

DC-9900041190-033  
CV12-02385  
ALEXANDER M. FALCONI VS. CORAZO  
District Court 12/10/2012 11:18 AM  
Washoe County  
2515

Code: \$2515  
Alexander M. Falconi  
570 Sky Valley Dr. #F201  
Reno, NV 89523  
xavior75@yahoo.com  
75-391-9139  
Appearing in Proper Person

FILED

2012 DEC 10 AM 11:18

CLERK OF SUPREME COURT

Electronically Filed  
Dec 17 2012 02:23 p.m.  
Troy K. Bindeman  
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

ALEXANDER M. FALCONI, an individual;

Plaintiff, Counter-defendant,

vs.

CORAZON REAL ESTATE, a domestic  
corporation; and DOES I-X, inclusive;

Defendant, Counterclaimant.

Case #: CV12-02385

Dept #: 9

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Alexander M. Falconi, Plaintiff above named, hereby  
APPEALS to The Supreme Court of the State of Nevada from the Order Granting Defendant's  
Motion to Dismiss entered in this action on the 26<sup>th</sup> day of November, 2012.

**AFFIRMATION<sup>1</sup>:** This document does not contain a social security number of any person.

SIGNED this 8 day of DECEMBER, 2012.



Alexander M. Falconi

<sup>1</sup> This affirmation is in accordance with NRS 239B.030."

**CERTIFICATE OF NRCP 5 SERVICE**

I, Alexander M. Falconi, do hereby solemnly swear under penalty of perjury that I am over the age of 18 and a party to this action and that I **personally** served a true and correct copy of this Notice upon the following:

Corazon Real Estate  
Attn: Charles Chinnici  
254 Vassar Street  
Reno, Nevada 89502

SERVED THIS 10 day of DECEMBER, 2012.



Alexander M. Falconi

CV12-02385  
ALEXANDER FALCONI VS CORAZON  
District Court  
Washoe County  
DC-9900041200-017  
12/10/2012 11:20 AM  
1310  
ASMTT

FILED

2012 DEC 10 AM 11:20

JOSEPH C. MAGNINGS  
CLERK OF THE COURT  
BY: [Signature]  
CLERK

Code: 1310  
Alexander M. Falconi  
1570 Sky Valley Dr. #F201  
Reno, NV 89523  
Exavior75@yahoo.com  
775-391-9139  
Appearing in Proper Person

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

ALEXANDER M. FALCONI, an individual;	}	Case #: CV12-02385
Plaintiff, Counter-defendant,		
vs.	}	Dept #: 9
CORAZON REAL ESTATE, a domestic corporation; and DOES I-X, inclusive;		
Defendant, Counterclaimant.		

CASE APPEAL STATEMENT

1. Appellant: Alexander M. Falconi.
2. Judge issuing order appealed from: The Honorable Scott N. Freeman.
3. Appellant's Address & Counsel: 1570 Sky Valley Dr., Reno, NV 89523, Pro Per.
4. Respondent's Address & Counsel: Corazon Real Estate, a domestic corporation, Pro Per.
5. Petitioner, a natural person, is representing himself per SCR 44. Respondent, a domestic corporation, is representing itself through and by its President; objections<sup>1</sup> were raised by motion which the district court disregarded.
6. Appellant is not represented by appointed or retained counsel in the district court.
7. Appellant is not represented by appointed or retained counsel on appeal.

<sup>1</sup> Appellant filed a Motion to Require Corazon Real Estate to obtain counsel per this Court's consistent requirement that corporations may not appear in proper person. Appellant indicated that, while not personally opposed to Corazon Real Estate appearing in pro per, he was concerned that it would cause issues on appeal. Furthermore, while a party can waive its rights, Appellant was concerned that this court would not acknowledge any such "right to allowing an opposing party to represent itself pro per."

1 8. Appellant is seeking leave to proceed in forma pauperis.

2 9. Proceedings commenced on September 20, 2012.

3 10. Appellant, a tenant, sued Respondent, a landlord, for wrongfully charging Appellant  
4 monies to maintain and repair the air conditioner and stove to the extent of  
5 threatening and prosecuting an eviction nearly to a lock-out; claims include violation  
6 of several statutory torts, retaliatory eviction, and conversion of a security deposit.  
7 Appellant alleged malice and oppression and seeks compensatory and punitive  
8 damages.  
9

10 11. The case has not previously been the subject of an appeal or original writ proceeding  
11 in the Supreme Court.  
12

13 12. The appeal does not involve child custody or visitation.

14 13. The appeal does involve the possibility of a settlement.

15 **AFFIRMATION<sup>2</sup>:** This document does not contain a social security number of any person.

16 DATED THIS 7<sup>th</sup> day of DECEMBER, 2012.

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19  
20 Alexander M. Falconi  
21 Appearing in Proper Person  
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<sup>2</sup> This affirmation is in accordance with NRS 239B.030."

**CERTIFICATE OF NRCP 5 SERVICE**

I, Alexander M. Falconi, do hereby solemnly swear under penalty of perjury that I am over the age of 18 and a party to this action and that I **personally** served a true and correct copy of this Case Appeal Statement upon the following:

Corazon Real Estate  
Attn: Charles Chinnici  
254 Vassar Street  
Reno, Nevada 89502

SERVED THIS 10 day of DECEMBER, 2012.

  
\_\_\_\_\_  
Alexander M. Falconi

1 **Code 1310**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **ALEXANDER M. FALCONI,**

9 **Plaintiff,**

10 **vs.**

**Case No. CV12-02385**

**Dept. No. 9**

11 **CORAZON REAL ESTATE,**

12 **Defendant.**

13 \_\_\_\_\_ /  
14 **CASE APPEAL STATEMENT**

15 This case appeal statement is filed pursuant to NRAP 3(2).

16 1. This appeal is from an order entered by the Honorable Scott Freeman.

17 2. Appellant is Alexander M Falconi. Appellant is representing himself in Proper  
18 Person on appeal:

19 3. Appellant's address is:

20 Alexander M Falconi  
21 1570 Sky Valley Dr. #F201  
22 Reno, Nevada 89523

23 4. Respondent is Corazon Real Estate. Respondent was represented in District Court  
24 by:

25 Charles Chinnici  
26 Corazon Real Estate  
27 254 Vassar Street  
Reno, Nevada 89502

28 5. Respondent's representative is not licensed to practice law in Nevada.

6. Appellant is not represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of a complaint on September 20, 2012.
10. This is a civil proceeding and the Appellants are appealing the Order Granting  
Defendants Motion to Dismiss filed on December 5, 2012.
11. The case has not been the subject of a previous appeals to the Supreme Court:
12. This case does not involve child custody or visitation.
13. It is unknown if the case involves the possibility of a settlement.

Dated this 14th day of December 2012`.

JOEY ORDUNA HASTINGS  
CLERK OF THE COURT

By: /s/ Annie Smith  
Annie Smith  
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT****STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV12-02385****Case Description: ALEXANDER FALCONI VS. CORAZON REAL ESTATE (ARB)****Case Number: CV12-02385 Case Type: LEGAL/TORT - Initially Filed On: 9/20/2012****Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - SCOTT N. FREEMAN - D9	Active
PLTF - ALEXANDER M FALCONI - @1131463	Active
DEFT - CORAZON REAL ESTATE - @1184648	Active

**Disposed Hearings**

- 1 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 10/9/2012 at 14:00:00  
Extra Event Text: EX-PARTE MOTION FOR TEMPORARY RESTRAINING ORDER (PAPER ORDER PROVIDED)  
Event Disposition: S200 - 10/11/2012
- 2 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 10/19/2012 at 11:05:00  
Extra Event Text: MOTION TO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL (PAPER ORDER PROVIDED)  
Event Disposition: S200 - 12/5/2012
- 3 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 11/1/2012 at 16:59:00  
Extra Event Text: MOTION TO DISMISS CASE WITH PREJUDICE (PAPER ORDER NOT PROVIDED)  
Event Disposition: S200 - 12/5/2012
- 4 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 11/26/2012 at 16:40:00  
Extra Event Text: MOTION TO AMEND COMPLAINT (PAPER ORDER PROVIDED)  
Event Disposition: S200 - 12/5/2012
- 5 Department: D9 -- Event: Request for Submission -- Scheduled Date & Time: 11/26/2012 at 16:35:00  
Extra Event Text: DEFENDANTS OPPOSITION TO PLAINTIFFS REQUEST FOR ARBITRATION (PAPER ORDER PROVIDED)  
Event Disposition: S200 - 12/5/2012

**Actions**

- |   | <u>Filing Date</u> | <u>-</u> | <u>Docket Code &amp; Description</u>  |
|---|--------------------|----------|---|
| 1 | 9/20/2012          | -        | COV - **Civil Cover Sheet<br><i>No additional text exists for this entry.</i>                         |
| 2 | 9/20/2012          | -        | \$1425 - \$Complaint - Civil<br><i>No additional text exists for this entry.</i>                      |
| 3 | 9/20/2012          | -        | 2610 - Notice ...<br>Additional Text: NOTICE OF EXTENSION OF TIME TO FILE ANSWER                      |
| 4 | 9/20/2012          | -        | PAYRC - **Payment Received<br>Additional Text: A Payment of -\$260.00 was made on receipt DCDC377298. |
| 5 | 10/3/2012          | -        | 2610 - Notice ...<br>Additional Text: NOTICE REGARDING OCTOBER RENT AND THE DESTRUCTION OF EVIDENCE   |

**Report Does Not Contain Sealed Cases or Confidential Information**



- 6 10/3/2012 - 3720 - Proof of Service  
*No additional text exists for this entry.*
- 7 10/9/2012 - 1670 - Ex-Parte Mtn...  
Additional Text: EX-PARTE MOTION FOR TEMPORARY RESTRAINING ORDER
- 8 10/9/2012 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: EX-PARTE MOTION FOR TEMPORARY RESTRAINING ORDER (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: ALEXANDER M. FALCONI  
DATE SUBMITTED: 10/9/12  
SUBMITTED BY: MCHOLICO  
DATE RECEIVED JUDGE OFFICE:
- 9 10/11/2012 - 2842 - Ord Denying Motion  
Additional Text: ORDER DENYING EX PARTE MOTION FOR TEMPORARY RESTRAINING ORDER - Transaction 3277632 -  
Approved By: NOREVIEW : 10-11-2012:15:36:40
- 10 10/11/2012 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 11 10/11/2012 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3277677 - Approved By: NOREVIEW : 10-11-2012:15:41:32
- 12 10/12/2012 - \$1560 - \$Def 1st Appearance - CV  
*No additional text exists for this entry.*
- 13 10/12/2012 - 1137 - Answer and Counterclaim  
*No additional text exists for this entry.*
- 14 10/12/2012 - PAYRC - \*\*Payment Receipted  
Additional Text: A Payment of -\$213.00 was made on receipt DCDC380390.
- 15 10/15/2012 - 2525 - Notice of Change of Address  
*No additional text exists for this entry.*
- 16 10/15/2012 - 3795 - Reply...  
Additional Text: REPLY TO COUNTERCLAIM
- 17 10/15/2012 - 2490 - Motion ...  
Additional Text: MOTION FTO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL
- 18 10/17/2012 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO PLTFS MOTION TO REQUIRE REAL ESTATE TO OBTAIN COUNSEL
- 19 10/17/2012 - 2290 - Mtn to Dismiss Case  
Additional Text: MOTION TO DISMISS CASE WITH PREJUDICE
- 20 10/19/2012 - 3795 - Reply...  
Additional Text: REPLY TO OPPOSITION TO MOTION TO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL
- 21 10/19/2012 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION TO REQUIRE CORAZON REAL ESTATE TO OBTAIN COUNSEL (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: FALCONI, ALEXANDER  
DATE SUBMITTED: 10/19/12  
SUBMITTED BY: ACROGHAN  
DATE RECEIVED JUDGE OFFICE:

- 22 10/29/2012 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION CORAZON REAL ESTATE'S TO MOTION TO DISMISS
- 23 11/1/2012 - 3795 - Reply...  
Additional Text: REPLY TO PLTF'S OPPOSITION TO DEFT'S MOTION TO DISMISS
- 24 11/1/2012 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION TO DISMISS CASE WITH PREJUDICE (PAPER ORDER NOT PROVIDED)  
PARTY SUBMITTING: CHARLES CHINNICI  
DATE SUBMITTED: 11-01-12  
SUBMITTED BY: MLAWRENCE  
DATE RECEIVED JUDGE OFFICE:
- 25 11/19/2012 - 2490 - Motion ...  
Additional Text: MOTION TO AMEND COMPLAINT
- 26 11/19/2012 - 2610 - Notice ...  
Additional Text: NOTICE DISPUTING ITEMIZED WRITTEN ACCOUNTING
- 27 11/19/2012 - 3870 - Request  
Additional Text: REQUEST FOR ARBITRATION
- 28 11/21/2012 - 3975 - Statement ...  
Additional Text: NRCP 7.1 DISCLOSURE STATEMENT
- 29 11/21/2012 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO PLAINTIFF'S MOTION TO AMEND COMPLAINT
- 30 11/21/2012 - 2645 - Opposition to Mtn ...  
Additional Text: OPPOSITION TO PLAINTIFF'S REQUEST FOR ARBITRATION
- 31 11/26/2012 - 3795 - Reply...  
Additional Text: REPLY TO OPPOSITION TO MOTION TO AMEND COMPLAINT
- 32 11/26/2012 - 3790 - Reply to/in Opposition  
Additional Text: REPLY TO OPPOSITION TO PLAINTIFF'S REQUEST FOR ARBITRATION
- 33 11/26/2012 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: MOTION TO AMEND COMPLAINT (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: ALEXANDER FALCONI  
DATE SUBMITTED: 11-26-12  
SUBMITTED BY: HBROWN  
DATE RECEIVED JUDGE OFFICE:
- 34 11/26/2012 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: DEFENDANTS OPPOSITION TO PLAINTIFFS REQUEST FOR ARBITRATION (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: ALEXANDER FALCONI  
DATE SUBMITTED: 11-26-12  
SUBMITTED BY: HBROWN  
DATE RECEIVED JUDGE OFFICE:
- 35 12/5/2012 - 3060 - Ord Granting Mtn ...  
Additional Text: ORDER GRANTING DEFENDANTS MOTION TO DISMISS - Transaction 3388192 - Approved By: NOREVIEW : 12-05-2012:14:02:38
- 36 12/5/2012 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*

- 37 12/5/2012 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 38 12/5/2012 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 39 12/5/2012 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 40 12/5/2012 - F135 - Adj Motion to Dismiss by DEFT  
*No additional text exists for this entry.*
- 41 12/5/2012 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3388201 - Approved By: NOREVIEW : 12-05-2012:14:05:02
- 42 12/10/2012 - 2385 - Mtn Proceed Forma Pauperis  
Additional Text: APPLICATION TO PROCEED IN FORMA PAUPERIS
- 43 12/10/2012 - 3860 - Request for Submission  
Additional Text: DOCUMENT TITLE: APPLICATION TO PROCEED IN FORMA PAUPERIS (PAPER ORDER PROVIDED)  
PARTY SUBMITTING: FALCONI, ALEXANDER  
DATE SUBMITTED: 12/10/12  
SUBMITTED BY: ACROGHAN  
DATE RECEIVED JUDGE OFFICE:
- 44 12/10/2012 - 1325 - \*\* Case Reopened  
*No additional text exists for this entry.*
- 45 12/10/2012 - 2515 - Notice of Appeal Supreme Court  
Additional Text: ALEXANDER FALCONI
- 46 12/10/2012 - 1310 - Case Appeal Statement  
Additional Text: ALEXANDER M. FALCONI
- 47 12/14/2012 - 1310E - Case Appeal Statement  
Additional Text: Transaction 3408177 - Approved By: NOREVIEW : 12-14-2012:12:56:49
- 48 12/14/2012 - 1365 - Certificate of Transmittal  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3408177 - Approved By: NOREVIEW : 12-14-2012:12:56:49
- 49 12/14/2012 - NEF - Proof of Electronic Service  
Additional Text: Transaction 3408183 - Approved By: NOREVIEW : 12-14-2012:12:58:11

1 CODE: 3060  
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4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
5 IN AND FOR THE COUNTY OF WASHOE  
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8 ALEXANDER M. FALCONI  
9

10 Plaintiff,

11 vs.

Case No. CV12-02385

12 CORAZON REAL ESTATE, a domestic  
13 corporation,

Dept. No. 9

14 Defendants.  
15 \_\_\_\_\_/

16 ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

17 The Court is in receipt of Defendant CORAZON REAL ESTATE (hereinafter "Defendant")  
18 *Motion to Dismiss* filed on October 17, 2012. On October 29, 2012, Plaintiff ALEXANDER M.  
19 FALCONI'S (hereinafter "Plaintiff") filed his *Opposition to Defendants' Motion to Dismiss*. On  
20 November 1, 2012, Defendant filed their *Reply to Plaintiffs' Opposition to Defendants' Motion to*  
21 *Dismiss*.

22 Defendant asserts this case is frivolous and without merit. More specifically, Defendant  
23 alleges Plaintiff is filing this case in an attempt to intimidate the Defendant to extort a settlement.  
24 Additionally, Defendant requests \$1,500.00 in costs and damages for having to defend itself against  
25 Plaintiff's claims.

26 The Court has reviewed the record and is familiar with this case. Previously, Plaintiff has  
27 filed an Ex Parte Motion for Temporary Restraining Order claiming that he was facing irreparable  
28 harm and the Defendant was wrongly evicting him. After reviewing the record, the Court found that

1 Plaintiff admitted "on September 18, 2012, FALCONI filed a 30-day notice of his intent to vacate  
2 out. (Pl.'s Ex Parte Mot. 2:6.). Plaintiffs 30-Day Notice of Intent to Vacate states:

3 "I, Alexander M. Falconi, tenant of 2142 Roundhouse Rd. Sparks, NV, do hereby  
4 give a 30 day notice to vacate the premises. My last day at the premises will be  
5 October 18, 2012."

6 Thereafter the document was signed and verified by the Plaintiff Alexander M. Falconi. As  
7 well, Plaintiff provided the Defendants move out instructions in response to Plaintiffs 30-Day  
8 Notice. Thereby, Plaintiff's Ex Parte Motion was filed in bad faith.

9 Presently, Plaintiff provided in his Opposition, Ex. 1, Plaintiff's letter to the Defendant  
10 provides:

11 "Demanding \$125.48 for maintenance of the air conditioner and stove tops. There are  
12 also two new repairs needed: (1) the most recent repairs made on the toilet did stop  
13 the leaking but there is still an underlying problem in that the toilet has an extremely  
14 weak draw on the water."

15 Plaintiff's claims are for a residence of which he no longer resides; as well Plaintiff has  
16 provided the Court no evidence or record of any of the alleged maintenance issues. Thus, there is no  
17 evidence to support Plaintiffs claim(s). The Court has reviewed the entire record and Plaintiff has  
18 provided no evidence of the alleged damages. Therefore, for the several reasons described above;  
19 Defendants' Motion to Dismiss with prejudice is granted.

20 THEREFORE IT IS HEREBY ORDERED Defendants' *Motion to Dismiss* is GRANTED.  
21 IT IS FURTHER ORDERED Defendants' request for \$1,500.00 in costs is DENIED.

22 DATED: This 4 day of December, 2012.

23  
24   
25 DISTRICT JUDGE  
26  
27  
28

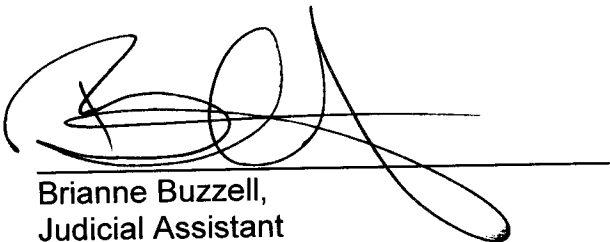
**CERTIFICATE OF SERVICE**

I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;  
that on the \_\_\_\_ day of \_\_\_\_\_, 2012, I electronically filed the foregoing with  
the Clerk of the Court system which will send a notice of electronic filing to the following:

Further, Pursuant to NRCP 5(b), I hereby certify that I am an employee of the  
Second Judicial District Court, in and for the County of Washoe; and that on this  
5 day of December, 2012, I deposited in the County mailing system for  
postage and mailing with the United States Postal Service in Reno, Nevada, a true and  
correct copy of the attached document addressed as follows:

Alexander Falconi  
2142 Roundhouse Rd.  
Sparks, NV 89431

Corazon Real Estate  
Attention: Charles Chinnici  
254 Vassar Street  
Reno, NV 89502



Brianne Buzzell,  
Judicial Assistant

**FILED**

Electronically

12-14-2012:12:56:26 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3408177

1 **Code 1350**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **ALEXANDER M. FALCONI,**

9  
10 **Plaintiff,**

**Case No. CV12-02385**

11 **vs.**

**Dept. No. 9**

12 **CORAZON REAL ESTATE,**

13 **Defendant.**

14 \_\_\_\_\_ /  
15  
16 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

17 I certify that I am an employee of the Second Judicial District Court of the State of  
18 Nevada, County of Washoe; that on the 14th day of December, 2012, I electronically filed  
19 the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

20 I further certify that the transmitted record is a true and correct copy of the original  
21 pleadings on file with the Second Judicial District Court.

22 Dated this 14th day of December, 2012

23  
24 **JOEY ORDUNA HASTINGS**  
**CLERK OF THE COURT**

25 By /s/ Annie Smith

26 Annie Smith  
27 Deputy Clerk  
28