud

3387-3391 Nevada Commission on Judicial Discipline Complaint

3392-3398 NEVADA RULES OF PROFESSIONAL CONDUCT

3399-3402 Nona Tobin Declaration Under Penalty of Perjury

3404-3427 NONA TOBIN'S 3/15/21 REQUEST FOR JUDICIAL NOTICE

3428-3429 3/10/21 Recommendation to the Nevada Commission on Judicial  
Discipline

3430-3441 Why Alternate Dispute Resolution?

3442-3480 A-21-828840-C TWO OTHER PRO SE MOTIONS

3442-3453 4/12/21 TOBIN MOTION TO DISTRIBUTE PROCEEDS TO  
ME AS SOLE CLAIMANT with 7 years interest.- NOT HEARD

3454-3477 4/15/21 TOBIN'S MOTION FOR SUMMARY JUDGMENT VS.  
ALL AND MOTION FOR PUNITIVE DAMAGES AND  
SANCTIONS - DENIED

3478-3480 11/10/21 TOBIN notice of intent to take default of Nationstar –  
STRICKEN

**3481-3543 NCJD COMMUNICATIONS**

3481 2/18/21 NCJD acceptance of complaint assigned case number  
2021-026.

3482-3484 3/10/21 Gmail - NCJD complaint 2021-026 request to postpone  
formal public charges vs. Judge Kishner pending A-21-828840-C  
adjudication \_Redacted.

1 3485-3528. How debt collectors are transforming the business of state courts  
2 3529-3530 5/11/21 NCJD administrative rejection  
3 3531-3541 5/21/21 request for reconsideration.  
4 3542 5/21/21 Gmail - letter to the Nevada Commission on Judicial  
Discipline re administrative rejection of complaint 2021-026  
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6 3543 5/25/21 NCJD denial of reconsideration.  
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VOL TOBIN NONA TOBIN'S REQUEST FOR JUDICIAL NOTICE  
3544-3737 OF THE COMPLETE OFFICIAL CLARK COUNTY  
2003-2021 PROPERTY RECORDS FOR APN 191-13-  
811-052 PART 1

3548-3583 1. 2003 recorded claims

3584-3609 2. 2004 recorded claims

1 3610-3625 3. 2007 recorded claims  
2 3626-3630 4. 2008 recorded claims  
3  
4 3631-3632 5. 2012 recorded claims  
5 3633-3639 6. 2013 recorded claims  
6  
7 3640-3653 7. 2014 recorded claims  
8 3654-3675 8. 2015 recorded claims  
9 3676-3690 9. 2016 recorded claims  
10 3691-3714 10. 2017 recorded claims  
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12 3715-3737 11. 2019 recorded claims  
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**VOLUME 25 OF 36 TOBIN 3738-3939**

VOL	<b>TOBIN</b>	NONA TOBIN'S REQUEST FOR JUDICIAL NOTICE
24	<b>3738-3939</b>	OF THE COMPLETE OFFICIAL CLARK COUNTY
		2003-2021 PROPERTY RECORDS FOR APN 191-13-
		811-052 PART 2
	3728-3766	EXHIBIT 12 2020 Recordings
	3739-3766	12/4/20 Recorded 12/3/20 Order Granting Defendant Red
		Rock Financial Services Motion to Dismiss Complaint and
		All Joinders to the Motion and Expunging Lis Pendens
	3767-3939	EXHIBIT 13 2019- 2021 recordings

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**VOLUME 26 OF 36 TOBIN 3940 - 4044**

**VOL TOBIN**  
**3940 - 4044 REQUESTS FOR JUDICIAL NOTICE**

- 3940-3948 4/4/21 RFJN unadjudicated claims**
- 3942 Nationstar's pleadings were unadjudicated
- 3943 Nona Tobin's unadjudicated pleadings
- 3944-3945 Orders that disposed Nona Tobin's claims did not consider any evidence
- 3949-3987 4/7/21 RFJN LAWS AND REGS**



1 3952-3958 Exhibit 1: 2013 Nevada HOA Lien & Foreclosure Laws  
2 3959-3961 Exhibit 2: Limits on HOA Board's authority to impose sanctions  
3 3962-3966 Exhibit 3: Limits on HOA agents' & managers' authority to act  
4 3967-3968 Exhibit 4: Limits on conveyance of real property  
5 3969-3971 Exhibit 5: Limits on Fraud and Racketeering  
6 3972-3975 Exhibit 6: Sanctions & damage  
7 3976-3977 Exhibit 7: Victim access to remedies  
8 3978 Exhibit 8: Documentary evidence  
9 3979-3980 Exhibit 9: Declaratory Judgments  
10 3981-3987 Exhibit 10: Actions to determine conflicting claims to real property  
11 3952 2013 HOA Lien and Foreclosure Statutes

12 NRS 116.3116 Liens against units for assessments.

13 NRS 116.31162 - Foreclosure of liens: Mailing of notice of  
14 delinquent assessment; recording of notice of default and election  
15 to sell; period during which unit's owner may pay lien to avoid  
16 foreclosure; limitations on type of lien that may be foreclose

17 NRS 116.31163 Foreclosure of liens: Mailing of notice of default  
18 and election to sell to certain interested persons.

19 NRS 116.311635 Foreclosure of liens: Providing notice of time and  
20 place of sale; service of notice of sale; contents of notice of sale;  
21 proof of service.

22 NRS 116.31164 Foreclosure of liens: Procedure for conducting  
23 sale; purchase of unit by association; execution and delivery of  
24 deed; use of proceeds of sale.

25 NRS 116.31166 Foreclosure of liens: Effect of recitals in deed;  
26 purchaser not responsible for proper application of purchase  
27 money; title vested in purchaser without equity or right of  
28 redemption.

29 NRS 116.31168 Foreclosure of liens: Requests by interested  
30 persons for notice of default and election to sell; right of association  
31 to waive default and withdraw notice or proceeding to foreclose.

32 Limits on HOA Board's authority to impose sanctions  
33 Sun City Anthem Governing Documents

**3988-4044 4/9/21 REJN EVIDENCE IN COURT RECORD**

3993 Exhibit 1: ENTERED BY JOSEPHONG (NV BAR #5995) FOR  
JIMI JACK IRREVOCABLE TRUST

3994-3997 Exhibit 2: ENTERED BY MELANIE MORGAN (NV BAR #8215)  
NATIONSTAR MORTGAGE

3998 EXHIBIT 3: DAVID OCHOA PROFFERED FOR SUN CITY  
ANTHEM

3999 EXHIBIT 4: NONA TOBIN & THE HANSEN TRUST  
PROFFERED EVIDENCE

4001 EXHIBIT 5: RED ROCK FINANCIAL SERVICES RESPONSE  
TO TOBIN SUBPOENA

4002 EXHIBIT 6: BERKSHIRE HATHAWAY RESPONSE TO TOBIN  
SUBPOENA

4004 EXHIBIT 7: NEVADA LEGAL NEWS RESPONSE TO TOBIN  
SUBPOENA

4006-4026 EXHIBIT 8: DISPUTED MATERIAL FACTS ENTERED BY  
RED ROCK & SUN CITY ANTHEM

4027 EXHIBIT 9: DISPUTED MATERIAL FACTS PROFFERED BY  
NATIONSTAR MORTGAGE

Deceptive disclosures: SCA Board 12/5/13 meeting vs. SCA 315 &  
RRFS 128

SCA Board did not properly authorize any foreclosures conducted  
by Red Rock Financial Services

The Resident Transaction Report was falsified, page numbers  
scrubbed, and otherwise doctored to conceal the fraudulent nature  
of the HOA foreclosure sale

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**VOLUME 27 OF 36 TOBIN 4045 - 4154**

**VOL TOBIN BAR COMPLAINT VS. MELANIE MORGAN,  
4045-4154 AKERMAN LLP**

4047-4063 2/23/22 Bar Complaint vs. Melanie Morgan (#8215.)

4064-4084 Exhibit A Nationstar's conflicting claims

4085 Exhibit B NRPC implicated provisions

1		
2	4088	Exhibit C - links to Youtube videos
3	4090	Exhibit D 12/16/20 Mortgage Lending Division complaint
4	4091	1/6/21 MLD rejection of 12/16/21complaint
5		
6	4093-4112	12/16/20 MLD complaint without exhibits 20 pages
7	4113	Exhibit E
8		
9	4114	3/14/19 AG COMPLAINT
10	4144	11/10/21 AG COMPLAINT
11	4148	Linked TOC to both AG complaints.
12		
13	4152	3/26/19 AG RESPONSE
14	4153	12/4/19 AG REJECTION
15		
16	4154	EXHIBIT F Nationstar Prevailed Without Adjudication
17		By Voluntary Dismissal Of Claims & Ex Parte
18		Removal Of Tobin as an Individual Party
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IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
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NEVADA COMMISSION ON  
JUDICIAL DISCIPLINE; ASSOCIATE  
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BATTEN;

THE OFFICE OF BAR COUNSEL OF  
THE STATE BAR OF NEVADA;  
ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

EIGHTH JUDICIAL DISTRICT COURT  
DEPT. 8 JUDGE JESSICA PETERSON

RESPONDENTS.

Supreme Court Cases 79295. 82094,  
82234, 82294

Related 8<sup>th</sup> District Court Cases Nos.  
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A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

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**VOLUME 28 OF 36 TOBIN 4155 - 4259**

**VOL TOBIN BAR COMPLAINT VS. WRIGHT, FINLAY, ZAK**  
**28 4155-4259 LLP**

4155 2/28/22 Gmail - State Bar of Nevada\_ Receipt of Online Complaint

4158 2/28/22 STATE BAR complaint vs. WRIGHT, FINLAY ZAK, LLP

4195 Exhibit A 5/20/19 PROUDFIT DECLARATION WITH 20 EXHIBITS

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3 NONA TOBIN,

4 PETITIONER,

5 vs.

6  
7 NEVADA COMMISSION ON  
8 JUDICIAL DISCIPLINE; ASSOCIATE  
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A-21-828840-C (Dept. 8);

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17 **TABLE OF CONTENTS OF**  
18 **WRIT APPENDIX**

19 **VOLUME 29 OF 36 TOBIN 4260-4354**

20  
21 **VOL TOBIN BAR COMPLAINT VS. STEVEN SCOW, KOCH &**  
22 **29 4260-4354 SCOW LLC**

23 4260-4161 Receipt of Online Complaint

24 4262-4264 Complaint of Professional Ethics Violations

25 4265 Steven Scow produced false evidence to misrepresent how Red  
26 Rock does business

27 4266-4268 Documents produced by Steven Scow that have been doctored or  
are intentionally deceptive:  
28

1 4269-4281 Steven Scow has obstructed distribution of the proceeds to me as  
2 the sole claimant many times.

3 4271-4276 1/31/17 claim was dismissed without prejudice per NRS 38.310(2),  
4 so proceeds claim was never heard.

5 4277-4277 "Red Rock Trust Account" is not an "attorney trust account"

6

7 4278-4279 Claim for proceeds can't be precluded if they haven't been  
8 distributed

9 4280 Scow's failure to distribute the proceeds in 2014 caused years of  
10 litigation

11 4281 Scow filed the interpleader action in bad faith

12

13 4281 TOBIN 9/18/16 letter to the Review-Journal Editor regarding  
14 HOA managers that are also the debt collectors do not give owners  
their due process rights

15

16 4283 Steven Scow unlawfully retained the proceeds of multiple HOA  
17 sales, including my property at 2763 White Sage in Sun City  
18 Anthem (SCA), after Red Rock instructed him to remit checks to  
19 court for interpleader on 8/28/14.

20

21 4283 Steven Scow failed to produce subpoenaed documents

22

23 4284-4285 Steven Scow unlawfully retained the proceeds of other HOAs'  
24 sales after Red Rock instructed him to remit checks to court for  
25 interpleader in 2014, including al 1 /10/14 check for  
26 \$1,168,865.05.

27

28 4286 Steven Scow failed to identify the Red Rock EIN 88-0358132  
29 partners

30

31 4286-4287 4286 Steven Scow filed abusive, meritless motions and oppositions  
32 that obstructed a fair evidence-based adjudication of my claims.

1 4288 Steven Scow covered up that the HOA agents misled the Sun City  
2 Anthem Board to believe that all actions related To foreclosure had  
3 to be secret  
4 4289 An Audit is needed to determine what happened to the proceeds of  
5 many HOA sales conducted by Red Rock  
6 4292 What I'm asking the Bar Counsel to do  
7 4294 Request for the State Bar to conduct an audit of Steven Scow's  
8 undistributed proceeds  
9 4296 IMPLICATED PROVISIONS OF NEVADA RULES OF  
10 PROFESSIONAL CONDUCT  
11 4298 IMPLICATED ABA Standards for Imposing Lawyer Sanctions  
12 4299 Exhibit A Steven Scow produced false evidence in response to  
13 subpoena that was the sole support for the HOA's MSJ and the  
14 4/18/19 order that unfairly became the law of the case.  
15 4303 Deceptive disclosures: SCA Board 12/5/13 meeting vs. SCA 315  
16 & RRFS 128  
17 4308-4354 Red Rock foreclosure file is false, falsified & fraudulent  
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**VOLUME 30 OF 36 TOBIN 4355-4438**

<b>VOL</b>	<b>TOBIN</b>	<b>BAR COMPLAINT VS. STEVEN SCOW, KOCH &amp; 4355-4438 SCOW LLC Part 2 Exhibits B – E regarding retained proceeds</b>
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4355	Exhibit B Steven Scow unlawfully retained the proceeds of Sun City Anthem HOA sales after Red Rock instructed him to remit checks to court for interpleader in 2014.
------	--

4356	Linked table of Contents of Exhibit B
------	---------------------------------------

1 4361 SCA Bylaws 3.18 & 3.20 Excerpt Regarding Restrictions on  
2 Board's Delegation of Duties  
3 4362-4375 SCA Board secretly sold a dozen houses in 2014  
4 4376-4405 NRED CIC Ombudsman's compliance records for 17 related  
5 foreclosures  
6 4406 **Exhibit C** Steven Scow unlawfully retained the proceeds of other  
7 HOAs' sales after Red Rock instructed him to remit checks to court  
8 for interpleader in 2014.  
9 4427 **Exhibit E regarding the need to identify the Red Rock Financial**  
10 **Services EIN 88-035132 partners who are unjustly enriched by**  
11 **the manner in which sales are conducted without notice and**  
12 **necessity and the failure to distribute excess proceeds.**  
13 4428 Exhibit E-1 IRS W-9  
14  
15 4429 Exhibit E-24/27/12 indemnification clause  
16  
17 4430 Exhibit E-3 HOA collection practices cost us all more than you  
18 think  
19 4436-4438 Exhibit E-4 AFFIDAVIT OF IRMA MENDEZ RE JOEL JUST  
20 SELLING DIRECT TO INVESTORS  
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A-21-828840-C (Dept. 8);

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**VOLUME 31 OF 36 TOBIN 4439-4603**

**VOL TOBIN BAR COMPLAINT VS. STEVEN SCOW, KOCH &  
4439-4603 SCOW LLC Exhibit F**

- 4440 Exhibit F Steven Scow filed meritless claims, motions and  
oppositions to evade judicial scrutiny of inculpatory evidence
- 4441 Exhibit F-1 Scow misrepresents the facts & the recording the 6/23/20  
motion to dismiss

1 4445 None of the exhibits (Requests for Judicial Notice to Scow's 6/23/20 and  
2 4/16/21 motions to dismiss contain verified evidence to support his claim  
3 that the HOA sale was properly conducted.

4 4450 **Exhibit F-2** Scow made false statements in 8/3/20 RIS

5 4450 4/27/17 I was affirmed as a party as an individual

6 4451 3/12/19 CAPTION REFORM DID NOT REMOVE ME AS AN  
7 INDIVIDUAL PARTY

8 4454 The 4/17/19 Table of Contents of Exhibits shows my verified evidence  
9 issue substantial and had the court considered it, the case would have  
10 concluded in my favor in 2019

11 EXHIBIT 1 Ombudsman Notice of sale Compliance record

12 EXHIBIT 2 Resident Transaction Report

13 EXHIBIT 3 2012-2014 SCA BOARD AGENDAS

14 EXHIBIT 4 2013-2014 SCA BOARD ACTIONS TO FORECLOSE OR  
15 WRITE OFF DEBT

16 EXHIBIT 5 BOD APPROVED THE SALE IN SECRET VIOLATING  
17 NRS 116.31083 1 NRS 116.31085

18 EXHIBIT 6 Relevant NRS provisions from chapters 38, 111, 116,  
19 116A, 205, 240

20 Exhibit 7 Table of Authorities

21 EXHIBIT 8 SCA Response to Tobin ROGGS

22 EXHIBIT 9 SCA Response to Tobin RFDs

23 EXHIBIT 10 ALL RRFS/SCA PROOFS OF SERVICE

24 EXHIBIT 11 RELEVANT RRFS/SCA PROOFS OF SERVICE

25 EXHIBIT 12 CLAIMS AGAINST NATIONSTAR

26 4459 **Exhibit F-3** ATTORNEYS WIGHT, HONG & WOOD KNOWINGLY  
27 MISREPRESENTED THE FACTS TO THE COURT TO PREJUDICE  
28 THE ADMINISTRATION OF JUSTICE

1 4467 **Exhibit F-5** Declaration of Nona Tobin regarding unaddressed 3/8/21  
2 counter-claims and petition for sanctions against Red Rock and its  
3 attorneys that were dismissed with prejudice by 9/10/21 and 11/30/21  
orders

4 4472 Exhibit 2 the sale was void for rejection of assessments

5  
6 4473 Exhibit 3 The alleged default was cured three times

7  
8 4475 Exhibit 4 SCA Board did not authorize the sale by valid corporate action

9 4476 Exhibit 5 Required notices were not provided, but records were falsified

10  
11 4479 Exhibit 6 SCA Board imposed the ultimate sanction with NO due process

12 4480 Exhibit 8 Examples of RRFS corrupt business practices

13  
14 4484 Exhibit 9 Attorneys' lack of candor to the tribunal

15 4486 Exhibit 10 the proceeds of the sale were not distributed pursuant to  
16 NRS116.31164(3) (2013)

17  
18 4487 Exhibit 11 RRFS's fraud, oppression & unfairness

19 4491 Exhibit 12 attorney interference in the administration of justice

20  
21 4495 Exhibit 13 lack of professional ethics and good faith

22 4497 Exhibit 14 Presented false evidence to cover up crime

23  
24 4501 Exhibit 15 Civil Conspiracy to cover up racketeering warrants punitive  
25 damage

26 4503 Exhibit 17 Nona Tobin's standing as an individual

1 4505 Exhibit 22 - 1/31/17 crossclaim vs. HOA and its agents Excerpts

2 4511 **Petition for Sanctions**

3  
4 4514 **Exhibit F-4** Declaration of Nona Tobin regarding my failed attempts over  
5 seven years to get the excess proceeds distributed to me as the sole  
6 claimant

7 4525 **Exhibit F-5.** Declaration of Nona Tobin regarding unaddressed 3/8/21  
8 counter-claims and petition for sanctions against Red Rock and its  
9 attorneys that were dismissed with prejudice by 9/10/21 and 11/30/21  
orders

10 4572 **Exhibit G-1.** SCA Board did not comply with HOA meeting laws

11 4577 SCA BOARD DID NOT PROVIDE MANDATED NOTICE AND  
12 HEARING PRIOR TO IMPOSING A SANCTION FOR THE  
13 ALLEGED VIOLATION OF DELINQUENT ASSESSMENTS

14 4579 **Exhibit G-2** Limits on closed HOA board meetings

15 4582 **EXHIBIT H-1** We can learn a lot from this Spanish trail HOA case

16 4590 **EXHIBIT H-2** HOA debt collectors wield an unlawful level of power

17 4592 **Exhibit H-3** The house that took over a life

18  
19 4597 **EXHIBIT H-4** HOA collection practices cost us all more than you think

20 4603 **Exhibit H-5** Call for an audit  
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IN THE SUPREME COURT OF THE STATE OF NEVADA

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VOLUME 32 OF 36 TOBIN 4604-4733

VOL TOBIN BAR COMPLAINT VS. DAVID OCHOA, LIPSON  
32 4604-4733 NEILSON LLP Part 1

4604-4733 3/6/22 BAR complaint vs. David Ochoa  
4606-4611 Complaint Against David Ochoa, Lipson Neilson LLP  
4612-4613 Implicated Rules of Professional Conduct  
4614 Implicated ABA Standards for Imposing Lawyer  
Sanctions

1	4615-4616	Elements of Relevant Causes of Action
2		Quiet Title
3		Elements of Fraudulent Misrepresentation
4		Civil Conspiracy
5		Elements for a Claim of Civil Conspiracy
6	4617-4655	Elements for a Claim of Concert of Action
7	4617-4655	EXHIBIT A OCHOA OBSTRUCTED SETTLEMENT
8	4656-4682	EXHIBIT B OBSTRUCTED LITIGATION AND APPEAL
9	4683-4706	EXHIBIT C misrepresented and suppressed evidence
10	4708-4733	Exhibit D Concealed HOA Official Records



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<b>VOL</b>	<b>TOBIN</b>	<b>BAR COMPLAINT VS. DAVID OCHOA, LIPSON</b>
<b>33</b>	<b>4734-4847</b>	<b>NEILSON LLP Part 2</b>

<b>4734</b>	Disclosed false & falsified evidence: Ochoa disclosures were not verified evidence, but were produced with the intention to deceive the court
<b>4736</b>	Exhibit E-1 "Disputed facts in Red Rock Foreclosure File disclosed as SCA 176-643
<b>4743</b>	Exhibit E-2 examples of false evidence

1 4757-4804 Exhibit E-3 Red Rock foreclosure file is false, falsified and  
disclosed as SCA 176-643  
2 4805-4830 Exhibit F filed non-meritorious claims  
3 filings by Ochoa allegedly for the benefit of Sun City Anthem  
4 and why they are improper, non-meritorious,  
5 filed for retaliation, or serve the interests of the wrong parties.  
6 Ochoa created confusion about my standing as an individual that  
7 deprived me of my substantive right to an evidence-based  
8 adjudication by a fair and neutral tribunal when the HOA would  
9 have suffered no prejudice if I prevailed on my claims as an  
10 individual.  
11 The 2/5/19 motion for summary judgment was the most  
12 egregious non-meritorious (NRPC 3.1) claim, and  
13 it was filed for the improper purpose of damaging me and  
14 protecting Red Rock.  
15 How Ochoa's unwarranted MSJ caused or allowed Nationstar's  
16 fraud on the court.  
17 Jimijack-Nationstar "settlement" was only possible because of  
18 Ochoa's meritless motion for summary judgment.  
19 Ochoa's filing a meritless MSJ deprived me of my right to prove  
20 the superiority of my title.  
21 I was the successor in interest to the closed Hansen Trust by a  
22 3/28/17 deed.  
23 Joel Stokes 5/1/19 deed was a fraudulent reconveyance of  
24 Jimijack's defective deed (NRS 111.175) (NRS 205.330)  
25 Jimijack's deed was inadmissible per NRS 111.345  
26 The necessary elements of a declaratory relief or quiet title claim  
27 were not met by the HOA, and so Ochoa should not have filed  
the unwarranted MSJ.

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MSJ had 19 exhibits that were deceptive and Ochoa misrepresented their meaning to the court.

Notices that Ochoa claims were sent (Exhibits 3, 4, 6, several in 12 ) are refuted, and there are no proofs of service for any notice I claim under penalty of perjury that I did not receive or Craig Leidy said under penalty of perjury that he did not.

- 4831 4831 SCA 317 has been deceptively conflated with SCA 295)
- 4832 4832 SCA 295 dated 6/9/14 is conflated with Leidy's only waiver request dated 3/7/14 in SCA 317 above
- 4833 4833 SCA 302 is from Nationstar. It is not from me. Why did Nationstar conceal it in discovery & in its motions?
- 4835 SCA 277 is an obviously doctored combo of two unrelated emails to fake a notice to Leidy that was never sent to cover up SCA 302 is from Nationstar
- 4835-4836 SCA 276 is the Board president's approval of the fake owner request that was never given to me or Leidy
- 4836-4837 SCA 286 & SC 278 were never sent. No Return to sender so SCA 278 was never sent
- 4838 8/15/13 Return to Sender in SCA 401 is what it looks like
- 4838 SCA 274 falsified, undated SCA Board approval request
- 4839-4840 Exhibit 15 shows Ochoa knows I sold it for \$367,500 on 5/8/14, but Nationstar blocked the 6/23/14 close of escrow
- 4841 Exhibit 19 SCA 415-416 shows a lot of problems with Red rock's recordkeeping
- 4842 SCA 416 Red Rock conflated the request for payoff figures from Ticor Title with the payoff request from Miles Bauer
- 4843 Ex 1 RRFs account detail is evidence of Red Rock keeping two sets of books. Concealed 3/28/14 ledger shows a few ways the Red Rock ledgers were doctored
- 4844-4845 4/18/19 order contained many false statements but my Pro Se oppositions were all stricken or unheard
- 4846-4847 4/24/19 pro se motion to vacate the 4/18/19 order pursuant to NRCP 60(b) & MSJ were never heard or decided

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**VOL TOBIN BAR COMPLAINT VS. DAVID OCHOA, LIPSON**  
**34 4848-5046 NEILSON LLP Part 3**

4848 Exhibit G Ochoa concealed there was no valid board  
authorization for the foreclosures.  
4980 Exhibit H MORE DISPUTED FACTS IN THE ORDER entered  
on 190418.  
5029 SCA 276 RRFS misrepresentation of 302 annotated

1	5030	SCA 302 annotated NSM fraud.pdf
2	5031	140702 SCA 286 annotated RRFS NEVER SENT LTR to 2664 Olivia Heights.
3	5032	SCA 317 is 140307 noncompliant request for waiver
4	5033	SCA 618 check 143 annotated paid 120701 2 120930
5	5034	SCA 223 annotated
6	5035	SCA224 check
7	4851-4853	EXHIBIT G-1 Limits on closed HOA Board meetings
8	4854-4860	EXHIBIT G-2 SCA Board did not comply with HOA meeting laws
9	4861-4874	EXHIBIT G-3 SCA Board secretly sold a dozen houses in 2014.
10		
11	4876-4945	Exhibit G-4 SCA Board did not properly authorize any foreclosures conducted by Red Rock Financial Services.
12	4946-4979	Exhibit G-5 is 190523 Ex 5 no valid BOD action authorized the sale
13		
14	4980-5035	Exhibit H more disputed facts
15	5036-5043	Exhibit H-1 We can learn a lot from this Spanish Trail HOA case
16	5045-5046	3/6/22 Gmail - State Bar of Nevada. Receipt of Online Complaint.
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1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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A-21-828840-C (Dept. 8);

PETITION FOR WRITS OF  
MANDAMUS

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IN THE SUPREME COURT OF THE STATE OF NEVADA

NONA TOBIN,  
PETITIONER,

Supreme Court Cases 79295. 82094,  
82234, 82294

vs.

NEVADA COMMISSION ON  
JUDICIAL DISCIPLINE; ASSOCIATE  
GENERAL COUNSEL DOMINKA  
BATTEN;

Related 8<sup>th</sup> District Court Cases Nos.  
A-15-720032-C (Dept. 31);  
A-16-730078-C (Dept. 31);  
A-19-799890-C (Dept. 22);  
A-21-828840-C (Dept. 8);

THE OFFICE OF BAR COUNSEL OF  
THE STATE BAR OF NEVADA;  
ASSISTANT BAR COUNSEL  
PATRICK J. PATTEE;

PETITION FOR WRITS OF  
MANDAMUS

EIGHTH JUDICIAL DISTRICT COURT  
JUDGE JESSICA PETERSON

RESPONDENTS.

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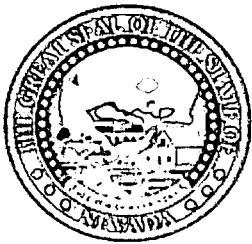


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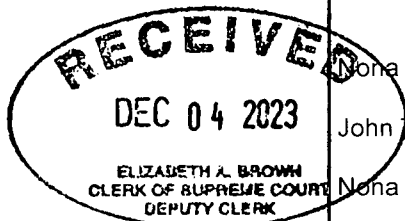
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Case Number: A-21-828840-C  
Case Style: Red Rock Financial Services, Plaintiff(s) vs.  
Nona Tobin, Defendant(s)  
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Filing Details	
Case Number	A-21-828840-C
Case Style	Red Rock Financial Services, Plaintiff(s) vs. Nona Tobin, Defendant(s)
Date/Time Submitted	12/2/2023 12:00 AM PST
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Filed By	NONA TOBIN
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