

**Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of District Court**

No. A-17-760443-C

Dept. No. 11

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

Electronically Filed  
Dec 21 2023 10:51 AM  
Elizabeth A. Brown  
Clerk of Supreme Court

A. B., Plaintiff }  
v. }  
C. D., Defendant }

**NOTICE OF APPEAL**

Notice is hereby given that C. D., defendant above named, hereby appeals to the Supreme Court of Nevada (from the final judgment) (from the order (describing it)) entered in this action on the ..... day of ....., 20 .....

12/17/2023

Order Doc ID# 210

[210] Order Denying Plaintiff's

Motion to Set Aside Order, Judgment, and/or Default

/s/ WILBERT HOLMES PRO SE  
Attorney for C.D.

Address 211 CATHERINE STREEY  
ELIZABETH NEW JERSEY  
07201



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

10 WILBERT R. HOLMES,

11 Plaintiff(s),

12 vs.

13 ERNEST MILLER; CAPUCINE Y. HOLMES,

14 Defendant(s),  
15

Case No: A-17-760443-C

Dept No: XI

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Wilbert Holmes

20 2. Judge: Anna Albertson

21 3. Appellant(s): Wilbert Holmes

22 Counsel:

23 Wilbert Holmes  
24 211 Catherine St.  
25 Elizabeth, NJ 07201  
26  
27  
28

1 4. Respondent (s): Ernest Miller

2 Counsel:

3 Ernest Miller  
4 301 E. Clark Ave., Suite 100  
5 Las Vegas, NV 89101  
(Last Known Address)

6 Respondent (s): Capucine Y. Holmes

7 Counsel:

8 William H. Heaton  
9 7285 Dean Martin Dr., Ste. 180  
10 Las Vegas, NV 89118

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

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

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

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

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

18 8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, January 12, 2022  
19 \*\*Expires 1 year from date filed  
Appellant Filed Application to Proceed in Forma Pauperis: N/A  
20 Date Application(s) filed: N/A

21 9. Date Commenced in District Court: August 24, 2017

22 10. Brief Description of the Nature of the Action: TORT - Other

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

24 11. Previous Appeal: Yes

25 Supreme Court Docket Number(s): 80667, 83902, 84005, 84065, 87647

26 12. Child Custody or Visitation: N/A  
27  
28

1           13. Possibility of Settlement: Unknown

2                       Dated This 19 day of December 2023.

3                                       Steven D. Grierson, Clerk of the Court

4  
5                                       /s/ Cierra Borum

6                                       Cierra Borum, Deputy Clerk

7                                       200 Lewis Ave

8                                       PO Box 551601

9                                       Las Vegas, Nevada 89155-1601

10                                      (702) 671-0512

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cc: Wilbert Holmes

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-17-760443-C**

**Wilbert Holmes, Plaintiff(s)**  
**vs.**  
**Ernest Miller, Defendant(s)**

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Location: **Department 11**  
 Judicial Officer: **Albertson, Anna**  
 Filed on: **08/24/2017**  
 Case Number History:  
 Cross-Reference Case Number: **A760443**  
 Supreme Court No.: **80667**  
**83902**  
**84005**  
**84065**  
**87647**

**CASE INFORMATION****Statistical Closures**

05/31/2020 Other Manner of Disposition  
 05/18/2020 Other Manner of Disposition

Case Type: **Other Tort**

Case  
Status: **11/08/2022 Inactive**

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

Case Number A-17-760443-C  
 Court Department 11  
 Date Assigned 01/03/2023  
 Judicial Officer Albertson, Anna

**PARTY INFORMATION****Plaintiff****Holmes, Wilbert R****Defendant****Cason, Tommy**

Removed: 01/09/2020  
 Dismissed

**Connor, Calvin**

Removed: 01/09/2020  
 Dismissed

**Detroit Connection Inc Board of Directors**

Removed: 01/09/2020  
 Dismissed

**Holmes, Capucine Y**

**Heaton, William Huntington**  
*Retained*  
 702-329-9901(W)

**Lee, Lawrence**

Removed: 01/09/2020  
 Dismissed

**Miller, Ernest****Counter Claimant****Holmes, Capucine Y**













**Heaton, William Huntington**  
*Retained*  
 702-329-9901(W)

**Counter Defendant****Holmes, Wilbert R****DATE****EVENTS & ORDERS OF THE COURT****INDEX**

# CASE SUMMARY

CASE NO. A-17-760443-C

## EVENTS

08/14/2017	 Application to Proceed in Forma Pauperis <i>[2] Application to Proceed in Forma Pauperis (Confidential)</i>
08/24/2017	 Complaint Filed By: Counter Defendant Holmes, Wilbert R <i>[1] Complaint for Intentional and Negligent Emotional Distress; Points and Authorities</i>
08/24/2017	 Order to Proceed In Forma Pauperis Granted for: Counter Defendant Holmes, Wilbert R <i>[3] Order Granting Application to Proceed in Forma Pauperis (Confidential)</i>
09/04/2017	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[4] Motion for to Set Court Hearing Date</i>
10/02/2017	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[5] Motion for Order</i>
11/03/2017	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[6] Addendum Complaint for Mental Injury and Intentional Emotional Distress IIED Elements of Fact; Points and Authorities IIED Elements</i>
11/07/2017	 Summons Filed by: Counter Defendant Holmes, Wilbert R <i>[7] Summons</i>
11/20/2017	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Defendant Miller, Ernest; Counter Claimant Holmes, Capucine Y; Defendant Detroit Connection Inc Board of Directors <i>[8] Affidavit of Service</i>
01/24/2018	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Counter Claimant Holmes, Capucine Y <i>[9] Affidavit of Service</i>
01/26/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[10] Addendum Complaint for Mental Injury and Intentional Infliction of Emotional Distress; Points and Authorities From News Article Interview</i>
01/26/2018	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Defendant Miller, Ernest <i>[11] Affidavit of Service</i>
01/27/2018	 Affidavit of Attempted Service Filed By: Counter Defendant Holmes, Wilbert R <i>[12] Not Found Affidavit</i>















# CASE SUMMARY

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01/29/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[13] Motion for to Set Court Hearing Date</i>
02/05/2018	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Holmes, Capucine Y <i>[14] Application to Proceed in Forma Pauperis (Confidential)</i>
03/04/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[15] Addendum Complaint for Mental Injury and Intentional Emotional Distress; Points and Authorities</i>
03/09/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[16] Addendum (A1) Complaint for Mental Injury and Intentional Emotional Distress; Points and Authorities from News Article Interview</i>
03/10/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[17] Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/10/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[18] Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/10/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[19] Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/12/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[20] Addendum (Medical Detail A) Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
03/15/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[21] Motion to Set Case Conference Date</i>
03/22/2018	 Motion to Set Trial Date Filed By: Counter Defendant Holmes, Wilbert R <i>[22] Motion for to Set Trial Date; Complaint for Intentional and Negligent Emotional Distress</i>
04/12/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[23] Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
04/12/2018	 Addendum <i>[24] Addendum (A2) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>

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04/30/2018	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[25] Addendum (4) Complaint for Mental Injury and Intentional and Negligent Infliction of Emotional Distress; Points and Authorities</i>
05/15/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[26] Motion for Case Conference Date</i>
05/30/2018	 Default Filed By: Counter Defendant Holmes, Wilbert R Default Prty: Defendant Miller, Ernest <i>[27] Default</i>
06/05/2018	 Notice of Default Filed By: Counter Defendant Holmes, Wilbert R <i>[28] Entry of Default</i>
06/11/2018	 Motion for Default Judgment Filed By: Counter Defendant Holmes, Wilbert R <i>[29] Motion for Judgement by Default</i>
06/25/2018	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Holmes, Capucine Y <i>[30] Initial Appearance Fee Disclosure (NRS Chapter 19)</i>
06/25/2018	 Order to Proceed In Forma Pauperis Granted for: Counter Claimant Holmes, Capucine Y <i>[31] Order to Proceed in Forma Pauperis (Confidential)</i>
06/25/2018	 Motion to Dismiss Filed By: Counter Claimant Holmes, Capucine Y <i>[32] Motion to Dismiss Complaint</i>
06/29/2018	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[33] Motion for Telephonic Appearance</i>
07/16/2018	 Notice of Rescheduling of Hearing <i>[34] Notice of Rescheduling of Hearing</i>
07/24/2018	 Amended Complaint <i>[35] Amended Complaint for Intentional and Negligent Emotional Distress; Points and Authorities</i>
07/25/2018	 Summons Electronically Issued - Service Pending <i>[36] Summons (Electronically Issued Only)</i>
07/26/2018	 Affidavit of Service Filed By: Counter Defendant Holmes, Wilbert R Party Served: Defendant Miller, Ernest <i>[37] Affidavit of Service</i>
07/27/2018	 Opposition to Motion



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[38] Plaintiff's Opposition to Motion to Dismiss; Points and Authorities

08/29/2018



Order Denying Motion

Filed By: Counter Claimant Holmes, Capucine Y

[39] Order Denying Plaintiff's Motion for Default Judgment and Denying Defendant's Motion to Dismiss Complaint

09/05/2018



Notice of Entry of Order

[40] Notice of Entry of Order

09/11/2018



Answer and Counterclaim

Filed By: Counter Claimant Holmes, Capucine Y

[41] Defendant Capucine Y. Holmes' Answer and Counterclaim; Arbitration Exemption Claimed: Counterclaim Seeks Declaratory and Injunctive Relief

09/26/2018



Affidavit of Attempted Service

Filed By: Counter Defendant Holmes, Wilbert R

[42] Not Found Affidavit

10/18/2018



Notice of Appearance

Party: Counter Defendant Holmes, Wilbert R

[43] Notice of Appearance

10/24/2018



Answer to Counterclaim

[44] Counter Answer and Affirmative Defenses

12/05/2018



Affidavit in Support

Filed By: Counter Defendant Holmes, Wilbert R

[45] Affidavit in Support of Default Detroit Connection Inc

12/05/2018



Affidavit in Support

Filed By: Counter Defendant Holmes, Wilbert R

[46] Affidavit in Support of Default Capucine Y Holmes

12/05/2018



Affidavit in Support

Filed By: Counter Defendant Holmes, Wilbert R

[47] Affidavit in Support of Default Lawrence Lee

12/05/2018



Affidavit in Support

Filed By: Counter Defendant Holmes, Wilbert R

[48] Affidavit in Support of Default Ernest H Miller

12/05/2018



Affidavit in Support

Filed By: Counter Defendant Holmes, Wilbert R

[49] Affidavit in Support of Default Tommy Cason

12/05/2018



Affidavit in Support

Filed By: Counter Defendant Holmes, Wilbert R

[50] Affidavit in Support of Default Calvin Connor

03/06/2019
















Request

Filed by: Counter Defendant Holmes, Wilbert R

[51] Request for (Application) Entry of Default; Court Judgment















# CASE SUMMARY

CASE NO. A-17-760443-C

03/10/2019	 Request Filed by: Counter Defendant Holmes, Wilbert R <i>[52] Request for (Application) Entry of Default; Court Judgment</i>
03/10/2019	 Request Filed by: Counter Defendant Holmes, Wilbert R <i>[53] Request for (Application) Entry of Default; Court Judgment</i>
03/18/2019	 Notice of Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[54] Notice of Motion</i>
03/19/2019	 Clerk's Notice of Hearing <i>[55] Notice of Hearing</i>
04/15/2019	 Notice of Early Case Conference Filed By: Counter Defendant Holmes, Wilbert R <i>[56] Notice of Early Case Conference</i>
04/18/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[57] Addendum A7; Content and Authorities</i>
04/29/2019	Administrative Reassignment - Judicial Officer Change <i>To Judge Jacqueline M. Bluth</i>
05/06/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[58] Motion to Set Default Hearing Date</i>
05/13/2019	 Motion for Default Judgment Filed By: Counter Defendant Holmes, Wilbert R <i>[59] Motion for Default Judgment</i>
05/13/2019	 Application to Proceed in Forma Pauperis Filed By: Counter Defendant Holmes, Wilbert R <i>[60] Application to Proceed in Forma Pauperis to Include Court Call Appearances (Confidential)</i>
05/13/2019	 Clerk's Notice of Hearing <i>[61] Notice of Hearing</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>[62] Affidavit in Support of Default Calvin Connor</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>[63] Affidavit in Support of Default Lawrence Lee</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>[64] Affidavit in Support of Default Tommy Cason</i>

# CASE SUMMARY

CASE NO. A-17-760443-C

06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>[65] Affidavit in Support of Default Ernest H Miller</i>
06/05/2019	 Affidavit in Support Filed By: Counter Defendant Holmes, Wilbert R <i>[66] Affidavit in Support of Default Detroit Connection, Inc.</i>
06/05/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[67] Addendum Final 10; Contents and Authorities</i>
06/10/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[68] Addendum A1A; Contents and Authorities</i>
06/13/2019	 Order to Withdraw as Attorney of Record Filed by: Counter Defendant Holmes, Wilbert R <i>[69] Order to Withdraw as Attorney of Record</i>
06/13/2019	 Notice of Entry Filed By: Counter Defendant Holmes, Wilbert R <i>[70] Notice of Entry of Order to Withdraw as Attorney of Record</i>
06/20/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[71] Motion for Video Hearing Requested</i>
06/21/2019	 Clerk's Notice of Hearing <i>[72] Notice of Hearing</i>
07/31/2019	 Audiovisual Transmission Equipment Appearance Request <i>[73] Audio Visual Transmission Equipment Appearance Request</i>
07/31/2019	 Audiovisual Transmission Equipment Appearance Request <i>[74] Audiovisual Transmission Equipment Appearance Request</i>
08/05/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[75] Addendum B1; Contents and Authorities</i>
08/10/2019	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[76] Addendum C1; Contents and Authorities</i>
08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>[77] Not Found Affidavit</i>
08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>[78] Not Found Affidavit</i>















# CASE SUMMARY

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08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>[79] Not Found Affidavit</i>
08/27/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>[80] Not Found Affidavit</i>
08/28/2019	 Not Found Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>[81] Not Found Affidavit</i>
08/30/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[82] Motion Request for Service by Publication</i>
08/30/2019	 Motion <i>[83] Motion Request for Service by Publication</i>
08/30/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[84] Motion Request for Service by Publication</i>
08/30/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[85] Motion and Request for Service by Publication (Unsigned)</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[86] Motion Request for Service by Publication</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[87] Motion Request for Service by Publication</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[88] Motion Request for Service by Publication</i>
09/09/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[89] Motion Request for Service by Publication</i>
09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[90] Motion Request for Service by Publication; Hearing Requested</i>
09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[91] Motion Hearing Requested Request for Service by Publication; Hearing Requested</i>
09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[92] Motion Request for Service by Publication; Hearing Requested</i>
















# CASE SUMMARY

CASE NO. A-17-760443-C

09/16/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[93] Motion Hearing Requested Request for Service by Publication; Hearing Requested</i>
09/16/2019	 Clerk's Notice of Hearing <i>[94] Notice of Hearing</i>
11/04/2019	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[95] Motion Motion for Court to Review Service Attempts to Defendants</i>
12/04/2019	 Clerk's Notice of Hearing <i>[96] Notice of Hearing</i>
01/09/2020	 Notice of Hearing <i>[97] Notice of Hearing Scheduling Status Check: Status of Case</i>
02/05/2020	 Notice of Department Reassignment <i>[98] Notice of Department Reassignment</i>
02/06/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[99] Miscellaneous Filing - My Expressive Letter (non-conforming missing case caption)</i>
02/06/2020	 Notice of Change of Address Filed By: Counter Defendant Holmes, Wilbert R <i>[100] Notice of Change of Address</i>
02/09/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[101] Miscellaneous Filing - Response Addendum A1 to 02/04/2020 Minute Order (3:15 PM) (Judicial Office Bell, Linda Marie)</i>
02/10/2020	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[102] Defendant's Motion for Early Release from Probation</i>
02/20/2020	 Order to Show Cause <i>[103] Order to Show Cause</i>
02/21/2020	 Clerk's Notice of Nonconforming Document and Curative Action <i>[104] Clerk's Notice of Nonconforming Document and Curative Action</i>
02/22/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[105] Miscellaneous Filing - Addendum A2 Response to Minutes of 02/04/2020 Minute Order (3:15 PM) (Judicial Office Bell, Linda Marie) (non-conforming - missing case caption)</i>
02/23/2020	 Notice of Appeal Filed By: Counter Defendant Holmes, Wilbert R <i>[106] Notice of Appeal</i>

# CASE SUMMARY

CASE NO. A-17-760443-C

02/25/2020	 Case Appeal Statement Filed By: Counter Defendant Holmes, Wilbert R <i>[107] Case Appeal Statement</i>
03/10/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[108] Miscellaneous Filing - IDENTITY FACTS ABOUT CAPUCINE Y HOLMES</i>
03/16/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[109] Miscellaneous Filing - medical letter by Dr. Briggs</i>
04/20/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[110] Addendum C1; Contents and Authorities</i>
04/30/2020	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[111] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
05/09/2020	 Affidavit Filed By: Counter Defendant Holmes, Wilbert R <i>[112] Affidavit</i>
05/13/2020	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[113] Motion to Set Court Hearing Date; Hearing Requested</i>
05/18/2020	 Decision and Order <i>[114] Decision and Order</i>
05/19/2020	 Notice of Department Reassignment <i>[115] Notice of Department Reassignment</i>
05/19/2020	 Clerk's Notice of Hearing <i>[116] Notice of Hearing</i>
05/21/2020	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[117] Miscellaneous Filing - My Expressive Letter</i>
05/27/2020	 Clerk's Notice of Nonconforming Document <i>[118] Clerk's Notice of Nonconforming Document</i>
05/27/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[119] Miscellaneous Filing - Addendum B1 My Expressive Letter</i>
06/08/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R <i>[122] Addendum C1; Contents and Authorities</i>
06/08/2020	 Addendum Filed By: Counter Defendant Holmes, Wilbert R

# CASE SUMMARY

CASE NO. A-17-760443-C

*[123] Correct Addendum C1; Contents and Authorities*

06/11/2020



Notice of Hearing

*[124] Notice of Hearing*

06/14/2020



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R

*[125] Miscellaneous Filing - Addendum D1*

07/08/2020



Notice of Rescheduling of Hearing

*[126] Notice of Rescheduling of All Matters*

08/18/2020



Notice of Appearance

Party: Counter Defendant Holmes, Wilbert R

*[127] Notice of Entry of Appearance*

10/05/2020



Joint Case Conference Report

Filed By: Counter Defendant Holmes, Wilbert R

*[128] Joint Case Conference Report*

11/23/2020



Certificate of Electronic Service

Filed By: Counter Defendant Holmes, Wilbert R

*[129] Certificate of Electronic Service of: Plaintiff's Responses to Defendant's [Capucine Y. Holmes'] First Requests for Admission*

01/19/2021



Amended Order

*[130] Amended Order to Appear for Mandatory Discovery Conference*

01/27/2021



Notice of Compliance

Party: Counter Claimant Holmes, Capucine Y

*[131] Notice of Compliance*

01/27/2021



Notice of Compliance

Party: Counter Defendant Holmes, Wilbert R

*[132] Plaintiff's Notice of Compliance*

02/05/2021



Scheduling and Trial Order

*[133] Scheduling Order and Order Setting Civil Bench Trial and Calendar Call*

02/25/2021



Request

Filed by: Counter Defendant Holmes, Wilbert R

*[134] Request for Earlier Hearing Date*

04/22/2021



Clerk's Notice of Hearing

*[136] Notice of Hearing*

05/18/2021



Opposition to Motion

Filed By: Counter Claimant Holmes, Capucine Y

*[137] Capucine Y. Holmes' Opposition to Motion to Amend*

06/25/2021














Order

Filed By: Counter Claimant Holmes, Capucine Y

*[139] Order re: Plaintiff's Motion to Amend Complaint*

# CASE SUMMARY

CASE NO. A-17-760443-C

06/28/2021	 Notice of Entry of Order <i>[140] Notice of Entry of Order</i>
07/07/2021	 Supplement to Opposition <i>[141] Capucine Y. Holmes' Supplemental Opposition to Motion to Amend</i>
08/02/2021	 Notice <i>[142] Instruction for Bluejeans Videoconferencing</i>
08/09/2021	 Order Filed By: Counter Claimant Holmes, Capucine Y <i>[143] Order Striking Plaintiff's Motion to Amend Complaint and Striking Amended Complaint</i>
08/09/2021	 Notice of Entry of Order Filed By: Counter Claimant Holmes, Capucine Y <i>[144] Notice of Entry of Order</i>
09/07/2021	Case Reassigned to Department 17 <i>From Judge Jacqueline Bluth to Judge Michael Villani</i>
09/17/2021	 Notice of Rescheduling of Hearing <i>[145] Notice of Rescheduling of Hearing</i>
10/05/2021	 Stipulation and Order Filed by: Counter Claimant Holmes, Capucine Y <i>[146] Stipulation and Order to Continue Dates for Calendar Call &amp; Trial</i>
10/05/2021	 Notice of Entry of Order Filed By: Counter Claimant Holmes, Capucine Y <i>[147] Notice of Entry of Order</i>
10/06/2021	 Amended Order Setting Civil Non-Jury Trial <i>[148] Amended Order Setting Civil Bench Trial and Calendar Call</i>
10/11/2021	 Motion for Summary Judgment Filed By: Counter Claimant Holmes, Capucine Y <i>[149] Motion for Summary Judgment; Hearing Requested</i>
10/12/2021	 Clerk's Notice of Hearing <i>[150] Notice of Hearing</i>
11/11/2021	 Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[151] Motion for Motion to Adjourn the November 16 Hearing on Defendant's Motion for Summary Disposition and for an Extension to File an Answer to that Motion.; Hearing Requested</i>
11/12/2021	 Opposition to Motion Filed By: Counter Defendant Holmes, Wilbert R <i>[152] Opposition to Motion for Summary Judgment 11/16/2021</i>
11/12/2021	 Reply to Opposition



# CASE SUMMARY

CASE NO. A-17-760443-C

*[153] Reply to Plaintiff's Opposition to Motion for Summary Judgment 11/16/2021*

12/01/2021



Notice of Appeal

Filed By: Counter Defendant Holmes, Wilbert R

*[154] Notice of Appeal*

12/03/2021



Case Appeal Statement

Filed By: Counter Defendant Holmes, Wilbert R

*[155] Case Appeal Statement*

12/09/2021



Order Granting Summary Judgment

Filed By: Counter Claimant Holmes, Capucine Y

*[156] Order Granting Summary Judgment*

12/09/2021



Notice of Entry of Judgment

Filed By: Counter Claimant Holmes, Capucine Y

*[157] Notice of Entry of Judgment*

12/13/2021



Acknowledgment

*[158] Note: This is the Complaint that Was Decided in My Behalf by the Honorable Judge Caddish; Amended Complaint for Intentional and Negligent Emotional Distress; Points and Authorities*

12/16/2021



Motion to Stay

Filed By: Counter Defendant Holmes, Wilbert R

*[159] Motion Motion to Stay Summary Judgment of 11/30/2021; Hearing Requested*

12/17/2021



Document Filed

*[160] Documentation in Support of Request for Fees and Costs*

12/21/2021



Notice of Appeal

Filed By: Counter Defendant Holmes, Wilbert R

*[161] Notice of Appeal*

12/27/2021



Case Appeal Statement

Filed By: Counter Defendant Holmes, Wilbert R

*[162] Case Appeal Statement*

01/03/2022



Order

*[163] Order Awarding Attorney Fees & Costs*

01/04/2022



Notice of Entry of Order

Filed By: Counter Claimant Holmes, Capucine Y

*[164] Notice of Entry of Order*

01/04/2022



Application for Default Judgment

*[165] Application for Entry of Default and Supporting Affidavit*

01/04/2022



Motion for Default Judgment

Filed By: Counter Defendant Holmes, Wilbert R

*[166] Motion for Default Judgment*

01/04/2022



Notice of Entry of Default

Party: Counter Defendant Holmes, Wilbert R

# CASE SUMMARY

CASE NO. A-17-760443-C

[167] Entry of Default (Unsigned)

01/05/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R

[168] Miscellaneous Filing - Acknowledgment of News Article

01/05/2022



Notice of Appeal

Filed By: Counter Defendant Holmes, Wilbert R

[169] Notice of Appeal

01/07/2022



Case Appeal Statement

[170] Case Appeal Statement

01/11/2022



Notice of Appeal

Filed By: Counter Defendant Holmes, Wilbert R

[171] Notice of Appeal

01/11/2022



Notice of Appeal

Filed By: Counter Defendant Holmes, Wilbert R

[172] Notice of Appeal

01/12/2022



Application to Proceed in Forma Pauperis

Filed By: Counter Defendant Holmes, Wilbert R

[173] Application to Proceed in Forma Pauperis (Confidential)

01/12/2022



Order to Proceed In Forma Pauperis

[174] Order to Proceed in Forma Pauperis (Confidential)

01/13/2022



Case Appeal Statement

[175] Case Appeal Statement

01/13/2022



Case Appeal Statement

[176] Case Appeal Statement

02/01/2022



NV Supreme Court Clerks Certificate/Judgment - Dismissed

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

02/25/2022



Motion for Default Judgment

Filed By: Counter Defendant Holmes, Wilbert R

[178] Motion Hearing Requested for Default Judgment; Hearing Requested

02/28/2022



Clerk's Notice of Hearing

[179] Notice of Hearing

03/23/2022



NV Supreme Court Clerks Certificate/Judgment - Dismissed

[180] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed; Rehearing Denied

04/05/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R

[181] Case Summary Re: 3/8/2022 Motion for Default Judgment

04/05/2022



Request

# CASE SUMMARY

CASE NO. A-17-760443-C

Filed by: Counter Defendant Holmes, Wilbert R  
[182] Re- Notice of Motion Hearing Requested for Default Judgment; Hearing Requested

04/05/2022



Motion

Filed By: Counter Defendant Holmes, Wilbert R  
[183] Re-Notice of Motion Hearing Requested for Default Judgment; Hearing Requested

04/18/2022



Clerk's Notice of Hearing

[184] Notice of Hearing

05/24/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[185] Required documents showing affidavit documents unavailable from doctors

05/24/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[186] Required documents showing affidavit documents unavailable from doctors - Calm Clinic

06/18/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[187] Medical Records

06/18/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[188] Letter

06/18/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[189] Medical Release Form

06/18/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[190] Letter

06/18/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[191] Register of Actions

06/18/2022



Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[192] Medical Records

06/18/2022



Affidavit of Service

Filed By: Counter Defendant Holmes, Wilbert R  
[193] Affidavit of Service

06/18/2022



Notice

Filed By: Counter Defendant Holmes, Wilbert R  
[194] Re-Notice Motion Hearing Requested for Default Judgment; Hearing Requested

06/21/2022















Miscellaneous Filing

Filed by: Counter Defendant Holmes, Wilbert R  
[195] Supporting Document for Eh Miller Default Judgement






# CASE SUMMARY

CASE NO. A-17-760443-C

07/07/2022	 Notice of Withdrawal Filed By: Counter Defendant Holmes, Wilbert R <i>[196] Notice of Withdrawal of Counsel</i>
07/17/2022	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[197] Miscellaneous Documents</i>
07/18/2022	Administrative Reassignment - Judicial Officer Change <i>Cases Reassigned from Judge Michael Villani to Vacant, DC 17</i>
07/21/2022	 Order <i>[198] Order Denying Motion for Default Judgment</i>
12/30/2022	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[199] Request Common Term wording for decision made</i>
12/30/2022	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[200] Addendum to Motion for Clarification filing</i>
12/31/2022	 Miscellaneous Filing <i>[201] Motion for Clairifacation Addendum 2a</i>
01/01/2023	 Miscellaneous Filing Filed by: Counter Defendant Holmes, Wilbert R <i>[202] Mot for Clar for Rda APpeal Denial Adden 5</i>
01/03/2023	Case Reassigned to Department 11 <i>Pursuant to Administrative Order 22-14 - Reassigned to Judge Anna Albertson</i>
01/24/2023	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[203] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed in Part and Affirmed in Part</i>
08/29/2023	 Motion to Set Aside Default Judgment Filed By: Counter Defendant Holmes, Wilbert R <i>[204] Motion to Set Aside Order, Judgment, and/or Default Notice of Motion</i>
09/15/2023	 Notice of Hearing Filed By: Counter Defendant Holmes, Wilbert R <i>[205] Notice of Hearing</i>
10/06/2023	 Opposition to Motion Filed By: Counter Claimant Holmes, Capucine Y <i>[206] Capucine Holmes' Opposition to Plaintiff's Motion to Set Aside Order, Judgment, and/or Default</i>
11/02/2023	 Notice Filed By: Counter Defendant Holmes, Wilbert R <i>[207] Notice Of Intent To Appear By Electronic Equipment</i>

# CASE SUMMARY

CASE NO. A-17-760443-C

11/09/2023	 Notice of Appeal Filed By: Counter Defendant Holmes, Wilbert R <i>[208] Notice of Appeal</i>
11/20/2023	 Case Appeal Statement <i>[209] Case Appeal Statement</i>
12/17/2023	 Order Filed By: Counter Claimant Holmes, Capucine Y <i>[210] Order Denying Plaintiff's Motion to Set Aside Order, Judgment, and/or Default</i>
12/18/2023	 Notice of Appeal Filed By: Counter Defendant Holmes, Wilbert R <i>[211] APPEAL OF UNJUST ORDER THE CASE</i>
12/19/2023	 Case Appeal Statement <i>Case Appeal Statement</i>

## **DISPOSITIONS**

01/09/2020	<b>Order of Dismissal</b> (Judicial Officer: Bluth, Jacqueline M.) Debtors: Wilbert R Holmes (Plaintiff) Creditors: Detroit Connection Inc Board of Directors (Defendant), Tommy Cason (Defendant), Lawrence Lee (Defendant), Calvin Connor (Defendant) Judgment: 01/09/2020, Docketed: 06/11/2020
04/30/2020	<b>Clerk's Certificate</b> (Judicial Officer: Bell, Linda Marie) Debtors: Wilbert R Holmes (Plaintiff) Creditors: Ernest Miller (Defendant), Capucine Y Holmes (Defendant), Detroit Connection Inc Board of Directors (Defendant), Tommy Cason (Defendant), Lawrence Lee (Defendant), Calvin Connor (Defendant) Judgment: 04/30/2020, Docketed: 05/01/2020 Comment: Appeal Dismissed - Supreme Court No 80667
12/09/2021	<b>Summary Judgment</b> (Judicial Officer: Villani, Michael) Debtors: Wilbert R Holmes (Plaintiff) Creditors: Capucine Y Holmes (Defendant) Judgment: 12/09/2021, Docketed: 12/13/2021 Comment: Certain Causes
01/03/2022	<b>Order</b> (Judicial Officer: Villani, Michael) Debtors: Wilbert R Holmes (Plaintiff) Creditors: Capucine Y Holmes (Defendant) Judgment: 01/03/2022, Docketed: 01/04/2022 Total Judgment: 22,235.69
02/01/2022	<b>Clerk's Certificate</b> (Judicial Officer: Villani, Michael) Debtors: Wilbert R Holmes (Plaintiff) Creditors: Ernest Miller (Defendant), Capucine Y Holmes (Defendant) Judgment: 02/01/2022, Docketed: 02/03/2022 Comment: Supreme Court No. 84005 Appeal Dismissed
03/23/2022	<b>Clerk's Certificate</b> (Judicial Officer: Villani, Michael) Debtors: Wilbert R Holmes (Plaintiff) Creditors: Ernest Miller (Defendant), Capucine Y Holmes (Defendant) Judgment: 03/23/2022, Docketed: 03/25/2022 Comment: Supreme Court No. 84065 Appeal Dismissed

**CASE SUMMARY****CASE NO. A-17-760443-C****HEARINGS**

10/10/2017

**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)**10/10/2017, 11/07/2017***Plaintiff's Motion for to Set Court Hearing Date*

Matter Continued;

Denied;

Journal Entry Details:

*Present via Court Call, Plaintiff Wilbert R. Holmes. Court stated it's unclear as to why matters were calendared and inquired if Defendant's have been served. Mr. Holmes stated they've been served by service of process and he has copies. Court stated there is no proof of service in the case. Mr. Holmes inquired as to what should be done, as he did what he was instructed to do by the Self Help Center. Court stated, if served, file proof and they will have 20 days to file a response; either they respond and the case goes forward, or if no response, proceed with the default. Colloquy regarding today's proceedings, service and the process Plaintiff must go through for the case. COURT ORDERED, no particular relief is being granted today; Plaintiff can proceed with his case and is directed to contact the Self Help Center.;*

Matter Continued;

Denied;

Journal Entry Details:

*Court noted Plaintiff is Pro Per and filed a Motion on October 2, 2017 seeking to continue this hearing. COURT ORDERED, matter CONTINUED. Court directed Plaintiff to Re-Notice the hearing to the Defendants. CONTINUED TO: 11/7/17 8:30 A.M. CLERK'S NOTE: A copy of the foregoing minute order has been mailed to Ernest Miller 10550 Pattington Ct, Las Vegas, Nevada 89183. (10/11/17 ks);*

03/13/2018

**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)*Plaintiff's Motion for to Set Court Hearing Date*

Denied;

Journal Entry Details:

*Present via Court Call, Plaintiff Wilbert R. Holmes. Court noted the absence of Mr. Fontano and inquired if matters were served on the Defendant's. Mr. Homes stated it was. Court stated the motion filed by the Plaintiff is not the way to get things scheduled for a hearing; Plaintiff is trying to get a trial date, which is understood by the Court, but he must first have a case conference and submit a case conference report under rule 16.1 of the NRCP, for which there are requirements in the report in regards to discovery schedules, and once ready for trial, then a scheduling order is obtained from the Court that sets the case for trial; the motion filed by the plaintiff is not the process to get that done. Mr. Holmes stated he was just following the instructions of the Self Help Center and that's what he was told to do. Court noted they may have misunderstood the current status of the case; it appears Defendant Capucine Holmes has counsel and has submitted a request to proceed In forma pauperis status, which will be looked at, and it's believed she's intending to file something in the case. Court suggested Mr. Homes look at rule 16.1 of the NRCP's in regards to when an ECC needs to be held, and when a discovery schedule needs to be submitted in the form of a case conference report to get things scheduled and moving ahead; there's a process you must go through to get the schedule in place before the case comes up for trial; look at NRCP 16.1. COURT ORDERED, Plaintiff's Motion to Set Court Hearing Date DENIED. ;*

03/26/2018

**Minute Order** (10:00 AM) (Judicial Officer: Cadish, Elissa F.)

Minute Order - No Hearing Held;

Journal Entry Details:



*On March 13, 2018, after considering and denying Plaintiff's January 29, 2018 Motion for to Set Court Hearing Date, this Court instructed the Plaintiff in open court that before a trial date can be set, Plaintiff must comply with the requirements of Nevada Rules of Civil Procedure ( NRCP ), including Rules 16 and 16.1. On March 22, 2018, Plaintiff filed a new Motion to Set Trial Date. As the Court has already ruled on this same substantive issue, the hearing set for April 24, 2018 is hereby VACATED. Plaintiff must have an early case conference, submit a Joint Case Conference Report, complete a discovery plan, and complete any other requirements of the NRCP; only then can a trial date be set. CLERK'S NOTE: This Minute Order has been electronically served by Courtroom Clerk, Kory Schlitz, to all registered parties for Odyssey File & Serve. (3-26-18);*

04/24/2018

**CANCELED Motion to Set Trial Date** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

# CASE SUMMARY

CASE NO. A-17-760443-C

	<p><i>Vacated - per Judge</i>  <i>Plaintiff's Motion to Set Trial Date</i></p>
06/19/2018	<p><b>CANCELED Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  <i>Vacated</i>  <i>motion to set case conference date</i></p>
07/31/2018	<p><b>Motion for Default Judgment</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  <i>Plaintiff's Motion for Judgment by Default</i>            Denied Without Prejudice;</p>
07/31/2018	<p><b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)  <i>Defendant, Capucine Y. Holmes' Motion to Dismiss Complaint</i>            Denied;</p>
07/31/2018	<p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)</p> <p><b>MINUTES</b>            Matter Heard;            Journal Entry Details:  <i>Defendant, Capucine Y. Holmes' Motion to Dismiss Complaint Pltf's Motion for Judgment by Default Mr. Fontano argued to dismiss claims. Opposition by Mr. Holmes. Argument that he was not admitted to a social event and the emotional distress he suffered from the incident. Court finds that Ms. Holmes was involved and made representations that she was in danger. COURT ORDERED, motion to dismiss, DENIED. Mr. Holmes stated he was seeking \$300,000.00 in damages and \$5,000.00 in costs. Court instructed Mr. Holmes to file Default first to include amount seeking, to address each Defendant, and include Affidavits. COURT ORDERED, motion for default judgment, DENIED WITHOUT PREJUDICE as not properly submitted with supporting documents.;</i></p>
10/08/2018	<p><b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Cadish, Elissa F.)  <i>Vacated</i></p>
04/23/2019	<p> <b>Motion for Default Judgment</b> (8:30 AM) (Judicial Officer: Bluth, Jacqueline M.)</p> <p><b>04/23/2019, 04/30/2019</b>  <i>Notice of Motion for Default Judgment</i>            Continued;            Denied;            Journal Entry Details:  <i>Present via Court Call, Plaintiff Wilbert Holmes. Court noted the notice of motion for default judgment has been seen as well as the prior order of August 29, 2018, stated findings and ORDERED, Motion for Default Judgment DENIED. Court noted there's a \$65 Court Call fee for each time the system is used for which Plaintiffs order to proceed in Forma Pauperis did not consider and ORDERED, the fee is WAIVED for today's proceedings; Plaintiff's to appear in Court for future proceedings, pay the \$65 fee or send in a new request to include the Court Call fees. Mr. Holmes stated he will do what's necessary and inquired as to the type of detail necessary for the claim's. Colloquy. Court stated questions and decisions will be left up to Mr. Holmes. Mr. Holmes advised he's bed ridden and would have to appear on a gurney; the only reason for the use of Court Call is based upon his physical and mental status. Court stated a doctors note is needed Plaintiff's 100% bed ridden and cannot leave home under any circumstances. Mr. Holmes stated he cannot get that from any doctor. Court stated if documentation cannot be obtained, Plaintiff must come to Court. ;</i>            Continued;            Denied;            Journal Entry Details:  <i>Appearing via Court Call, Plaintiff Wilbert R. Holmes, and appearing on behalf of Plaintiff, Attorney Susan Reyes. Ms. Reyes advised a letter was received April 19th releasing Mr. Mueller's firm as counsel. Mr. Holmes agreed, stating counsel was discharged a long time ago. COURT ORDERED, Craig Mueller WITHDRAWN as counsel. Colloquy regarding basis of Motion for Judgment by Default, proceedings of July 31, 2018, affidavits, certificates of mailing, service, communications with Attorney James a. Fontano. After looking at the paperwork, Court notes the main issue is there must be proof of service before Plaintiff can proceed with default judgments on anyone and ORDERED proceedings CONTINUED; the</i></p>

# CASE SUMMARY

CASE NO. A-17-760443-C

status of the case will be discussed with the new Judge and the Court will go to the Self Help Office to show them the paperwork from Plaintiff's file to determine what's missing, as it does not appear there's service on any of the Defendants except for Ernest Miller and Plaintiff's wife. Colloquy regarding affidavits of service. Court stated the Court will go to the Self Help Office to determine what they are talking about and the Court will even go to the Clerk's Office to make sure we have everything; all the Court has is the motion for default as it applies to Ernest Miller; the Court will get a copy of what's in the file, and go to the Self Help Desk and determine what kind of information they are giving you, and then will speak with the new Judge. Mr. Holmes stated he would just like a default. COURT ORDERED, matter CONTINUED; Court will inform Plaintiff what's not in the file, that needs to be in the file before default can be entered. 4-30-19 9:30 AM Notice of Motion;

06/18/2019



**Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

Motion to set Default

Denied;

Journal Entry Details:

Appearing via Court Call, Plaintiff Wilbert R. Holmes. Court stated Judge Cadish found proper service was affected on Ernest Miller, and the only thing to look at is whether the damages sought have been proven; discussions were had before between the Court and Mr. Holmes that it will take a bit more than what's been provided and it was discussed about having Mr. Holmes to be able to be sworn under oath to testify to the damages requested, which will be more than just the letter provided. Court inquired of Mr. Holmes as to the status of matters. Mr. Holmes stated he's submitted filings detailing his situation; in regards to the award or requested default which are highlighted in red, all instructions by Judge Cadish have been followed and all the information is there. Court inquired if Mr. Holmes has a therapist that can come in to testify as to how this affects him. Mr. Holmes inquired if matters can be done telephonically as he has seizures, advising the documents have been sent and he's not avoiding coming in. Colloquy regarding content of letters in regards to the health issues of Mr. Holmes dated March 18, 2019 and June 14, 2018. Court admonished there are rules and the Court cannot just accept letters in regards to damages, directing Mr. Holmes to either set up video deposition for him to be sworn to assess the damages; just providing letters to the Court will not work. Mr. Holmes inquired if the Court saw the filing of June 10, 2019, stating he feels like a victim. Court stated what's being said is there are certain procedures that have to be followed, a witness is needed to be sworn and some type of documents presented to prove up the amounts. Court directed Mr. Holmes to contact the legal aid center as the Court cannot provide advice. Mr. Holmes stated he does not need legal advice, it's just needed to be known what needs to be done to get this default of \$50,000.00 times six; damages suffered behind what those people did. Court stated the process has been explained and if Mr. Holmes would like to prove up the damages by calling a Doctor or setting up a video conference to swear him to lay a foundation why these amounts are appropriate; its up to you to set it up. Mr. Holmes stated he will do what's necessary and set up a video conference. Court stated those would be the individuals Mr. Holmes would like to call as witness to support his case; a human being is needed to come in and testify to support the claims for damages; contact the Legal Aid Center if help is needed and counsel cannot be afforded. Mr. Holmes stated he tried that and they said they don't handle these types of cases; just being bounced around, feeling penalized and my feelings don't mean anything. COURT ORDERED, Motion To Set Default DENIED. ;

08/06/2019



**Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

08/06/2019, 08/27/2019

Motion for Video

Continued;

Matter Resolved;

Journal Entry Details:

Mr. Holmes stated he has his witnesses. Court noted proceedings are to address the Plaintiffs damages. Testimony Presented (See Worksheet). Colloquy between Court and Mr. Holmes regarding the continuation of proceedings for the testimony of the Doctor. COURT ORDERED, Plaintiff is to place the matter on calendar when the Doctor's available for testimony on a Tuesday at 11:00 AM; current witnesses need not reappear. Colloquy. Court noted the receipt of affidavits, but there's not proper service; default was only entered against Mr. Miller; Plaintiff is directed to follow the proper service mechanisms and to place the matter back on calendar once he figures out the next court date.;

Continued;

Matter Resolved;

Journal Entry Details:



# CASE SUMMARY

CASE NO. A-17-760443-C

Court noted I.T. has been trying for awhile to get the video conference working to be able to see the Plaintiff, nothing is coming through, I.T. says the system is shot, new equipment will have to be obtained, the hearing cannot be held, the Court apologizes for any inconvenience and ORDERED, matter CONTINUED. 8-27-19 9:30 AM MOTION FOR VIDEO CLERK'S NOTE: The above minute order has been distributed to: Wilbert R. Holmes, 10550 Partington Ct., Las Vegas Nv. 89183. kar 8/7/19;

10/22/2019



**Motion** (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Request for Service by Publication*

Denied;

Journal Entry Details:

*Present via Court Call, Plaintiff Wilbert R. Holmes. Argument in support of Request For Service By Publication by Mr. Holmes. Court stated findings and ORDERED, Request For Service By Publication DENIED. ;*

01/09/2020



**Motion** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Plaintiff's Motion for Court to Review Service Attempts to Defendants*

Minute Order - No Hearing Held;

Journal Entry Details:

*Pursuant to EDCR 2.23 and this Court having reviewed the pleading filed, Plaintiff's Motion for Court to Review Service Attempts to Defendants is hereby DENIED. At the hearing on October 22, 2019, Plaintiff was ordered to show good cause why the unserved defendants were not served within the 120 days of the filing of the Complaint as required by NRCP 4(e). This Court having reviewed the attachments finds that no good cause has been shown as to why defendants Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. were not served within the 120 day limit. The proof of failed personal service attempts is not sufficient to show good cause as to why the defendants were not served by alternate means within the statutory period. NRCP 4.2 provides for methods of service for individuals and entities in Nevada, including service via the Nevada Secretary of State for entities. Additionally, NRCP 4.4 provides for alternative methods of service if personal service cannot be completed, such as service by publication. The Plaintiff has not shown that he moved for permission to serve via publication within the statutory time period or that he attempted service via the Nevada Secretary of State for the entity involved. As the failure of service within the statutory period cannot be cured and the plaintiff has not shown good cause as to why service was impossible to be completed within the period, defendant Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. are hereby dismissed CLERK'S NOTE: The above minute order has been distributed Via e-mail to: Wilbert R. Holmes. kar 1/29/20;*

01/28/2020

**CANCELED Minute Order** (3:00 AM) (Judicial Officer: Bluth, Jacqueline M.)

*Vacated - On in Error*

02/04/2020



**Minute Order** (3:15 PM) (Judicial Officer: Bell, Linda Marie)







Minute Order - No Hearing Held;

Journal Entry Details:

*Wilbert R. Holmes has filed eight complaints in the Eighth Judicial District Court as a pro se litigant. Four of Mr. Holmes's complaints were filed within two weeks of each other. Mr. Holmes has been granted in forma pauperis status in five of the complaints. Each of Mr. Holmes's complaints bring a claim of intentional and/or negligent infliction of emotional distress. Mr. Holmes claims appear to arise from either family-related disputes (including Mr. Holmes's divorce) or from Mr. Holmes's 2017 criminal conviction. Defendants named by Mr. Holmes include the judges from both Mr. Holmes's divorce and his criminal case. Mr. Holmes's complaints appear to lack sufficient facts necessary to demonstrate the elements of Mr. Holmes's claims. Additionally, within the last three years, Mr. Holmes has filed five other complaints alleging intentional infliction of emotional distress, but each complaint was dismissed for failure to state a claim upon which relief could be granted. Likewise, Mr. Holmes's current complaints appear to lack any arguable factual or legal basis. Therefore, the Court finds it is necessary that an Order to Show Cause Why Plaintiff Wilbert R. Holmes Should Not Be Deemed a Vexatious Litigant in one or more of the above referenced cases should issue. To accommodate this, Mr. Holmes's cases shall be coordinated through case no. A-17-760443-C and reassigned to Department 7 for the purpose of hearing the Order to Show Cause. ;*

# CASE SUMMARY

CASE NO. A-17-760443-C

02/18/2020	 <b>Status Check: Status of Case</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) <b>02/18/2020, 03/17/2020</b> Minute Order Dated 02-04-2020 Continued; Matter Heard; Minute Order Dated 02-04-2020 Continued; Matter Heard; Journal Entry Details: <i>No parties present. COURT ORDERED, matter CONTINUED. CONTINUED TO: 03/17/20 9:00 AM;</i>
03/17/2020	<b>Show Cause Hearing</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) Matter Heard;
03/17/2020	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Bell, Linda Marie) Matter Heard; Journal Entry Details: <i>STATUS CHECK: STATUS OF CASE.....SHOW CAUSE HEARING Mr. Holmes participated telephonically via Bluejeans Court Call. COURT NOTED, there are several Complaints filed by Plaintiff. Following argument by Plaintiff. COURT ORDERED, WRITTEN ORDER WILL ISSUE.;</i>
05/19/2020	 <b>Minute Order</b> (3:00 PM) (Judicial Officer: Bell, Linda Marie) Minute Order - No Hearing Held; Journal Entry Details: <i>Given that not all parts of this case were dismissed pursuant to the vexatious litigant order, this case was erroneously closed and should be reopened.;</i>
06/17/2020	 <b>Minute Order</b> (7:00 AM) (Judicial Officer: Bell, Linda Marie) Minute Order - No Hearing Held; Journal Entry Details: <i>The Court issued a Decision and Order in case A-17-760443-C on May 18, 2020. On May 31, 2020, two duplicate copies of the Court's decision were inadvertently filed into the case. Therefore, the Clerk of the Court is directed to strike both Decision and Orders filed into the case on May 31, 2020. ;</i>
07/14/2020	<b>CANCELED Motion</b> (9:30 AM) (Judicial Officer: Bluth, Jacqueline M.) <i>Vacated - Set in Error</i> <i>The Case Motion for Written Order/Hearing</i>
07/15/2020	<b>Motion</b> (12:00 PM) (Judicial Officer: Bluth, Jacqueline M.) <i>Plaintiff's Motion to Set Court Hearing Date</i> Matter Heard;
07/15/2020	<b>Hearing</b> (12:00 PM) (Judicial Officer: Bluth, Jacqueline M.) <i>See Notice filed on:6/11/2020</i> Matter Heard;
07/15/2020	 <b>All Pending Motions</b> (12:00 PM) (Judicial Officer: Bluth, Jacqueline M.) Matter Heard; Journal Entry Details: <i>Mr. Fontano stated no judgment had been made against his client. Court instructed counsel to get the case moving along and advised a that a 16.1 Conference was needed and would send out a scheduling order.;</i>
01/27/2021	 <b>Mandatory Rule 16 Conference</b> (10:30 AM) (Judicial Officer: Bluth, Jacqueline M.) Matter Heard; Journal Entry Details:

# CASE SUMMARY

CASE NO. A-17-760443-C

*Mr. Blanchard moved for an extension of discovery. Mr. Fontano advised items not received were reserved on counsel this morning; any continuance of discovery should not be extensive; no discovery has been served on the Defendant. Upon the inquiry of the Court, Mr. Fontano stated there's no opposition to 90 days. Upon inquiry of the Court, Mr. Blanchard stated it's believed ADR would be helpful. Mr. Fontano stated he's doubtful about it. Court directed parties to contact the Judicial Settlement Program should it be something they'd like to do and to file their Notice of Compliance by 5 PM today. Colloquy regarding the day, day and a half Non Jury Trial. COURT ORDERED, dates and trial SET with a FIRM setting: 1. Close of discovery: July 20, 2021 2. Final date to file motions to amend pleadings or add parties (without further court order): April 21, 2021 3. Final Dates for expert disclosures: a. Initial disclosure: April 21, 2021 b. Rebuttal disclosures: May 20, 2021 4. Final date to file dispositive motions: August 20, 2021 10-26-21 9:30 AM CALENDAR CALL 11-1-21 10:00 AM NON JURY TRIAL (FIRM SETTING);*

05/25/2021



**Motion to Amend Complaint (9:30 AM)** (Judicial Officer: Bell, Linda Marie)

**05/25/2021, 07/27/2021, 08/03/2021**

*Plaintiff's Motion to Amend Complaint*

Matter Continued;

Matter Continued;

Motion Denied; Plaintiff's Motion to Amend Complaint

Journal Entry Details:

*COURT STATED they reviewed the Motion, the Opposition, and the Supplement to the Opposition. Mr. Fontano stated the Plaintiff waiting until the last day, at the last hour to file a Motion to Amend, adding he still has not been served with it directly, and they have only been provided a copy of the proposed amended, and he has not had an opportunity to respond to the amended complaint. Mr. Fontano further argued they are past the Discovery cut off, and none has been completed by the Plaintiff's. COURT ORDERED, Amended Complaint filed on June 22, 2021 STRICKEN, adding it should have been filed as an attachment to the Motion; and FURTHER ORDERED, Motion to Amend Complaint STRICKEN as well, as the Motion has not been properly served. COURT DIRECTED Mr. Fontano to prepare and submit an order to Mr. Blanchard and if he does not hear back from him within 48 hours, to submit the Order to the Court.;*

Matter Continued;

Matter Continued;

Motion Denied; Plaintiff's Motion to Amend Complaint

Journal Entry Details:

*COURT ORDERED, matter CONTINUED for counsel to appear. 8/03/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT CLERK'S NOTE: Department 6 Judicial Executive Assistant contact counsel and notified counsel of the continuance date./kb;*

Matter Continued;

Matter Continued;

Motion Denied; Plaintiff's Motion to Amend Complaint

Journal Entry Details:

*Mr. Fontano stated if the Court is not inclined to deny the motion, requested the matter be continued thirty days so that he can be properly served with this motion and will then file an opposition. COURT ORDERED, matter CONTINUED. Court directed the Pltf. to serve a copy of the motion upon the Def. by June 22, 2021 and Mr. Fontano is to file an opposition by July 6, 2021. 7/27/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT;*

09/28/2021



**Calendar Call (9:00 AM)** (Judicial Officer: Villani, Michael)

**09/28/2021, 12/21/2021**

Matter Continued;

Stip/Agreement by parties

Matter Heard;

Matter Continued;

Stip/Agreement by parties

Matter Heard;

Journal Entry Details:

*Plaintiff indicated his attorney had abandoned the case and he was currently in the process of retaining another attorney. Upon Court's inquiry, Mr. Fontano advised Mr. Blanchard had filed a Motion to Amend back in March which was not served on him, he had only heard from Mr. Blanchard once, and was eventually served with a copy of the amended pleadings in May or June, however he has not had any contact with Mr. Blanchard and they have not engaged in*

# CASE SUMMARY

CASE NO. A-17-760443-C

any discovery. Mr. Fontano requested the matter be dismissed. Court noted Mr. Blanchard had not withdrawn. COURT ORDERED, Calendar Call CONTINUED and directed the Court Clerk to contact Mr. Blanchard regarding the continued date. COURT FURTHER ORDERED, Mr. Blanchard to appear at the Calendar Call hearing as his appearance was mandatory. CONTINUED TO: 10/5/2021 9:00 AM CLERK'S NOTE: A copy of this Minute Order was provided to Mr. Blanchard by e-mail on 9/29/2021. SA;

10/01/2021



**Minute Order (3:00 AM)** (Judicial Officer: Villani, Michael)

Minute Order - No Hearing Held;

Journal Entry Details:

By stipulation and agreement by the Parties via email communications with Dept. 17 Law Clerk, COURT ORDERS, matter SET for October 5, 2021 9:00 A.M. (CALENDAR CALL) is VACATED and RESET to December 14, 2021 9:00 A.M. Upon receipt of a formal stipulation, the Non-Jury Trial currently scheduled for October 11, 2021 10:30 A.M. will be continued to the January 3, 2022 Trial Stack. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve/ SA 10/1/2021;

11/16/2021



**Motion for Summary Judgment (9:00 AM)** (Judicial Officer: Villani, Michael)

11/16/2021, 11/30/2021

Events: 10/11/2021 Motion for Summary Judgment

Defendant Capucine Y. Holmes' Motion for Summary Judgment

Matter Continued;

Granted;

Journal Entry Details:

Arguments by Mr. Fontano and Plaintiff, Wilbert Holmes. Court noted a Motion to Dismiss has a different standard than a Motion for Summary Judgment and further noted Plaintiff had not cited any points and authorities in his Opposition. Court stated it was concerned about the request for injunctive relief as it was not in a position to deny Plaintiff's right to file any new lawsuits. Upon Court's inquiry, Mr. Fontano stated Plaintiff was required to submit any proposed lawsuits to Judge Bell for consideration and approval to confirm he was not filing anything frivolous and noted he was requesting an injunction precluding the Plaintiff from taking any further actions to harass Capucine Holmes including making and publishing slanderous statements to her friends, employer, associates and the general public. COURT ORDERED, Motion GRANTED as Plaintiff has failed to provide any evidence establishing the claim of intentional infliction of emotional distress, his Opposition failed to cite any points and authorities, and there has been no evidence presented to defeat the Motion for Summary Judgment under all the case law standards. Court FINDS there to be an abuse of process and noted Plaintiff has already been deemed a vexatious litigant, therefore COURT FURTHER ORDERED, request for injunctive relief GRANTED and Plaintiff shall cease all slanderous statements against Capucine Holmes. Court directed Mr. Fontano to prepare the Order and forward it to the Plaintiff for a response within 48 hours as to the wording of the Order. Mr. Fontano advised they were requesting special damages for the repeated frivolous filings made by the Plaintiff on the abuse of process claim, therefore they needed a prove-up hearing. Court directed Mr. Fontano to submit the documents to the Court. COURT FURTHER ORDERED, Prove-Up hearing SET. Court noted the Plaintiff had signed off of BlueJeans. 12/21/2021 9:00 AM PROVE UP CLERK'S NOTE: Minute Order provided to Plaintiff, Wilbert Holmes by e-mail on 12/6/2021. SA;

Matter Continued;

Granted;

Journal Entry Details:


Argument by Mr. Fontano and Plaintiff. Upon Court's inquiry, Plaintiff stated he had spoken to an attorney who stated they would take his case. MATTER TRAILED to contact the attorney's office to see if they were retained. MATTER RECALLED. Court confirmed a consultation was set for today at 3:00 pm with the attorney's office and noted they were not retained. Mr. Fontano advised he was never served with any written discovery by Plaintiff's prior counsel and further advised he never received a response to his request for Plaintiff's availability for a deposition. Court Clerk confirmed a Notice of Appearance had been filed by Mr. Blanchard. Court noted it did not have anything filed by Mr. Blanchard to withdraw. Upon Court's inquiry, Plaintiff advised he last heard from Mr. Blanchard approximately one to two months ago. Court noted an e-mail had been sent to Mr. Blanchard on September 29th by the Court Clerk and there was never any response. Upon Court's inquiry, Mr. Fontano noted Mr. Blanchard had been recently taken off discipline when he was hired by the Plaintiff. COURT ORDERED, matter CONTINUED and advised Mr. Blanchard would be notified to appear at the next hearing date. CONTINUED TO: 11/30/2021 9:00 AM CLERK'S NOTE: Mr. Blanchard

# CASE SUMMARY


CASE NO. A-17-760443-C


notified of the new hearing date by e-mail on 11/22/2021. SA;

12/21/2021 **Prove Up (9:00 AM)** (Judicial Officer: Villani, Michael)  
Judgment by Default;

12/21/2021  **All Pending Motions (9:00 AM)** (Judicial Officer: Villani, Michael)  
Matter Heard;  
Journal Entry Details:  
*CALENDAR CALL...PROVE UP Mr. Fontano advised he had submitted the order for summary judgment to the Court. Capucine Holmes SWORN and TESTIFIED. Mr. Fontano requested attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69. Court noted it had previously granted Capucine Holmes' Motion at the last hearing and FINDS the requested attorneys fees and costs to be reasonable, necessary, and appropriate in this matter as there were no reasonable grounds to bring this action, which was meant to harass Capucine Holmes, therefore ORDERED, request for attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69 GRANTED; trial VACATED. Court directed Mr. Fontano to prepare the Order. Court noted Plaintiff kept interrupting the Court and was not letting the Judge talk.;*

01/03/2022 **CANCELED Non-Jury Trial (10:30 AM)** (Judicial Officer: Villani, Michael)  
*Vacated - per Judge*


03/08/2022  **Motion for Default Judgment (9:00 AM)** (Judicial Officer: Gibbons, Mark)  
*Plaintiff's Motion Hearing Requested for Default Judgment (Ernest Miller)*  
Off Calendar;  
Journal Entry Details:  
*Court noted Mr. Holmes had served the Default and it had been filed on July 20, 2020. Upon Court's inquiry, Mr. Holmes stated he was requesting a \$50,000.00 settlement for mental injuries. Court advised Mr. Holmes he needed to get either testimony of a doctor or an affidavit/declaration saying in their medical opinion to a reasonable degree of medical probability that Mr. Holmes had suffered psychological damage through the conduct of Mr. Miller. Court explained the statement needed to be under oath and noted the Civil Self Help Center had a form he could use. COURT ORDERED, Motion OFF CALENDAR and directed Mr. Holmes to re-notice the Motion when he had the proper paperwork. ;*

05/24/2022  **Motion for Default Judgment (9:00 AM)** (Judicial Officer: Ellsworth, Carolyn)  
**05/24/2022, 06/21/2022, 07/19/2022**  
Events: 04/05/2022 Motion  
*Plaintiff's Re-Notice of Motion for Default Judgment*  
Matter Continued;  
Matter Continued;  
Denied;  
Journal Entry Details:  
*Plaintiff noted he did not have a good internet connection. Court noted it had not received anything to support the request for default as he had not proven damages. Plaintiff disputed that and advised he had sent in various documents. Court explained he needed to show proof that he suffered damages. Statement by Plaintiff. Court further noted on 7/31/2018 Judge Cadish had denied the Motion for Summary Judgment as he did not submit supporting documents. Court noted no affidavits were never received as requested. Plaintiff stated no doctor would give him an affidavit, however they would give testimony on the witness stand. Court advised legal causation was the issue. COURT ORDERED, Motion DENIED as Plaintiff had failed to support his request for damages by showing causation. Court to prepare the order.;*  
Matter Continued;  
Matter Continued;  
Denied;  
Journal Entry Details:  
*Court inquired regarding medical records with Plaintiff's diagnosis. Plaintiff advised he filed all medical records and was unsure what else needed to be filed. Court advised an affidavit or medical record of his diagnosis is required to establish it is related to his judgment. COURT ORDERED, matter CONTINUED and directed Defendant to provide specific documents to establish his diagnosis is related to his judgment. CONTINUED TO: 07/19/22 9:00 AM;*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-17-760443-C**

	<p>Matter Continued; Matter Continued; Denied; Journal Entry Details: <i>Court noted it had a letter from Edward Graham. Plaintiff stated he did not know who he was. Upon Court's inquiry, Plaintiff indicated it should have been from Calm Clinic from Dr. Zand. Court noted Senior Judge Gibbons was present at the last hearing date. Court further noted the date of incident was February 6, 2016 and Defendant had submitted over 1200 pages of VA records. COURT ORDERED, matter CONTINUED and directed Defendant to provide specific documents to establish his diagnosis related to his judgment. CONTINUED TO: 6/21/2022 9:00 AM CLERK'S NOTE: Hearing date given in Court was incorrect. Mr. Holmes was notified of the correct hearing date by e-mail. Minute Order reflects the correct date. (6/5/2022 SA);</i></p>
11/08/2023	<p> <b>Motion to Set Aside</b> (1:30 PM) (Judicial Officer: Albertson, Anna) <i>Motion to Set Aside Order, Judgment, and/or Default</i> Denied; Journal Entry Details: <i>Upon Court's inquiry, Mr. Holmes stated this matter was brought before the Vexatious Litigant status had been given to him so he should still be able to have motion heard without the Chief Judge having to sign off on them; Mr. Heaton disagreed stating that he was under the impression that all new motions needed to be run by the Chief Judge. COURT SO NOTED and STATED it would hear the Motion today since it had not been sure on the order. Mr. Holmes stated the ruling of the Default Judgment was unjust and he was being 'blackballed' by the courts due to the relationship of he Ex- Wife with the court system. The Court stated it has no affiliation with either party or the counsel representing the Defendant. Mr. Heaton argued the Motion to Set Aside was untimely and had no legal basis to grant the relief. COURT STATED It's FINDINGS and ORDERED, Motion DENIED. Mr. Holmes then disconnected his link for BlueJeans. The Court further stated it is difficult to understand what exactly Mr. Holmes wants to set aside therefore the motion is unclear and the motion was untimely. Mr. Heaton to submit an order to Department 11 inbox. Court further stated any motion that has not been run by the Chief Judge will be denied as per the previous order. Court further directed if Mr. Holmes can not agree with Mr. Heaton's order he is able to submit a competing order within 14 days of receiving the order provided by Mr. Holmes.;</i></p>

**DATE**

**FINANCIAL INFORMATION**

<b>Attorney</b> Fontano, James A.	
Total Charges	5.00
Total Payments and Credits	5.00
<b>Balance Due as of 12/19/2023</b>	<b>0.00</b>
 <b>Counter Claimant</b> Holmes, Capucine Y	
Total Charges	423.00
Total Payments and Credits	423.00
<b>Balance Due as of 12/19/2023</b>	<b>0.00</b>
 <b>Counter Defendant</b> Holmes, Wilbert R	
Total Charges	168.00
Total Payments and Credits	168.00
<b>Balance Due as of 12/19/2023</b>	<b>0.00</b>



DISTRICT COURT CIVIL COVER SHEET

LAS VEGAS CLARK County, Nevada

Case No.

(Assigned by Clerk's Office)

A-17-760443-C  
VI

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

Plaintiff(s) (name/address/phone):

**WILBERT R HOLMES**  
**10550 PATRINGTON CT**  
**LAS VEGAS NV 89183**  
**702 281 5752**

Defendant(s) (name/address/phone):

**ERNEST H MILLER**  
**637 TWIGHTLIGHT BLUE**  
**NORTH LAS VEGAS NV 89183**  
**702 399 8851**

Attorney (name/address/phone):

PRO SE

**CAPUCINE Y HOLMES**  
**(SAME AS ABOVE)**

**DETROIT CONNECTION INC.**  
**P O BOX 336434**  
**NORTH LAS VEGAS NV 89033**  
**702 642 2628**

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

**Civil Case Filing Types**

Real Property	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <b>Other Landlord/Tenant</b> <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate (select case type and estate value)</b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <b>Other Civil Matters</b>	

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

8/14/2017

Date

Signature of initiating party or representative

See other side for family-related case filings.

RECEIVED

AUG 14 2017

Form PA 201  
Rev 3/1

CLERK OF THE COURT

*Heaton & Fontano*

CLERK OF THE COURT

**ODM**  
WILLIAM H. HEATON  
Nevada Bar No. 1097  
JONATHAN W. HEATON  
Nevada Bar No. 12592  
HEATON FONTANO, LTD.  
7285 Dean Martin Dr., Ste. 180  
Las Vegas, NV 89118  
Telephone: 702-329-9901  
Facsimile: 702-763-7385  
will@heatonfontano.com  
*Attorneys for Defendant,*  
*Capucine Y. Holmes*

**EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

WILBERT R. HOLMES

Plaintiff,

vs.

ERNEST H. MILLER; CAPUCINE Y.  
HOLMES; and the DETROIT  
CONNECTION, INC.

Defendants.

AND ALL RELATED MATTERS

CASE NO.: A-17-760443-C

DEPT. NO.: 11

**ORDER DENYING PLAINTIFF'S  
MOTION TO SET ASIDE ORDER,  
JUDGMENT, AND/OR DEFAULT**

Date of Hearing: November 8, 2023  
Time of Hearing: 1:30 p.m.

Plaintiff, Wilbert R. Holmes', Motion to Set Aside Order, Judgment, and/or Default ("Plaintiff's Motion") having come on for hearing before the Court in the above-captioned matter on November 9, 2023 at the hour of 1:30 p.m. Plaintiff having appeared in proper person electronically by way of bluejeans, and Defendant, Capucine Y. Holmes ("Defendant"), having been represented at the hearing by and through her counsel of record, William H. Heaton of the Heaton Fontano, Ltd. law firm. The Court having read and reviewed Plaintiff's Motion, Defendant's opposition thereto and the other pleadings and papers on file herein, having heard arguments presented by Plaintiff and by Defendant's counsel, being fully informed with respect to the issues raised in Plaintiff's Motion and other good cause appearing, makes the following findings of fact and conclusions of law:

...



1           A.       On May 18, 2020, then Chief Judge, Linda Bell, issued a Decision and Order in this  
2 matter adjudging and declaring Plaintiff to be a vexatious litigant and imposing restrictions on  
3 Plaintiff's future in-proper-person filings in the Eighth Judicial District Court.

4           B.       The Court has determined it appropriate to consider Plaintiff's Motion on its merits  
5 without regard to any failure by Plaintiff to comply with requirements imposed by the May 18,  
6 2020, Decision and Order on Plaintiff's in-proper-person filings.

7           C.       Plaintiff's Motion does not clearly articulate and Plaintiffs argument at the time of  
8 hearing did not identify the specific relief Plaintiff seeks, or grounds which would justify a grant  
9 of relief to Plaintiff.

10          D.       The Court assumes Plaintiff's Motion is directed to the Order Granting Summary  
11 Judgment which was entered herein on December 9, 2021, and the Order Awarding Attorney's  
12 Fees & Costs which was entered herein on January 3, 2022 (collectively the "Subject Orders").

13          E.       To the extent Plaintiff's Motion seeks a rehearing of the motions from which the  
14 Subject Orders emanate, Plaintiff's Motion is untimely. EDCR 2.24 expressly requires motions  
15 for rehearing to be brought within 14 days after service of written notice of entry of the order or  
16 judgment that the subject of the motion for rehearing; however, Plaintiff's Motion was not filed  
17 until August, 2023, eighteen or more months after notice of entry of the Subject Orders was served.

18          F.       To the extent Plaintiff's Motion asks that the Subject Orders be set aside pursuant  
19 to NRCP 60(b), it is also untimely. NRCP 60(c) requires that motions for relief under NRCP 60(b)  
20 be brought within a reasonable time – and, for reasons specified in subsections (1), (2) and (3) of  
21 Rule 60(b), no more than six months after the date of the proceeding or the date of service of  
22 written notice of entry of the judgment or order, whichever is later. Plaintiff's Motion does not  
23 articulate a specific basis for setting aside the Subject Orders pursuant to NRCP 60(b), but because  
24 Plaintiff's Motion was not filed until more than eighteen months after service of notice of entry of  
25 the Subject Orders, the Court deems Plaintiff's Motion untimely under the NRCP 60(c).

26               Based on the foregoing findings and conclusions, and good cause appearing,

27               IT IS HEREBY ORDERED that Plaintiff's Motion is denied.

28               ...

1 IT IS FURTHER ORDERED that from and after the entry of this Order, Plaintiff must  
2 comply with all filing requirements imposed by the Decision and Order which was entered in this  
3 matter on May 18, 2020, adjudging and declaring Plaintiff to be a vexatious litigant.

4 Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

5 Dated this 17th day of December, 2023

6 

7  
8 District Court Judge

7B3 DE7 411F E840  
Anna Albertson  
District Court Judge

9 Submitted by:

Approved as to form:

10 HEATON FONTANO, LTD.

11  
12 /s/ William H. Heaton  
WILLIAM H. HEATON  
13 Nevada Bar No. 1097  
JONATHAN W. HEATON  
14 Nevada Bar No. 12592  
7285 Dean Martin Dr., Ste. 180  
15 Las Vegas, NV 89118  
Attorneys for Defendant,  
16 Capucine Y. Holmes

Failed to respond or sign  
Wilbert R. Holmes  
211 Catherine Street  
Elizabeth, NJ 07201  
Plaintiff in proper person

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Wilbert Holmes, Plaintiff(s)

CASE NO: A-17-760443-C

7 vs.

DEPT. NO. Department 11

8 Ernest Miller, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 12/17/2023

15 William Heaton

will@heatonfontano.com

16 Jonathan Heaton

jon@heatonfontano.com

17 LAWRENCE LEE

COX5@COX.NET

18 CALVIN CONNOR

Llarrylee@yahoo.com

19 TOMMY CASON

CASON5@COX.NET

20 Wilbert Holmes

wholmes711@aol.com

21 Brent Blanchard

blanchardlaw1@gmail.com

22  
23  
24  
25  
26  
27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 10, 2017**

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A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**October 10, 2017      8:30 AM      Motion**

**HEARD BY:** Cadish, Elissa F.      **COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Kory Schlitz

**RECORDER:** Paula Walsh

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Court noted Plaintiff is Pro Per and filed a Motion on October 2, 2017 seeking to continue this hearing. COURT ORDERED, matter CONTINUED. Court directed Plaintiff to Re-Notice the hearing to the Defendants.

CONTINUED TO: 11/7/17 8:30 A.M.

CLERK'S NOTE: A copy of the foregoing minute order has been mailed to Ernest Miller 10550 Pattrington Ct, Las Vegas, Nevada 89183. (10/11/17 ks)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Tort

# COURT MINUTES

November 07, 2017

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**November 07, 2017      8:30 AM      Motion**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Paula Walsh

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- Present via Court Call, Plaintiff Wilbert R. Holmes.

Court stated it's unclear as to why matters were calendared and inquired if Defendant's have been served. Mr. Holmes stated they've been served by service of process and he has copies. Court stated there is no proof of service in the case. Mr. Holmes inquired as to what should be done, as he did what he was instructed to do by the Self Help Center. Court stated, if served, file proof and they will have 20 days to file a response; either they respond and the case goes forward, or if no response, proceed with the default. Colloquy regarding today's proceedings, service and the process Plaintiff must go through for the case. COURT ORDERED, no particular relief is being granted today; Plaintiff can proceed with his case and is directed to contact the Self Help Center.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****March 13, 2018**

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**March 13, 2018      8:30 AM      Motion**

**HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Present via Court Call, Plaintiff Wilbert R. Holmes.

Court noted the absence of Mr. Fontano and inquired if matters were served on the Defendant's. Mr. Holmes stated it was. Court stated the motion filed by the Plaintiff is not the way to get things scheduled for a hearing; Plaintiff is trying to get a trial date, which is understood by the Court, but he must first have a case conference and submit a case conference report under rule 16.1 of the NRCP, for which there are requirements in the report in regards to discovery schedules, and once ready for trial, then a scheduling order is obtained from the Court that sets the case for trial; the motion filed by the plaintiff is not the process to get that done. Mr. Holmes stated he was just following the instructions of the Self Help Center and that's what he was told to do. Court noted they may have misunderstood the current status of the case; it appears Defendant Capucine Holmes has counsel and has submitted a request to proceed In forma pauperis status, which will be looked at, and it's believed she's intending to file something in the case. Court suggested Mr. Holmes look at rule 16.1 of the NRCP's in regards to when an ECC needs to be held, and when a discovery schedule needs to be submitted in the form of a case conference report to get things scheduled and moving ahead; there's a process you must go through to get the schedule in place before the case comes up for trial; look at NRCP 16.1. COURT ORDERED, Plaintiff's Motion to Set Court Hearing Date DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**March 26, 2018**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**March 26, 2018      10:00 AM      Minute Order**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** Chambers

**COURT CLERK:** Kory Schlitz

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- On March 13, 2018, after considering and denying Plaintiff s January 29, 2018 Motion for to Set Court Hearing Date, this Court instructed the Plaintiff in open court that before a trial date can be set, Plaintiff must comply with the requirements of Nevada Rules of Civil Procedure ( NRCP ), including Rules 16 and 16.1. On March 22, 2018, Plaintiff filed a new Motion to Set Trial Date. As the Court has already ruled on this same substantive issue, the hearing set for April 24, 2018 is hereby VACATED. Plaintiff must have an early case conference, submit a Joint Case Conference Report, complete a discovery plan, and complete any other requirements of the NRCP; only then can a trial date be set.

CLERK'S NOTE: This Minute Order has been electronically served by Courtroom Clerk, Kory Schlitz, to all registered parties for Odyssey File & Serve. (3-26-18)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 31, 2018**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**July 31, 2018**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Alice Jacobson

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:** Fontano, James A.      Attorney  
Holmes, Wilbert R      Plaintiff

**JOURNAL ENTRIES**

- Defendant, Capucine Y. Holmes' Motion to Dismiss Complaint

Pltf's Motion for Judgment by Default

Mr. Fontano argued to dismiss claims. Opposition by Mr. Holmes. Argument that he was not admitted to a social event and the emotional distress he suffered from the incident. Court finds that Ms. Holmes was involved and made representations that she was in danger. COURT ORDERED, motion to dismiss, DENIED.

Mr. Holmes stated he was seeking \$300,000.00 in damages and \$5,000.00 in costs. Court instructed Mr. Holmes to file Default first to include amount seeking, to address each Defendant, and include Affidavits. COURT ORDERED, motion for default judgment, DENIED WITHOUT PREJUDICE as not properly submitted with supporting documents.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

April 23, 2019

A-17-760443-C

Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

April 23, 2019

8:30 AM

**Motion for Default  
Judgment**

HEARD BY: Bixler, James

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- Appearing via Court Call, Plaintiff Wilbert R. Holmes, and appearing on behalf of Plaintiff, Attorney Susan Reyes. Ms. Reyes advised a letter was received April 19th releasing Mr. Mueller's firm as counsel. Mr. Holmes agreed, stating counsel was discharged a long time ago. COURT ORDERED, Craig Mueller WITHDRAWN as counsel. Colloquy regarding basis of Motion for Judgment by Default, proceedings of July 31, 2018, affidavits, certificates of mailing, service, communications with Attorney James a. Fontano. After looking at the paperwork, Court notes the main issue is there must be proof of service before Plaintiff can proceed with default judgments on anyone and ORDERED proceedings CONTINUED; the status of the case will be discussed with the new Judge and the Court will go to the Self Help Office to show them the paperwork from Plaintiff's file to determine what's missing, as it does not appear there's service on any of the Defendants except for Ernest Miller and Plaintiff's wife. Colloquy regarding affidavits of service. Court stated the Court will go to the Self Help Office to determine what they are talking about and the Court will even go to the Clerk's Office to make sure we have everything; all the Court has is the motion for default as it applies to Ernest Miller; the Court will get a copy of what's in the file, and go to the Self Help Desk and determine what kind of information they are giving you, and then will speak with the new Judge. Mr. Holmes stated he would just like a default. COURT ORDERED, matter CONTINUED; Court will inform Plaintiff what's not in the file, that needs to be in the file before default can be

**A-17-760443-C**

entered.

4-30-19 9:30 AM Notice of Motion

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

April 30, 2019

A-17-760443-C

Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

April 30, 2019

9:30 AM

**Motion for Default  
Judgment**

HEARD BY: Bluth, Jacqueline M.

COURTROOM: RJC Courtroom 10C

COURT CLERK: Keith Reed

RECORDER: De'Awna Takas

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- Present via Court Call, Plaintiff Wilbert Holmes. Court noted the notice of motion for default judgment has been seen as well as the prior order of August 29, 2018, stated findings and ORDERED, Motion for Default Judgment DENIED. Court noted there's a \$65 Court Call fee for each time the system is used for which Plaintiffs order to proceed in Forma Pauperis did not consider and ORDERED, the fee is WAIVED for today's proceedings; Plaintiff's to appear in Court for future proceedings, pay the \$65 fee or send in a new request to include the Court Call fees. Mr. Holmes stated he will do what's necessary and inquired as to the type of detail necessary for the claim's. Colloquy. Court stated questions and decisions will be left up to Mr. Holmes. Mr. Holmes advised he's bed ridden and would have to appear on a gurney; the only reason for the use of Court Call is based upon his physical and mental status. Court stated a doctors note is needed Plaintiff's 100% bed ridden and cannot leave home under any circumstances. Mr. Holmes stated he cannot get that from any doctor. Court stated if documentation cannot be obtained, Plaintiff must come to Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****June 18, 2019**

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**June 18, 2019****9:30 AM****Motion****HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:** De'Awna Takas**REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Appearing via Court Call, Plaintiff Wilbert R. Holmes.

Court stated Judge Cadish found proper service was affected on Ernest Miller, and the only thing to look at is whether the damages sought have been proven; discussions were had before between the Court and Mr. Holmes that it will take a bit more than what's been provided and it was discussed about having Mr. Holmes to be able to be sworn under oath to testify to the damages requested, which will be more than just the letter provided. Court inquired of Mr. Holmes as to the status of matters. Mr. Holmes stated he's submitted filings detailing his situation; in regards to the award or requested default which are highlighted in red, all instructions by Judge Cadish have been followed and all the information is there. Court inquired if Mr. Holmes has a therapist that can come in to testify as to how this affects him. Mr. Holmes inquired if matters can be done telephonically as he has seizures, advising the documents have been sent and he's not avoiding coming in. Colloquy regarding content of letters in regards to the health issues of Mr. Holmes dated March 18, 2019 and June 14, 2018. Court admonished there are rules and the Court cannot just accept letters in regards to damages, directing Mr. Holmes to either set up video deposition for him to be sworn to assess the damages; just providing letters to the Court will not work. Mr. Holmes inquired if the Court saw the filing of June 10, 2019, stating he feels like a victim. Court stated what's being said is there are certain procedures that have to be followed, a witness is needed to be sworn and some type of documents

presented to prove up the amounts. Court directed Mr. Holmes to contact the legal aid center as the Court cannot provide advice. Mr. Holmes stated he does not need legal advice, it's just needed to be known what needs to be done to get this default of \$50,000.00 times six; damages suffered behind what those people did. Court stated the process has been explained and if Mr. Holmes would like to prove up the damages by calling a Doctor or setting up a video conference to swear him to lay a foundation why these amounts are appropriate; its up to you to set it up. Mr. Holmes stated he will do what's necessary and set up a video conference. Court stated those would be the individuals Mr. Holmes would like to call as witness to support his case; a human being is needed to come in and testify to support the claims for damages; contact the Legal Aid Center if help is needed and counsel cannot be afforded. Mr. Holmes stated he tried that and they said they don't handle these types of cases; just being bounced around, feeling penalized and my feelings don't mean anything. COURT ORDERED, Motion To Set Default DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**August 06, 2019**

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A-17-760443-C	Wilbert Holmes, Plaintiff(s) vs. Ernest Miller, Defendant(s)
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**August 06, 2019**

**9:30 AM**

**Motion**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Court noted I.T. has been trying for awhile to get the video conference working to be able to see the Plaintiff, nothing is coming through, I.T. says the system is shot, new equipment will have to be obtained, the hearing cannot be held, the Court apologizes for any inconvenience and ORDERED, matter CONTINUED.

8-27-19 9:30 AM MOTION FOR VIDEO

CLERK'S NOTE: The above minute order has been distributed to: Wilbert R. Holmes, 10550 Partington Ct., Las Vegas Nv. 89183. kar 8/7/19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**August 27, 2019**

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A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**August 27, 2019      9:30 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Holmes, Wilbert R      Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- Mr. Holmes stated he has his witnesses. Court noted proceedings are to address the Plaintiffs damages. Testimony Presented (See Worksheet). Colloquy between Court and Mr. Holmes regarding the continuation of proceedings for the testimony of the Doctor. COURT ORDERED, Plaintiff is to place the matter on calendar when the Doctor's available for testimony on a Tuesday at 11:00 AM; current witnesses need not reappear. Colloquy. Court noted the receipt of affidavits, but there's not proper service; default was only entered against Mr. Miller; Plaintiff is directed to follow the proper service mechanisms and to place the matter back on calendar once he figures out the next court date.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 22, 2019**

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A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**October 22, 2019**

**9:30 AM**

**Motion**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Present via Court Call, Plaintiff Wilbert R. Holmes. Argument in support of Request For Service By Publication by Mr. Holmes. Court stated findings and ORDERED, Request For Service By Publication DENIED.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****January 09, 2020**

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**January 09, 2020      3:00 AM      Motion**

**HEARD BY:** Bluth, Jacqueline M.**COURTROOM:** RJC Courtroom 10C**COURT CLERK:** Keith Reed**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to EDCR 2.23 and this Court having reviewed the pleading filed, Plaintiff's Motion for Court to Review Service Attempts to Defendants is hereby DENIED. At the hearing on October 22, 2019, Plaintiff was ordered to show good cause why the unserved defendants were not served within the 120 days of the filing of the Complaint as required by NRCP 4(e). This Court having reviewed the attachments finds that no good cause has been shown as to why defendants Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. were not served within the 120 day limit. The proof of failed personal service attempts is not sufficient to show good cause as to why the defendants were not served by alternate means within the statutory period. NRCP 4.2 provides for methods of service for individuals and entities in Nevada, including service via the Nevada Secretary of State for entities. Additionally, NRCP 4.4 provides for alternative methods of service if personal service cannot be completed, such as service by publication. The Plaintiff has not shown that he moved for permission to serve via publication within the statutory time period or that he attempted service via the Nevada Secretary of State for the entity involved. As the failure of service within the statutory period cannot be cured and the plaintiff has not shown good cause as to why service was impossible to be completed within the period, defendant Tommy Cason, Lawrence Lee, Calvin Connor and Detroit Connection Inc. are hereby dismissed

CLERK'S NOTE: The above minute order has been distributed Via e-mail to: Wilbert R. Holmes. kar  
1/29/20

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Other Tort****COURT MINUTES****February 04, 2020**

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A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**February 04, 2020      3:15 PM      Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** No Location

**COURT CLERK:** Kimberly Estala

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Wilbert R. Holmes has filed eight complaints in the Eighth Judicial District Court as a pro se litigant. Four of Mr. Holmes's complaints were filed within two weeks of each other. Mr. Holmes has been granted in forma pauperis status in five of the complaints.

Each of Mr. Holmes's complaints bring a claim of intentional and/or negligent infliction of emotional distress. Mr. Holmes claims appear to arise from either family-related disputes (including Mr. Holmes's divorce) or from Mr. Holmes's 2017 criminal conviction. Defendants named by Mr. Holmes include the judges from both Mr. Holmes's divorce and his criminal case. Mr. Holmes's complaints appear to lack sufficient facts necessary to demonstrate the elements of Mr. Holmes's claims. Additionally, within the last three years, Mr. Holmes has filed five other complaints alleging intentional infliction of emotional distress, but each complaint was dismissed for failure to state a claim upon which relief could be granted. Likewise, Mr. Holmes's current complaints appear to lack any arguable factual or legal basis.

Therefore, the Court finds it is necessary that an Order to Show Cause Why Plaintiff Wilbert R. Holmes Should Not Be Deemed a Vexatious Litigant in one or more of the above referenced cases should issue. To accommodate this, Mr. Holmes's cases shall be coordinated through case no. A-17-760443-C and reassigned to Department 7 for the purpose of hearing the Order to Show Cause.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**February 18, 2020**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**February 18, 2020      9:00 AM      Status Check: Status of  
Case**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 17A

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

COURT ORDERED, matter CONTINUED.

CONTINUED TO: 03/17/20 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**March 17, 2020**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**March 17, 2020      9:00 AM      All Pending Motions**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 17A

**COURT CLERK:** Phyllis Irby

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Fontano, James A.      Attorney  
Holmes, Wilbert R      Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: STATUS OF CASE.....SHOW CAUSE HEARING

Mr. Holmes participated telephonically via Bluejeans Court Call. COURT NOTED, there are several Complaints filed by Plaintiff. Following argument by Plaintiff. COURT ORDERED, WRITTEN ORDER WILL ISSUE.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 19, 2020**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**May 19, 2020**

**3:00 PM**

**Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** No Location

**COURT CLERK:** Kimberly Estala

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Given that not all parts of this case were dismissed pursuant to the vexatious litigant order, this case was erroneously closed and should be reopened.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**June 17, 2020**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**June 17, 2020**

**7:00 AM**

**Minute Order**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** No Location

**COURT CLERK:** Kimberly Estala

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- The Court issued a Decision and Order in case A-17-760443-C on May 18, 2020. On May 31, 2020, two duplicate copies of the Court's decision were inadvertently filed into the case.

Therefore, the Clerk of the Court is directed to strike both Decision and Orders filed into the case on May 31, 2020.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 15, 2020**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**July 15, 2020**

**12:00 AM**

**All Pending Motions**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Alice Jacobson

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Fontano, James A.      Attorney  
                         Holmes, Wilbert R      Plaintiff  
                                                      Counter Defendant

**JOURNAL ENTRIES**

- Mr. Fontano stated no judgment had been made against his client. Court instructed counsel to get the case moving along and advised a that a 16.1 Conference was needed and would send out a scheduling order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**January 27, 2021**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**January 27, 2021      10:30 AM      Mandatory Rule 16  
Conference**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Keith Reed

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:**      Blanchard, Brent A.      Attorney  
                         Fontano, James A.      Attorney

**JOURNAL ENTRIES**

- Mr. Blanchard moved for an extension of discovery. Mr. Fontano advised items not received were reserved on counsel this morning; any continuance of discovery should not be extensive; no discovery has been served on the Defendant. Upon the inquiry of the Court, Mr. Fontano stated there's no opposition to 90 days. Upon inquiry of the Court, Mr. Blanchard stated it's believed ADR would be helpful. Mr. Fontano stated he's doubtful about it. Court directed parties to contact the Judicial Settlement Program should it be something they'd like to do and to file their Notice of Compliance by 5 PM today.

Colloquy regarding the day, day and a half Non Jury Trial. COURT ORDERED, dates and trial SET with a FIRM setting:

1. Close of discovery: July 20, 2021

2. Final date to file motions to amend pleadings or add parties (without further court order): April 21, 2021

3. Final Dates for expert disclosures:

a, Initial disclosure: April 21, 2021

b. Rebuttal disclosures: May 20, 2021

4. Final date to file dispositive motions: August 20, 2021

10-26-21 9:30 AM CALENDAR CALL

11-1-21 10:00 AM NON JURY TRIAL (FIRM SETTING)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 25, 2021**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**May 25, 2021      9:30 AM      Motion to Amend  
Complaint**

**HEARD BY:** Bluth, Jacqueline M.      **COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kristen Brown

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES**

**PRESENT:** Fontano, James A.      Attorney

**JOURNAL ENTRIES**

- Mr. Fontano stated if the Court is not inclined to deny the motion, requested the matter be continued thirty days so that he can be properly served with this motion and will then file an opposition. COURT ORDERED, matter CONTINUED. Court directed the Pltf. to serve a copy of the motion upon the Deft. by June 22, 2021 and Mr. Fontano is to file an opposition by July 6, 2021.

7/27/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**July 27, 2021**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**July 27, 2021      9:30 AM      Motion to Amend  
Complaint**

**HEARD BY:** Bluth, Jacqueline M.

**COURTROOM:** RJC Courtroom 10C

**COURT CLERK:** Kristen Brown

**RECORDER:** De'Awna Takas

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED for counsel to appear.

8/03/21 9:30 AM PLTF'S MOTION TO AMEND COMPLAINT

CLERK'S NOTE: Department 6 Judicial Executive Assistant contact counsel and notified counsel of the continuance date./kb

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

August 03, 2021

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

<b>August 03, 2021</b>	<b>9:30 AM</b>	<b>Motion to Amend Complaint</b>	<b>Plaintiff's Motion to Amend Complaint</b>
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**HEARD BY:** Bell, Linda Marie**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Yolanda Orpineda  
Kory Schlitz

**RECORDER:** Gail Reiger**REPORTER:****PARTIES**

**PRESENT:** Fontano, James A.      Attorney

**JOURNAL ENTRIES**

- COURT STATED they reviewed the Motion, the Opposition, and the Supplement to the Opposition. Mr. Fontano stated the Plaintiff waiting until the last day, at the last hour to file a Motion to Amend, adding he still has not been served with it directly, and they have only been provided a copy of the proposed amended, and he has not had an opportunity to respond to the amended complaint. Mr. Fontano further argued they are past the Discovery cut off, and none has been completed by the Plaintiff's. COURT ORDERED, Amended Complaint filed on June 22, 2021 STRICKEN, adding it should have been filed as an attachment to the Motion; and FURTHER ORDERED, Motion to Amend Complaint STRICKEN as well, as the Motion has not been properly served. COURT DIRECTED Mr. Fontano to prepare and submit an order to Mr. Blanchard and if he does not hear back from him within 48 hours, to submit the Order to the Court.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Tort

# COURT MINUTES

September 28, 2021

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**September 28, 2021      9:00 AM      Calendar Call**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Kristine Santi

**REPORTER:**

## PARTIES

**PRESENT:** Fontano, James A. Attorney  
Holmes, Wilbert R Plaintiff  
Counter Defendant

## JOURNAL ENTRIES

- Plaintiff indicated his attorney had abandoned the case and he was currently in the process of retaining another attorney. Upon Court's inquiry, Mr. Fontano advised Mr. Blanchard had filed a Motion to Amend back in March which was not served on him, he had only heard from Mr. Blanchard once, and was eventually served with a copy of the amended pleadings in May or June, however he has not had any contact with Mr. Blanchard and they have not engaged in any discovery. Mr. Fontano requested the matter be dismissed. Court noted Mr. Blanchard had not withdrawn. COURT ORDERED, Calendar Call CONTINUED and directed the Court Clerk to contact Mr. Blanchard regarding the continued date. COURT FURTHER ORDERED, Mr. Blanchard to appear at the Calendar Call hearing as his appearance was mandatory.

CONTINUED TO: 10/5/2021 9:00 AM

CLERK'S NOTE: A copy of this Minute Order was provided to Mr. Blanchard by e-mail on 9/29/2021. SA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**October 01, 2021**

---

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

---

**October 01, 2021      3:00 AM      Minute Order**

**HEARD BY:** Villani, Michael      **COURTROOM:** Chambers

**COURT CLERK:** Samantha Albrecht

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- By stipulation and agreement by the Parties via email communications with Dept. 17 Law Clerk, COURT ORDERS, matter SET for October 5, 2021 9:00 A.M. (CALENDAR CALL) is VACATED and RESET to December 14, 2021 9:00 A.M. Upon receipt of a formal stipulation, the Non-Jury Trial currently scheduled for October 11, 2021 10:30 A.M. will be continued to the January 3, 2022 Trial Stack.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve/ SA 10/1/2021



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**November 16, 2021**

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A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**November 16, 2021      9:00 AM      Motion for Summary  
Judgment**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Fontano, James A.      Attorney  
                         Holmes, Wilbert R      Plaintiff  
                                                              Counter Defendant

**JOURNAL ENTRIES**

- Argument by Mr. Fontano and Plaintiff. Upon Court's inquiry, Plaintiff stated he had spoken to an attorney who stated they would take his case.

MATTER TRAILED to contact the attorney's office to see if they were retained.

MATTER RECALLED.

Court confirmed a consultation was set for today at 3:00 pm with the attorney's office and noted they were not retained. Mr. Fontano advised he was never served with any written discovery by Plaintiff's prior counsel and further advised he never received a response to his request for Plaintiff's availability for a deposition. Court Clerk confirmed a Notice of Appearance had been filed by Mr. Blanchard. Court noted it did not have anything filed by Mr. Blanchard to withdraw. Upon Court's inquiry, Plaintiff advised he last heard from Mr. Blanchard approximately one to two months ago. Court noted an e-mail had been sent to Mr. Blanchard on September 29th by the Court Clerk and there was never any response. Upon Court's inquiry, Mr. Fontano noted Mr. Blanchard had been

recently taken off discipline when he was hired by the Plaintiff. COURT ORDERED, matter CONTINUED and advised Mr. Blanchard would be notified to appear at the next hearing date.

CONTINUED TO: 11/30/2021 9:00 AM

CLERK'S NOTE: Mr. Blanchard notified of the new hearing date by e-mail on 11/22/2021. SA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

November 30, 2021

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**November 30, 2021      9:00 AM      Motion for Summary  
Judgment**

HEARD BY: Villani, Michael

COURTROOM: RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Kristine Santi

REPORTER:

**PARTIES**

<b>PRESENT:</b>	Fontano, James A.	Attorney
	Holmes, Wilbert R	Plaintiff
		Counter Defendant

**JOURNAL ENTRIES**

- Arguments by Mr. Fontano and Plaintiff, Wilbert Holmes. Court noted a Motion to Dismiss has a different standard than a Motion for Summary Judgment and further noted Plaintiff had not cited any points and authorities in his Opposition. Court stated it was concerned about the request for injunctive relief as it was not in a position to deny Plaintiff's right to file any new lawsuits. Upon Court's inquiry, Mr. Fontano stated Plaintiff was required to submit any proposed lawsuits to Judge Bell for consideration and approval to confirm he was not filing anything frivolous and noted he was requesting an injunction precluding the Plaintiff from taking any further actions to harass Capucine Holmes including making and publishing slanderous statements to her friends, employer, associates and the general public. COURT ORDERED, Motion GRANTED as Plaintiff has failed to provide any evidence establishing the claim of intentional infliction of emotional distress, his Opposition failed to cite any points and authorities, and there has been no evidence presented to defeat the Motion for Summary Judgment under all the case law standards. Court FINDS there to be an abuse of process and noted Plaintiff has already been deemed a vexatious litigant, therefore COURT FURTHER ORDERED, request for injunctive relief GRANTED and Plaintiff shall cease all slanderous statements against Capucine Holmes. Court directed Mr. Fontano to prepare the Order and forward it to the

Plaintiff for a response within 48 hours as to the wording of the Order.

Mr. Fontano advised they were requesting special damages for the repeated frivolous filings made by the Plaintiff on the abuse of process claim, therefore they needed a prove-up hearing. Court directed Mr. Fontano to submit the documents to the Court. COURT FURTHER ORDERED, Prove-Up hearing SET. Court noted the Plaintiff had signed off of BlueJeans.

12/21/2021 9:00 AM PROVE UP

CLERK'S NOTE: Minute Order provided to Plaintiff, Wilbert Holmes by e-mail on 12/6/2021. SA

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****December 21, 2021**

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**December 21, 2021      9:00 AM      All Pending Motions**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Fontano, James A.	Attorney
	Holmes, Capucine Y	Defendant
		Counter Claimant
	Holmes, Wilbert R	Plaintiff
		Counter Defendant

**JOURNAL ENTRIES**

- CALENDAR CALL...PROVE UP

Mr. Fontano advised he had submitted the order for summary judgment to the Court. Capucine Holmes SWORN and TESTIFIED. Mr. Fontano requested attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69. Court noted it had previously granted Capucine Holmes' Motion at the last hearing and FINDS the requested attorneys fees and costs to be reasonable, necessary, and appropriate in this matter as there were no reasonable grounds to bring this action, which was meant to harass Capucine Holmes, therefore ORDERED, request for attorneys fees in the amount of \$21,693.00 and costs in the amount of \$542.69 GRANTED; trial VACATED. Court directed Mr. Fontano to prepare the Order. Court noted Plaintiff kept interrupting the Court and was not letting the Judge talk.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort****COURT MINUTES****March 08, 2022**

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
    vs.  
    Ernest Miller, Defendant(s)

**March 08, 2022      9:00 AM      Motion for Default  
    Judgment**

**HEARD BY:** Gibbons, Mark      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:**      Holmes, Wilbert R      Plaintiff  
    Counter Defendant

**JOURNAL ENTRIES**

- Court noted Mr. Holmes had served the Default and it had been filed on July 20, 2020. Upon Court's inquiry, Mr. Holmes stated he was requesting a \$50,000.00 settlement for mental injuries. Court advised Mr. Holmes he needed to get either testimony of a doctor or an affidavit/declaration saying in their medical opinion to a reasonable degree of medical probability that Mr. Holmes had suffered psychological damage through the conduct of Mr. Miller. Court explained the statement needed to be under oath and noted the Civil Self Help Center had a form he could use. COURT ORDERED, Motion OFF CALENDAR and directed Mr. Holmes to re-notice the Motion when he had the proper paperwork.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**May 24, 2022**

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A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**May 24, 2022      9:00 AM      Motion for Default  
Judgment**

**HEARD BY:** Villani, Michael      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht  
Odalys Garcia

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:** Holmes, Wilbert R      Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- Court noted it had a letter from Edward Graham. Plaintiff stated he did not know who he was. Upon Court's inquiry, Plaintiff indicated it should have been from Calm Clinic from Dr. Zand. Court noted Senior Judge Gibbons was present at the last hearing date. Court further noted the date of incident was February 6, 2016 and Defendant had submitted over 1200 pages of VA records. COURT ORDERED, matter CONTINUED and directed Defendant to provide specific documents to establish his diagnosis related to his judgment.

CONTINUED TO: 6/21/2022 9:00 AM

CLERK'S NOTE: Hearing date given in Court was incorrect. Mr. Holmes was notified of the correct hearing date by e-mail. Minute Order reflects the correct date. (6/5/2022 SA)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Tort**

**COURT MINUTES**

**June 21, 2022**

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A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

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**June 21, 2022      9:00 AM      Motion for Default  
Judgment**

**HEARD BY:** Villani, Michael

**COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Samantha Albrecht  
Odalys Garcia

**RECORDER:** Kristine Santi

**REPORTER:**

**PARTIES**

**PRESENT:** Holmes, Wilbert R      Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- Court inquired regarding medical records with Plaintiff's diagnosis. Plaintiff advised he filed all medical records and was unsure what else needed to be filed. Court advised an affidavit or medical record of his diagnosis is required to establish it is related to his judgment. COURT ORDERED, matter CONTINUED and directed Defendant to provide specific documents to establish his diagnosis is related to his judgment.

CONTINUED TO: 07/19/22 9:00 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

July 19, 2022

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

**July 19, 2022      9:00 AM      Motion for Default  
Judgment**

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 11A

COURT CLERK: Samantha Albrecht

RECORDER: Charisse Ward

REPORTER:

**PARTIES**

**PRESENT:**      Holmes, Wilbert R      Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- Plaintiff noted he did not have a good internet connection. Court noted it had not received anything to support the request for default as he had not proven damages. Plaintiff disputed that and advised he had sent in various documents. Court explained he needed to show proof that he suffered damages. Statement by Plaintiff. Court further noted on 7/31/2018 Judge Cadish had denied the Motion for Summary Judgment as he did not submit supporting documents. Court noted no affidavits were never received as requested. Plaintiff stated no doctor would give him an affidavit, however they would give testimony on the witness stand. Court advised legal causation was the issue. COURT ORDERED, Motion DENIED as Plaintiff had failed to support his request for damages by showing causation. Court to prepare the order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Other Tort

COURT MINUTES

November 08, 2023

A-17-760443-C      Wilbert Holmes, Plaintiff(s)  
vs.  
Ernest Miller, Defendant(s)

November 08, 2023      1:30 PM      Motion to Set Aside

**HEARD BY:** Albertson, Anna      **COURTROOM:** Phoenix Building 11th Floor  
116

**COURT CLERK:** Kimberly Lienen

**RECORDER:** Stefanie Jackson

**REPORTER:**

**PARTIES**

**PRESENT:**      Heaton, William      Huntington      Attorney  
Holmes, Wilbert R      Plaintiff  
Counter Defendant

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Holmes stated this matter was brought before the Vexatious Litigant status had been given to him so he should still be able to have motion heard without the Chief Judge having to sign off on them; Mr. Heaton disagreed stating that he was under the impression that all new motions needed to be run by the Chief Judge. COURT SO NOTED and STATED it would hear the Motion today since it had not been sure on the order. Mr. Holmes stated the ruling of the Default Judgment was unjust and he was being 'blackballed' by the courts due to the relationship of he Ex-Wife with the court system. The Court stated it has no affiliation with either party or the counsel representing the Defendant. Mr. Heaton argued the Motion to Set Aside was untimely and had no legal basis to grant the relief. COURT STATED It's FINDINGS and ORDERED, Motion DENIED. Mr. Holmes then disconnected his link for BlueJeans. The Court further stated it is difficult to understand what exactly Mr. Holmes wants to set aside therefore the motion is unclear and the motion was untimely. Mr. Heaton to submit an order to Department 11 inbox. Court further stated any motion that has not been run by the Chief Judge will be denied as per the previous order. Court further directed if Mr. Holmes can not agree with Mr. Heaton's order he is able to submit a competing order within 14 days of receiving the order provided by Mr. Holmes.



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

**WILBERT HOLMES**  
**211 CATHERINE ST.**  
**ELIZABETH, NJ 07201**

**DATE: December 19, 2023**  
**CASE: A-17-760443-C**

**RE CASE:** WILBERT R. HOLMES vs. ERNEST MILLER; CAPUCINE Y. HOLMES

NOTICE OF APPEAL FILED: December 18, 2023

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

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

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

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

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

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

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

# Certification of Copy

State of Nevada }  
County of Clark } SS:

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION TO SET ASIDE ORDER, JUDGMENT, AND/OR DEFAULT; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

WILBERT R. HOLMES,

Plaintiff(s),

vs.

ERNEST MILLER; CAPUCINE Y. HOLMES,

Defendant(s),

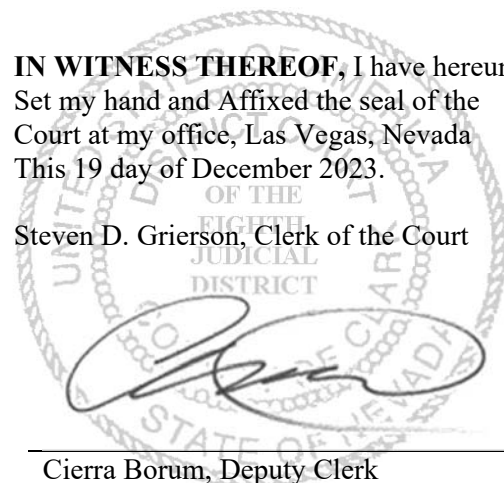
Case No: A-17-760443-C

Dept No: XI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 19 day of December 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk