

DONALD EBY  
PLAINTIFF

V

J. L. O.

DEFENDENTS

DISTRICT COURT  
LYON COUNTY NEVADA

SUPPLEMENTAL NOTICE OF APPEAL

COMES NOW PLAINTIFF EBY APPEALS TO THE  
N.S.C. THE DENIAL OF HIS MOTION TO  
VACATE ORDER SUPPLEMENTING N.S.C.  
#86220 ENTERED ON 2/6/24

Donald Eby 2/15/24

FILED

2024 FEB 21 PM 3:54

# 20-CV-01031

Electronically Filed

Feb 29 2024 08:47 AM

Lori Elizabeth A. Brown

Clerk of Supreme Court

Case No. 20-CV-01031

Dept. No. I

IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

\* \* \*

DONALD DOUGLAS EBY,

Appellant

vs

JOHNSTON LAW OFFICE P.C., BRAD JOHNSTON,

LeANN SCHUMANN,

Respondent

CASE APPEAL STATEMENT

1. **DONALD DOUGLAS EBY** is the name of the appellant filing this case appeal statement.
2. Honorable **John P. Schlegelmilch** issued the order being appealed.
3. Donald Douglas Eby is the Appellant in this case.  
Donald Douglas Eby 1262 Centerville Lane, Gardnerville, Nevada 89460 is in Proper Person on this appeal.
4. Johnston Law Office P.C., Brad Johnston and LeAnn Schumann are the respondents in this case.  
James E. Whitmire, Esq. 10100 W. Charleston Blvd, Suite 250, Las Vegas, Nevada 89135, represents the respondents in this case.
5. James E. Whitmire, Esq. is licensed to practice in the State of Nevada.
6. Appellant was in Proper Person in District Court proceedings.
7. Appellant is filing appeal in Proper Person.

- 1 8. No request to proceed in forma pauperis has been filed. The Appellant has failed to pay the  
2 required \$250.00 Supreme Court Filing Fee, \$500.00 Surety Bond and \$24.00 District Court  
3 filing fee. A letter was mailed to the Appellant on February 22, 2024 advising Appellant of  
4 the non-payment of fees.
- 5 9. The proceedings commenced in District Court on a Complaint filed on September 30, 2020.
- 6 10. This is a civil case for Negligence – Other. Judge P. Schlegelmilch entered an Order Denying  
7 Motion to Vacate Order on February 6, 2024.
- 8 11. This matter has previously been the subject of appeals in the Supreme Court filed under  
9 docket #82914, docket #83299, docket #86220 and docket #88116.
- 10 12. This case does not involve child custody/visitation.
- 11 13. This case does not have the possibility of settlement.

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13 Dated this 22nd day of February, 2024.

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16 Lori Kays, Deputy Clerk

17 911 Harvey Way #4

18 Yerington, NV 89447

19 (775)463-6503

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## Case Snapshot: Fri Feb 23 09:29:54 PST 2024

**Case Number:** 20-CV-01031

**Case Name:** DONALD DOUGLAS EBY, BRAD JOHNSTON, LEANN SCHUMANN, JOHNSTON LAW OFFICE P.C. ~ COMPLAINT

**Date Filed:** 09-30-2020

**Disposition:** Closed

### Parties:

**PTF:** DONALD DOUGLAS EBY

**Address:** 1262 Centerville Lane, Gardnerville NV 89460

**OTHR:** JWCONVERSION .

**DEF:** JOHNSTON LAW OFFICE P.C.

**Address:** 22 State Route 208, Yerington NV 89447

**Atty:** James Whitmire

**Atty:** Brad Johnston

SIMONS HALL JOHNSTON PC

**DEF:** LeANN SCHUMANN

**Address:** 1150 Selmi Dr., Reno NV 89512

**Atty:** James Whitmire

**Atty:** Brad Johnston

SIMONS HALL JOHNSTON PC

**DEF:** BRAD JOHNSTON

**Address:** 22 State Route 208, Yerington NV 89447

**Atty:** James Whitmire

**Atty:** Brad Johnston

SIMONS HALL JOHNSTON PC

**DEPT1:** John P. Schlegelmilch - Dept 1

**JDG:** John P. Schlegelmilch - Dept 1

### Hearings:

### Dockets:

02-22-2024 Case Appeal Statement -Re Supplemental Notice of Appeal filed 2-21-24

02-22-2024 120.1 Case Appeal Statement -Re Supplemental Notice of Appeal filed 2-21-24

02-21-2024 Counter Filings -Notice of Transfer to Court of Appeals (S.C.)

02-21-2024 119.1 Counter Filings -Notice of Transfer to Court of Appeals (S.C.)

02-21-2024 Counter Filings -Supplemental Notice of Appeal

02-21-2024 118.1 Counter Filings -Supplemental Notice of Appeal

02-16-2024 Counter Filings - Receipt for Documents (SC)  
02-16-2024 117.1 Counter Filings - Receipt for Documents (SC)

02-09-2024 Case Appeal Statement - Re Supplemental Notice of Appeal filed 2-7-24  
02-09-2024 112.1 Case Appeal Statement - Re Supplemental Notice of Appeal filed 2-7-24

02-09-2024 Notice of Entry of Order - Order Denying Motion for Order for Competency Evaluation  
02-09-2024 111.1 Notice of Entry of Order - Order Denying Motion for Order for Competency Evaluation

02-07-2024 Counter Filings - Reply to Opposition to Vacate Order  
02-07-2024 110.1 Counter Filings - Reply to Opposition to Vacate Order

02-07-2024 Counter Filings - Supplemental Notice of Appeal  
02-07-2024 109.1 Counter Filings - Supplemental Notice of Appeal

02-07-2024 Certificate of Mailing (Order Denying Motion to Vacate Order)  
02-07-2024 108.1 Certificate of Mailing (Order Denying Motion to Vacate Order)

02-06-2024 Order Denying Motion to Vacate Order  
02-06-2024 107.1 Order Denying Motion to Vacate Order

02-05-2024 Counter Filings - Motion for Enlargement of Time (to Respond to Defendants Opposition to Vacate)  
02-05-2024 106.1 Counter Filings - Motion for Enlargement of Time (to Respond to Defendants Opposition to Vacate)

01-24-2024 Index to Record on Appeal  
01-24-2024 104.1 Index to Record on Appeal

01-24-2024 Certificate of Mailing (Order Denying Motion for Order for Competency Evaluation)  
01-24-2024 102.1 Certificate of Mailing (Order Denying Motion for Order for Competency Evaluation)

01-24-2024 Order Denying Motion for Order for Competency Evaluation  
01-24-2024 101.1 Order Denying Motion for Order for Competency Evaluation

01-22-2024 Request for Submission Re Plaintiff's Motion for Competency Evaluation  
01-22-2024 100.1 Request for Submission Re Plaintiff's Motion for Competency Evaluation

01-22-2024 Opposition to Motion to Vacate Order  
01-22-2024 99.1 Opposition to Motion to Vacate Order

01-10-2024 Counter Filings - Motion to Vacate Order  
01-10-2024 98.1 Counter Filings - Motion to Vacate Order

01-09-2024 Counter Filings -Reply to Opposition to Competency Evaluation  
01-09-2024 97.1 Counter Filings -Reply to Opposition to Competency Evaluation

01-05-2024 Counter Filings -Order Directing Transmission of Record (S.C.)  
01-05-2024 96.1 Counter Filings -Order Directing Transmission of Record (S.C.)

12-15-2023 Motion for Enlargement of Time  
12-15-2023 95.1 Motion for Enlargement of Time

12-11-2023 Opposition to Motion for Competency Evaluation  
12-11-2023 94.1 Opposition to Motion for Competency Evaluation

11-29-2023 Motion for Order for Competency Evaluation  
11-29-2023 93.1 Motion for Order for Competency Evaluation

03-22-2023 Receipt for Documents (S.C.) (\$250 Filing Fee paid 3-20-23)  
03-22-2023 92.1 Receipt for Documents (S.C.) (\$250 Filing Fee paid 3-20-23)

03-10-2023 Receipt for Documents (S.C.)(Notice of Appeal filed 3-7-23)  
03-10-2023 87.1 Receipt for Documents (S.C.)(Notice of Appeal filed 3-7-23)

03-07-2023 Notice of Appeal (Filed 3-7-23 with S.C.)  
03-07-2023 86.1 Notice of Appeal (Filed 3-7-23 with S.C.)

03-07-2023 Case Appeal Statement (3)  
03-07-2023 85.1 Case Appeal Statement (3)

02-28-2023 Notice of Appeal (3)  
02-28-2023 83.1 Notice of Appeal (3)

02-13-2023 Notice of Entry of Order (Order Dismissing Case With Prejudice)  
02-13-2023 82.1 Notice of Entry of Order (Order Dismissing Case With Prejudice)

01-31-2023 Order Dismissing Case With Prejudice  
01-31-2023 81.1 Order Dismissing Case With Prejudice

01-30-2023 Request for Submission (Post-Appeal Briefs & Motion to Vacate Order and Judicial Notice)  
01-30-2023 80.1 Request for Submission (Post-Appeal Briefs & Motion to Vacate Order and Judicial Notice)

01-09-2023 Defendant's Reply Memorandum of Points and Authorities Concerning Dismissal of Plaintiff's Case with Prejudice  
01-09-2023 79.1 Defendant's Reply Memorandum of Points and Authorities Concerning Dismissal of Plaintiff's Case with Prejudice

12-27-2022Reply to Opposition to Motion to Vacate  
12-27-2022 78.1 Reply to Opposition to Motion to Vacate

12-21-2022Opposition to Motion to Vacate Order and Judicial Notice  
12-21-2022 77.1 Opposition to Motion to Vacate Order and Judicial Notice

12-21-2022Plaintiff's Memorandum of Points and Authorities and Opposition to Defendant's Points and Authorities  
12-21-2022 76.1 Plaintiff's Memorandum of Points and Authorities and Opposition to Defendant's Points and Authorities

12-09-2022Order Granting Extension  
12-09-2022 75.1 Order Granting Extension

12-12-2022Motion to Vacate Order and Judicial Notice  
12-12-2022 74.1 Motion to Vacate Order and Judicial Notice

11-30-2022Opposition to Motion for Enlargement of Time  
11-30-2022 73.1 Opposition to Motion for Enlargement of Time

12-02-2022Defendants' Memorandum of Points and Authorities Concerning Dismissal of Plaintiff's Case with Prejudice  
12-02-2022 72.1 Defendants' Memorandum of Points and Authorities Concerning Dismissal of Plaintiff's Case with Prejudice

11-22-2022Motion for Enlargement of Time- Donald Eby  
11-22-2022 71.1 Motion for Enlargement of Time- Donald Eby

11-16-2022Transcript Hearing 11-4-22  
11-16-2022 70.1 Transcript Hearing 11-4-22

11-07-2022Briefing Order  
11-07-2022 69.1 Briefing Order

10-17-2022Setting Memo (11-4-22)  
10-17-2022 68.1 Setting Memo (11-4-22)

10-04-2022Clerk's Certificate - (S.C.)  
10-04-2022 67.1 Clerk's Certificate - (S.C.)

10-04-2022Remittitur - (S.C.)  
10-04-2022 66.1 Remittitur - (S.C.)

09-22-2022Order Affirmed in Part, Reversed in Part, and Remanded (S.C.)  
09-27-2022 65.1 Order Affirmed in Part, Reversed in Part, and Remanded (S.C.)

05-13-2022Other

05-13-2022 64.1 Other

03-15-2022Notice of Transfer to Court of Appeals (S.C)

03-15-2022 63.1 Notice of Transfer to Court of Appeals (S.C)

09-10-2021Proof of Mailing ( Supreme Court)

10-22-2021 62.1 Proof of Mailing ( Supreme Court)

09-08-2021Index to Record on Appeal

09-08-2021 61.1 Index to Record on Appeal

08-09-2021Order for Transmission of Record (S.C.)

08-23-2021 60.1 Order for Transmission of Record (S.C.)

08-09-2021Receipt for Documents (S.C.)

08-10-2021 59.1 Receipt for Documents (S.C.)

08-02-2021Receipts for Documents (S.C)

08-02-2021 58.1 Receipts for Documents (S.C)

04-13-2021Notice of Entry of Order (Order Striking Fugitive Documents and Dmissing Action)

07-28-2021 57.1 Notice of Entry of Order (Order Striking Fugitive Documents and Dmissing Action)

07-28-2021Case Appeal Statement (2)

07-28-2021 56.1 Case Appeal Statement (2)

07-28-2021Notice of Appeal (2)

07-28-2021 55.1 Notice of Appeal (2)

07-06-2021Order Denying Motion for New Trial

07-07-2021 54.1 Order Denying Motion for New Trial

07-01-2021Clerk's Certificate (S.C.)

07-01-2021 53.1 Clerk's Certificate (S.C.)

07-01-2021Remittitur (S.C.)

07-01-2021 52.1 Remittitur (S.C.)

06-21-2021Civil Process Form - James Whitmore (Served 5-19-21)

06-21-2021 51.1 Civil Process Form - James Whitmore (Served 5-19-21)

06-21-2021Request to Clerk for Entry of Default as Against Named Defendant

06-21-2021 50.1 Request to Clerk for Entry of Default as Against Named Defendant



06-16-2021 Reply to Opposition to Motion for a New Trial  
06-16-2021 49.1 Reply to Opposition to Motion for a New Trial

06-09-2021 Order Dismissing Appeal- S.C.  
06-09-2021 48.1 Order Dismissing Appeal- S.C.

06-08-2021 Letter to Donald Eby RE Paperwork  
06-09-2021 47.1 Letter to Donald Eby RE Paperwork

05-27-2021 Motion for Enlargement of Time  
05-27-2021 46.1 Motion for Enlargement of Time

05-20-2021 Opposition to Motion for New Trial  
05-20-2021 45.1 Opposition to Motion for New Trial

05-18-2021 Receipt for Documents (S.C.)  
05-18-2021 44.1 Receipt for Documents (S.C.)

05-12-2021 Case Appeal Statement  
05-12-2021 43.1 Case Appeal Statement

05-10-2021 Motion for a New Trial  
05-12-2021 42.1 Motion for a New Trial

05-10-2021 Notice of Appeal  
05-12-2021 41.1 Notice of Appeal

04-27-2021 Motion for a New Trial - Submitted By Theodore Stevens  
04-30-2021 40.1 Motion for a New Trial - Submitted By Theodore Stevens

04-27-2021 Motion to Vacate Void Judgment - Filed By Theodore Stevens  
04-30-2021 39.1 Motion to Vacate Void Judgment - Filed By Theodore Stevens

04-30-2021 Letter from State Bar of Nevada 4\_27\_21  
04-30-2021 38.1 Letter from State Bar of Nevada 4\_27\_21

04-13-2021 Order Striking Fugitive Documents and Dismissing Action With Prejudice  
04-13-2021 37.1 Order Striking Fugitive Documents and Dismissing Action With Prejudice

04-12-2021 Response-Opposition to Motion to Enlarge Time to File Second Amended Complaint  
04-12-2021 36.1 Response-Opposition to Motion to Enlarge Time to File Second Amended Complaint

04-12-2021 Second Amended Complaint (2)  
04-12-2021 35.1 Second Amended Complaint (2)

04-07-2021 Objection to Filed Order of Motion to Dismiss  
04-09-2021 34.1 Objection to Filed Order of Motion to Dismiss

04-07-2021 Transcript Motion Hearing 3-2-21  
04-07-2021 33.1 Transcript Motion Hearing 3-2-21

04-05-2021 Limited Power of Attorney and Note from Petitioner (Received From Recorder's Office 4-5-21)  
04-07-2021 32.1 Limited Power of Attorney and Note from Petitioner (Received From Recorder's Office 4-5-21)

04-05-2021 Motion for Enlargement of Time (Filed by T. Stevens)  
04-05-2021 31.1 Motion for Enlargement of Time (Filed by T. Stevens)

03-31-2021 Letter Whitmire to Eby  
04-01-2021 30.1 Letter Whitmire to Eby

03-29-2021 Letter to Court from Ted Stevens  
03-30-2021 29.1 Letter to Court from Ted Stevens

03-30-2021 Notice of Appearance - Theodore Stevens  
03-30-2021 28.1 Notice of Appearance - Theodore Stevens

03-25-2021 Limited Power of Attorney  
03-25-2021 27.1 Limited Power of Attorney

03-10-2021 Documents From Plaintiff (Received 3-10-21)  
03-16-2021 26.1 Documents From Plaintiff (Received 3-10-21)

03-12-2021 Order on Motion to Dismiss  
03-12-2021 25.1 Order on Motion to Dismiss

03-12-2021 Request for Submission of Proposed Order  
03-12-2021 24.1 Request for Submission of Proposed Order

02-26-2021 Motion to Strike Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss (2)  
02-26-2021 23.1 Motion to Strike Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss (2)

02-24-2021 Motion for Leave to File Second Amended Complaint  
02-25-2021 22.1 Motion for Leave to File Second Amended Complaint

02-23-2021 Response to Plaintiff's Motion for Video Appearance of Theodore Stevens  
02-25-2021 21.1 Response to Plaintiff's Motion for Video Appearance of Theodore Stevens

02-18-2021Exhibit F CD to Reply in Support of Motion to Dismiss Plaintiff's First Amended Complaint

02-18-2021Reply in Support of Motion to Dismiss Plaintiff's First Amended Complaint with CD  
02-18-2021 19.1 Reply in Support of Motion to Dismiss Plaintiff's First Amended Complaint with CD

02-18-2021Order Denying Motion & Request  
02-18-2021 18.1 Order Denying Motion & Request

02-18-2021Motion for Theodore Stevens, An Inmate at Lovelock Corr. Center to Appear by Video  
02-18-2021 17.1 Motion for Theodore Stevens, An Inmate at Lovelock Corr. Center to Appear by Video

02-18-2021Notice of Intent to Appear by Simultaneous Transmission Equipment  
02-18-2021 16.1 Notice of Intent to Appear by Simultaneous Transmission Equipment

02-16-2021Motion to Strike Defendant's Reply in Support of Motion to Dismiss  
02-17-2021 15.1 Motion to Strike Defendant's Reply in Support of Motion to Dismiss

02-09-2021Amended Opposition to Defendant's Motion to Dismiss - Redacted  
02-12-2021 14.1 Amended Opposition to Defendant's Motion to Dismiss - Redacted

02-09-2021Amended Opposition to Defendant's Motion to Dismiss  
02-12-2021 13.1 Amended Opposition to Defendant's Motion to Dismiss

02-08-2021Setting Memo (3-2-21)  
02-08-2021 12.1 Setting Memo (3-2-21)

02-01-2021Opposition to Defendant's Motion to Dismiss- Redacted  
02-02-2021 11.1 Opposition to Defendant's Motion to Dismiss- Redacted

02-01-2021Opposition to Defendant's Motion to Dismiss  
02-02-2021 10.1 Opposition to Defendant's Motion to Dismiss

02-02-2021Request for Submission  
02-02-2021 9.1 Request for Submission

02-02-2021Reply in Support of Motion to Dismiss Pltf's First Amnd Comp  
02-02-2021 8.1 Reply in Support of Motion to Dismiss Pltf's First Amnd Comp

01-26-2021Notice of Intent to File Opposition to Defendants Motion to Dismiss  
01-28-2021 7.1 Notice of Intent to File Opposition to Defendants Motion to Dismiss

01-12-2021Motion to Dismiss Plaintiff's First Amended Complaint  
01-19-2021 6.1 Motion to Dismiss Plaintiff's First Amended Complaint

01-04-2021 Summons - On Return (LeAnn Schumann Served 12-29-20)  
01-04-2021 5.1 Summons - On Return (LeAnn Schumann Served 12-29-20)

01-04-2021 Summons - On Return (Brad Johnston Served 12-22-20)  
01-04-2021 4.1 Summons - On Return (Brad Johnston Served 12-22-20)

12-10-2020 First Amended Complaint Arbitration Exempt  
12-10-2020 3.1 First Amended Complaint Arbitration Exempt

09-30-2020 Complaint  
09-30-2020 2.1 Complaint

09-30-2020 Civil Cover Sheet  
09-30-2020 1.1 Civil Cover Sheet

Case No. 20-CV-01031

Dept. No. I

**IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF LYON**

\*\*\*

DONALD DOUGLAS EBY,

Plaintiff,

vs.

JOHNSTON LAW OFFICE P.C., BRAD  
JOHNSTON AND LEE ANN SCHUMANN,

Defendants.

**ORDER DENYING  
MOTION TO VACATE ORDER**

On January 10, 2024, Plaintiff, DONALD DOUGLAS EBY, filed a Motion to Vacate this Court's *Order on Motion to Dismiss*, entered on March 12, 2021. On January 22, 2024, Defendants filed their Opposition to Motion to Vacate Order.

This Court reiterates its findings and conclusions from its recent *Order Denying Motion for Order for Competency Evaluation*, issued on January 24, 2024 in this matter, i.e. that this matter is pending appeal with the Supreme Court, thus the jurisdiction rests with the Supreme Court of Nevada. Third Judicial District Court has no jurisdiction to entertain any such motion while the matter is pending appeal.

For these reasons,

**IT IS HEREBY ORDERED** that the Motion to Vacate Order is **DENIED**.

**IT IS SO ORDERED.**



HON. JOHN P. SCHLEGELMILCH,  
DISTRICT COURT JUDGE

<p>11/04/2022 09:00 AM 11/04/2022 09:30 AM</p>	<p>Held</p>	<p>☐ <b>Status Hearing</b> <b>Event Type Category:</b> Scheduled Event <b>Participants:</b> John P. Schlegelmilch - Dept 1 JOHNSTON, BRAD EBY, DONALD Tanya Sceirine Clerk lawclerk1 Dept I Whitmire, James E. <b>Resources:</b> John P. Schlegelmilch - Dept 1 <b>Note:</b> Status hearing post remittitur from the Supreme. Based on the opinion issued by the Court of Appeals which upheld the striking of the complaint and Mr. Stevens unauthorized practice of law. Court found the only potential issue was the malpractice action based on the power of attorney. Court felt going forward on the Young v Riberio factors the Court will need some type of pleadings. Court heard statement of Mr. Whitmire and Mr. Eby. Court ordered simultaneous briefs on the Young factors as to dismissal with or without prejudice. Briefs are due December 2, 2022 and any reply briefs are due December 16, 2022. Court advised that if either party requests a hearing the Court will hold hearing for argument otherwise the Court will deem the matter submitted. Court advised proposed orders be submitted with originating briefs. In relation to Mr. Stevens the Court ordered that he is not to pen, file or write anything in relation to this matter and Court will require Mr. Eby file affirmations that Stevens did not write the document. Court advised Mr. Eby he needs to follow NRCP. Court advised Mr. Eby that it does not take any settlement demands and is precluded from looking at any settlement documents.</p>
<p>03/02/2021 01:30 PM 03/02/2021 02:30 PM</p>	<p>Held</p>	<p>☐ <b>Motion Hearing</b> <b>Event Type Category:</b> Scheduled Event <b>Participants:</b> Court Room B John P. Schlegelmilch - Dept 1 JOHNSTON, BRAD - (Defendant)  Patrick Geurts Staff EBY, DONALD - (Plaintiff, in Pro Per) Whitmire, James E. Andrea Andersen Deputy Clerk <b>Resources:</b> Court Room B <b>Note:</b> Court denied the Motion to Strike Defendant's Reply to Plaintiff's Opposition to Motion to Dismiss and Motion for Leave to File Second Amended Complaint as it was filed by an unauthorized individual that is not licensed to practice in the State of Nevada. Court will refer Ted Stevens and Donald Eby to the State Bar and the Pershing, Lyon and Douglas County District Attorneys for unlawful practice. Court noted Mr. Stevens and Mr. Eby entered into a contract in an attempt to get around the February 18, 2021 Order. Mr.</p>

	<p>Whitmire and Mr. Eby argued the Motion to Dismiss. Court granted the Motion to Dismiss except the claim of malpractice relating to breach fiduciary duty and the power of attorney. Court granted Plaintiff thirty (30) days to file a second amended complaint to allege particular facts and circumstances constituting the breach. If the Plaintiff fails to file the second amended complaint within thirty (30) days, the matter will be dismissed without prejudice. Defendant to file an answer to the second amended complaint within twenty (20) days of service. Court finds no grounds presented for other claims. Court advised parties, if anything comes in from the prison from Mr. Stevens, it will be filed, however, it will not be considered and the matter will be forwarded to the proper authorities for unauthorized practice of law. Court will not condone Mr. Stevens to file in the case as Mr. Stevens is not a real party in interest in this case. Court directed Plaintiff to refer to the Third Judicial District Court Rules to ensure his pleadings are in proper format. Court will not accept the Assignment of Interest because it is a retainer agreement by a non-lawyer and is illegal. Court advised Mr. Whitmore that defense does not need to respond to any of Mr. Stevens filings unless otherwise directed to do so by the Court. Any filings from Mr. Stevens will be considered frivolous. Mr. Whitmore to prepare the Order and submit a copy to the Plaintiff along with a Request for Submission. Plaintiff is to have five (5) days, plus three (3) days for mailing to file an objection to the terms of the proposed Order.</p>
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# CIVIL COVER SHEET

County, Nevada  
Case No. 20-CV-01031  
(Assigned by Clerk's Office) Dept I

FILED

2020 SEP 30 AM 11:51

## I. Party Information

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

Donald Douglas Eby  
1267 Carleville Ln  
Gardnerville NV 89460

Attorney (name/address/phone):

Pro Per

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

Brad Johnston, Lee Ann Schumann  
N 27 State Route 208 Yerington NV 89447  
ES 1150 Elm Dr Reno 89512

Attorney (name/address/phone):

JANEA SOLIMINI  
COURT ADMINISTRATOR  
JUDICIAL DISTRICT  
d.d. DEPUTY

## II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

### Civil Cases

#### Real Property

- ☐ Landlord/Tenant
- ☐ Unlawful Detainer
- ☐ Title to Property
  - ☐ Foreclosure
  - ☐ Liens
  - ☐ Quiet Title
  - ☐ Specific Performance
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property
  - ☐ Partition
  - ☐ Planning/Zoning

#### Negligence

- ☐ Negligence - Auto
- ☐ Negligence - Medical/Dental
- ☐ Negligence - Premises Liability (Slip/Fall)
- ☒ Negligence - Other

Legal malpractice

#### Torts

- ☐ Product Liability
  - ☐ Product Liability/Motor Vehicle
  - ☐ Other Torts/Product Liability
- ☐ Intentional Misconduct
  - ☐ Torts/Defamation (Libel/Slander)
  - ☐ Interfere with Contract Rights
- ☐ Employment Torts (wrongful termination)
- ☐ Other Torts
  - ☐ Anti-trust
  - ☐ Fraud/Misrepresentation
  - ☐ Insurance
  - ☐ Legal Tort
  - ☐ Unfair competition

#### Probate

- ☐ Summary Administration
- ☐ General Administration
- ☐ Special Administration
- ☐ Set Aside Estates
- ☐ Probate Trust/Conservatorships
- ☐ Other Probate

#### Other Civil Filing Types

- ☐ Construction Defect
- ☐ Breach of Contract
  - ☐ Building & Construction
  - ☐ Insurance Carrier
  - ☐ Commercial Instrument
  - ☐ Other Contracts/Acct/Judgment
  - ☐ Collection of Actions
  - ☐ Employment Contract
  - ☐ Guarantee
  - ☐ Sale Contract
  - ☐ Uniform Commercial Code
- ☐ Civil Petition for Judicial Review
  - ☐ Other Administrative Law
  - ☐ Department of Motor Vehicles
  - ☐ Employer's Insurance of Nevada
- ☐ Appeal from Lower Court (also check applicable civil case box)
  - ☐ Transfer from Justice Court
  - ☐ Justice Court Civil appeal
- ☐ Civil Writ
- ☐ Other Special Proceeding
- ☐ Other Civil Filing
  - ☐ Compromise of Minor's Claim
  - ☐ Conversion of Property
  - ☐ Damage to Property
  - ☐ Employment Security
  - ☐ Enforcement of Judgment
  - ☐ Foreign Judgment - Civil
  - ☐ Other Personal Property
  - ☐ Recover of Property
  - ☐ Stockholder Suit
  - ☐ Other Civil Matters

## III. Business Court Requested (Please check applicable category; for Clark and Washoe Counties only.)

- ☐ NRS Chapters 78-88
- ☐ Commodities (NRS 90)
- ☐ Securities (NRS 90)
- ☐ Investments (NRS 104B)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Trademarks (NRS 600A)
- ☐ Enhanced Case Mgmt/Business
- ☐ Other Business Court Matters

92320

Date

Del Steen

Signature of initiating party or representative

See other side for family-related case filings.

LCC LL FORM 26.026