

1 JOHN W. THOMSON, ESQ.
2 Nevada Bar No. 5802
3 THOMSON LAW PC
4 2450 St. Rose Parkway, Suite 120
5 Henderson, NV 89074
6 (702) 478-8282 Telephone
7 (702) 541-9500 Facsimile
8 Email: johnwthomson@ymail.com
9 Attorney for Plaintiff Nona Tobin

Electronically Filed
Nov 17 2020 11:26 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

9 NONA TOBIN, an Individual
10
11 Plaintiff,

Case No.: A-19-799890-C
Dept No.: 22

12 vs.

13 BRIAN CHIESI, an individual; DEBORA
14 CHIESI, an individual; QUICKEN LOANS
15 INC.; JOEL A. STOKES, an individual;
16 JOEL A. STOKES and SANDRA STOKES
17 as Trustees of JIMI JACK IRREVOCABLE
18 TRUST; JIMI JACK IRREVOCABLE
19 TRUST; NATIONSTAR MORTGAGE LLC;
20 RED ROCK FINANCIAL SERVICES;
21 DOES I through X inclusive; and ROE
22 CORPORATIONS I through V, inclusive

23 Defendants.

**NOTICE OF APPEAL
TO THE SUPREME COURT, STATE
OF NEVADA**

24 Notice is hereby given that Plaintiff/Appellant Nona Tobin, by and through her attorney,
25 John W. Thomson, Esq., of Thomson Law PC, does hereby appeal the *Order Granting Motion*
26 *for Attorney's Fees and Costs Filed by Joel A. Stokes, Joel A. Stokes and Sandra Stokes, as*
27 *Trustees of the Jimijack Irrevocable Trust, and Jimijack Irrevocable Trust, Pursuant to EDCR*
28 *7.60(b)(1) and/or (3), Notice of Entry filed on October 8, 2020, in the District Court in and for*
the above-named county and state.

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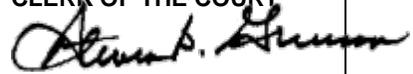
Dated this 9th day of November, 2020

THOMSON LAW PC

/s/ John W. Thomson
JOHN W. THOMSON
Nevada Bar No. 5802
2450 St. Rose Parkway, Suite 120
Henderson, Nevada 89074
Attorney for Nona Tobin

CERTIFICATE OF SERVICE

The undersigned, an employee of Thomson Law PC, hereby certifies that on the 9th day of November 2020, she caused a copy of the **NOTICE OF APPEAL** to be served in accordance with Administrative Order 14.2, to all interested parties, through the Court’s Odyssey E-File & Serve system.



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8 Email: johnwthomson@ymail.com
9 Attorney for Plaintiff Nona Tobin

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

10 NONA TOBIN, an Individual

11 Plaintiff,

12 vs.

13 BRIAN CHIESI, an individual; DEBORA
14 CHIESI, an individual; QUICKEN LOANS
15 INC.; JOEL A. STOKES, an individual;
16 JOEL A. STOKES and SANDRA STOKES
17 as Trustees of JIMI JACK IRREVOCABLE
18 TRUST; JIMI JACK IRREVOCABLE
19 TRUST; NATIONSTAR MORTGAGE LLC;
20 RED ROCK FINANCIAL SERVICES;
21 DOES I through X inclusive; and ROE
22 CORPORATIONS I through V, inclusive

23 Defendants.

Case No.: A-19-799890-C

Dept No.: 22

CASE APPEAL STATEMENT

21 NONA TOBIN, as an individual, by and through her undersigned attorney for the Case
22 Appeal Statement, states as follows:

- 24 1. Name of appellant filing this case appeal statement:
25 NONA TOBIN, as an individual.
- 26 2. Identify the judge issuing the decision, judgment, or order appealed from:
27 The Honorable Susan H. Johnson.
- 28 3. Identify each appellant and the name and address of counsel for each appellant:

1 NONA TOBIN, an individual, Appellant

2 John W. Thomson, Esq.
3 Nevada Bar No. 5802
4 Thomson Law PC
5 2450 St. Rose Parkway, Suite 120
6 Henderson, Nevada 89074

7 4. Identify each respondent and the name and address of appellate counsel, if known,
8 for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as
9 much and provide the name and address of that respondent's trial counsel):

10 a. Joel A. Stokes, an Individual, Joel A. Stokes and Sandra Stokes, As
11 Trustees Of The Jimijack Irrevocable Trust, And Jimijack Irrevocable Trust,
12 Respondents.

13 Respondents' appellate counsel is unknown. Trial counsel was:

14 Josph Y. Hong, Esq.
15 Nevada Bar No. 5995
16 Hong & Hong Law Office
17 1980 Festival Plaza Drive, Suite 650
18 Las Vegas, Nevada 89135

19 5. Indicate whether any attorney identified above in response to question 3 or 4 is
20 not licensed to practice law in Nevada and, if so, whether the district court granted that attorney
21 permission to appear under SCR 42 (attach a copy of any district court order granting such
22 permission):

23 The attorneys identified above are licensed to practice law in Nevada.

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

26 Appellant was represented by:

27 John W. Thomson, Esq.
28 Nevada Bar No. 5802

1 Thomson Law PC
2 2450 St. Rose Parkway, Suite 120
3 Henderson, Nevada 89074

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

6 Appellant is represented by retained counsel.

7
8 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and
9 the date of entry of the district court granting such leave:

10 No.

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

13 The original Complaint was filed on August 7, 2019, the First Amended
14 Complaint was filed on June 3, 2020.

15
16 10. Provide a brief description of the nature of the action and result in the district
17 court, including the type of judgment or order being appealed and the relief granted by the
18 district court:

19 Nona Tobin filed an action in her individual capacity for quiet title, declaratory relief
20 and equitable relief/unjust enrichment for the excess proceeds of sale, against several
21 defendants, from a defective HOA foreclosure sale and many other statutory and other
22 violations of law.

23
24 The defendants filed a Motion to Dismiss, and several joinders thereto, and submitted
25 unverified evidence to the Court. Instead of hearing the Motion as one for Summary Judgment,
26 the Court ruled that the First Amended Complaint did not survive the Motion to Dismiss and
27

1 granted the motion, dismissing the action with prejudice. The Order Granting the Motion to
2 Dismiss has not yet been entered.

3 *Sua sponte*, and without circulating the draft to the parties, on September 6, 2020, the
4 Court issued an Order granting defendants', Joel A. Stokes, an individual, Joel A. Stokes and
5 Sandra Stokes, as Trustees of the Jimijack Irrevocable Trust, and Jimijack Irrevocable Trust,
6 Motion for Attorney Fees and Costs Pursuant to EDCR 7.60(b)(1) and/or (3). Well after the 14-
7 day time limit had passed (see, NRCF 58(e)), the Stokes defendants filed a Notice of Entry of
8 Order on October 8, 2020.

9
10 Appellants are appealing the October 8, 2020 Order because it, *inter alia*: (1) incorrectly
11 applied EDCR 7.60 and NRS 18.010(2)(b) in awarding attorney fees to Respondents; (2) failed
12 to adequately assess the factors enumerated in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345,
13 349, 455 P.2d 31, 33 (1969) in awarding attorney fees to Respondents; (3) incorrectly awarded
14 certain costs to Respondents; and (4) incorrectly found facts and law not in the record when
15 making the award of attorney fees and costs. Appellants therefore appeal the October 8, 2020
16 Order pursuant to NRAP 3(A)(b)(8).

17
18
19 11. Indicate whether the case has previously been the subject of an appeal to or
20 original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket
21 number of the prior proceeding:

22 This case is currently not the subject of a pending appeal in the Supreme Court.

23
24 12. Indicate whether this appeal involves child custody or visitation:

25 This case does **not** involve child custody or visitation.

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

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Settlement is possible, but unlikely.

Dated this 9th day of November 2020.

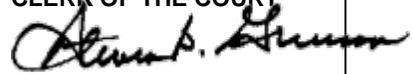
THOMSON LAW PC

/s/ John W. Thomson
JOHN W. THOMSON
Nevada Bar No. 5802
2450 St. Rose Parkway, Suite 120
Henderson, Nevada 89074
Attorney for Nona Tobin

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Case Appeal Statement** was submitted electronically for filing and/or service with the Eighth Judicial District Court on this 9th day of November 2020. Electronic service of the forgoing document shall be upon all parties listed on the Odyssey eFileNV service contact list.

/s/ Annette Cooper
An Employee of Thomson Law PC



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8 Email: johnwthomson@ymail.com
9 Attorney for Plaintiff Nona Tobin

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 NONA TOBIN, an Individual

10 Plaintiff,

11 vs.

12
13 BRIAN CHIESI, an individual; DEBORA
14 CHIESI, an individual; QUICKEN LOANS
15 INC.; JOEL A. STOKES, an individual;
16 JOEL A. STOKES and SANDRA STOKES
17 as Trustees of JIMI JACK IRREVOCABLE
18 TRUST; JIMI JACK IRREVOCABLE
19 TRUST; NATIONSTAR MORTGAGE LLC;
20 RED ROCK FINANCIAL SERVICES;
21 DOES I through X inclusive; and ROE
22 CORPORATIONS I through V, inclusive

23 Defendants.

Case No.: A-19-799890-C
Dept No.: 22

NOTICE OF POSTING OF COST BOND

24 PLEASE TAKE NOTICE that NONA TOBIN posted a cost bond in the amount of
25 \$500.00 on November 9, 2020.

26 DATED this 9th day of November, 2020

27 LAW OFFICE OF JOHN W. THOMSON

28 By: /s/John W. Thomson

JOHN W. THOMSON, ESQ.
Nevada Bar No. 5802
2450 St. Rose Parkway, Suite 120
Henderson, Nevada 89074
Attorney for Plaintiff

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-799890-C

Nona Tobin, Plaintiff(s)
vs.
Joel Stokes, Defendant(s)

§
 §
 §
 §
 §

Location: **Department 22**
 Judicial Officer: **Johnson, Susan**
 Filed on: **08/07/2019**
 Cross-Reference Case Number: **A799890**

CASE INFORMATION

Case Type: **Other Title to Property**

Case Status: **08/07/2019 Open**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-19-799890-C
Court	Department 22
Date Assigned	08/07/2019
Judicial Officer	Johnson, Susan

PARTY INFORMATION

Plaintiff	Tobin, Nona	Thomson, John W. <i>Retained</i> 702-478-8282(W)
Defendant	Bank of America Removed: 06/03/2020 Inactive	
	Barbee, Forrest Removed: 06/03/2020 Inactive	
	Chiesti, Brian	Maurice, Aaron R. <i>Retained</i> 702-463-7616(W)
	Chiesti, Debora	Maurice, Aaron R. <i>Retained</i> 702-463-7616(W)
	Corwin, Cluyanne M Removed: 06/03/2020 Inactive	
	Crain, Youda Removed: 06/03/2020 Inactive	
	F. Bondurant LLC Removed: 06/03/2020 Inactive	
	Hong, Joseph Removed: 06/03/2020 Inactive	
	Jimijack Irrevocable Trust	Hong, Joseph Y. <i>Retained</i> 702-870-1777(W)

CASE SUMMARY

CASE NO. A-19-799890-C

Lee, Yuen K

Removed: 06/03/2020
Inactive

Lucas, Thomas

Removed: 06/03/2020
Inactive

Morgan, Melanie

Removed: 06/03/2020
Inactive

Nationstar Mortgage LLC

Wittig, Donna

Retained

702-634-5000(W)

Ochoa, David

Removed: 06/03/2020
Inactive

Opportunity Homes LLC

Removed: 06/03/2020
Inactive

Quicken Loans Inc

Maurice, Aaron R.

Retained

702-463-7616(W)

Red Rock Financial Services

Wight, Brody R.

Retained

702-318-5040(W)

Scow, Steven

Removed: 06/03/2020
Inactive

Stokes, Joel A

Hong, Joseph Y.

Retained

702-870-1777(W)

Stokes, Sandra

Hong, Joseph Y.

Retained

702-870-1777(W)

Williams, Teresa D

Removed: 06/03/2020
Inactive

DATE	EVENTS & ORDERS OF THE COURT	INDEX
<u>EVENTS</u>		
08/07/2019	 Complaint Filed By: Plaintiff Tobin, Nona <i>Complaint for Quiet Title, and Equitable, Declaratory, and Injunctive Relief</i>	
08/13/2019	 Notice of Lis Pendens Filed by: Plaintiff Tobin, Nona <i>Notice of Lis Pendens</i>	
08/22/2019	 Notice <i>Notice of Change of Case Designation / Suffix</i>	
12/04/2019	 Notice of Appearance Party: Plaintiff Tobin, Nona <i>Notice Of Appearance of Counsel</i>	

CASE SUMMARY

CASE NO. A-19-799890-C

- 12/05/2019  Ex Parte Motion
Filed By: Plaintiff Tobin, Nona
Plaintiff's Ex Parte Motion to Extend Time to Serve Summons and Complaint (First Request)
- 12/10/2019  Ex Parte Order
Filed By: Plaintiff Tobin, Nona
Ex-Parte Order to Extend Time to Serve Summons and Complaint
- 12/10/2019  Notice of Entry of Order
Filed By: Plaintiff Tobin, Nona
Notice of Entry of Order
- 01/31/2020  Ex Parte Motion
Filed By: Plaintiff Tobin, Nona
Ex Parte Motion to Extend Time to Serve Summons and Complaint (Second Request)
- 02/05/2020  Order Extending Time to Serve
Filed By: Plaintiff Tobin, Nona
Order To Extend Time To Serve Summons and Complaint
- 02/05/2020  Notice of Entry of Order
Filed By: Plaintiff Tobin, Nona
Notice Of Entry Of Order
- 04/02/2020  Ex Parte Application to Extend Time for Service
Filed By: Plaintiff Tobin, Nona
Ex Parte Motion to Extend Time to Serve Complaint
- 04/06/2020  Order Extending Time to Serve
Order to Extend Time to Serve Summons and Complaint
- 04/06/2020  Order
Filed By: Plaintiff Tobin, Nona
Order To Extend Time To Serve Summons And Complaint
- 04/07/2020  Notice of Entry of Order
Filed By: Plaintiff Tobin, Nona
Notice of Entry of Order
- 06/03/2020  First Amended Complaint
Filed By: Plaintiff Tobin, Nona
First Amended Complaint
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending

CASE SUMMARY

CASE NO. A-19-799890-C

- Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/03/2020  Summons Electronically Issued - Service Pending
Party: Plaintiff Tobin, Nona
Summons
- 06/05/2020  Affidavit of Service
Filed By: Plaintiff Tobin, Nona
Affidavit of Service
- 06/05/2020  Affidavit of Service
Affidavit of Service
- 06/10/2020  Affidavit of Service
Filed By: Plaintiff Tobin, Nona
Affidavit of Service
- 06/10/2020  Affidavit of Service
Filed By: Plaintiff Tobin, Nona
Affidavit of Service
- 06/23/2020  Initial Appearance Fee Disclosure
Filed By: Defendant Red Rock Financial Services
Initial Appearance Fee Disclosure
- 06/23/2020  Motion to Dismiss
Filed By: Defendant Red Rock Financial Services
Defendant Red Rock Financial Services, LLC's Motion to Dismiss Complaint Pursuant to NRCP 12(b)(5) and (6)
- 06/23/2020  Clerk's Notice of Hearing
Notice of Hearing

CASE SUMMARY

CASE NO. A-19-799890-C

- 06/25/2020  Joinder To Motion
Filed By: Defendant Nationstar Mortgage LLC
Nationstar's Joinder to Defendant Red Rock Financial Services' Motion to Dismiss First Amended Complaint
- 06/25/2020  Initial Appearance Fee Disclosure
Filed By: Defendant Nationstar Mortgage LLC
Initial Appearance Fee Disclosure
- 06/25/2020  Joinder To Motion
Filed By: Defendant Stokes, Joel A; Defendant Jimijack Irrevocable Trust; Defendant Stokes, Sandra
Joel A. Stokes, Joel A. Stokes And Sandra Stokes, As Trustees Of The Jimijack Irrevocable Trust, And Jimijack Irrevocable Trust s Joinder To Defendant, Red Rock Financial Services , Motion To Dismiss First Amended Complaint And For Attorney s Fees And Costs Pursuant To E.D.C.R. Rule 7.60(b)(1) And/Or (3)
- 06/25/2020  Initial Appearance Fee Disclosure
Filed By: Defendant Stokes, Joel A; Defendant Stokes, Sandra
Initial Appearance Fee Disclosure
- 07/01/2020  Affidavit of Service
Filed By: Plaintiff Tobin, Nona
Party Served: Defendant Stokes, Joel A
Affidavit of Service - Joel Stokes
- 07/01/2020  Affidavit of Service
Filed By: Plaintiff Tobin, Nona
Party Served: Defendant Stokes, Sandra
Affidavit of Service - Sandra Stokes
- 07/01/2020  Affidavit of Service
Filed By: Plaintiff Tobin, Nona
Party Served: Defendant Jimijack Irrevocable Trust
Affidavit of Service - Jimijack Irrevocable trust
- 07/06/2020  Joinder To Motion
Filed By: Defendant Quicken Loans Inc; Defendant Chiesti, Brian; Defendant Chiesti, Debora
Brian and Debora Chiesi and Quicken Loan Inc.'s Joinder to Defendant Red Rock Financial Service's Motion to Dismiss Plaintiff's Amended Complaint
- 07/06/2020  Request for Judicial Notice
Filed By: Defendant Quicken Loans Inc; Defendant Chiesti, Brian; Defendant Chiesti, Debora
Request for Judicial Notice
- 07/06/2020  Initial Appearance Fee Disclosure
Filed By: Defendant Quicken Loans Inc; Defendant Chiesti, Brian; Defendant Chiesti, Debora
Initial Appearance Fee Disclosure
- 07/13/2020  Stipulation and Order
Filed by: Plaintiff Tobin, Nona
Stipulation And Order To Reschedule Hearng For Defendant Red Rock Financial Services, LLC's Motion to Dismiss Complaint Pursuant to NRCP 12(B)(5) And (6) Joinders Thereto,

CASE SUMMARY

CASE NO. A-19-799890-C

and Request For Judicial Notice

- 07/14/2020  Notice of Entry of Stipulation and Order
Filed By: Plaintiff Tobin, Nona
Notice of Entry of Stipulation And Order to Reschedule Hearing For Defendant Red Rock Financial Services, LLC's Motion to Dismiss Complaint Pursuant to NRCP 12(B)(5) And (6) Joinders Thereto, And Request For Judicial Notice
- 07/20/2020  Opposition to Motion to Dismiss
Filed By: Plaintiff Tobin, Nona
Opposition to Motion to Dismiss and to Joinder Thereto
- 08/03/2020  Reply in Support
Filed By: Defendant Quicken Loans Inc; Defendant Chiesti, Brian; Defendant Chiesti, Debora
Brian and Debora Chiesi and Quicken Loans, LLC's Reply to Plaintiff's Opposition to Motion to Dismiss and Joinders thereto
- 08/03/2020  Reply in Support
Filed By: Defendant Red Rock Financial Services
Defendant Red Rock Financial Services' Reply in Support of its Motion to Dismiss the Complaint Pursuant to NRCP 12(b)(5) and (6)
- 08/03/2020  Reply in Support
Filed By: Defendant Stokes, Joel A; Defendant Jimijack Irrevocable Trust; Defendant Stokes, Sandra
Joel A. Stokes, Joel A. Stokes And Sandra Stokes, As Trustees Of The Jimijack Irrevocable Trust, And Jimijack Irrevocable Trust s Reply In Support Of Joinder To Defendant, Red Rock Financial Services , Motion To Dismiss First Amended Complaint And For Attorney s Fees And Costs Pursuant To E.D.C.R. Rule 7.60(b)(1) And/Or (3)
- 09/06/2020  Order Granting Motion
Order Granting Motion for Attorney's Fees and Costs Filed by Joel A. Stokes, Joel A. Stokes and Sandra Stokes, as Trustees of the Jimijack Irrevocable Trust and Jimijack Irrevocable Trust, Pursuant to EDCR 7.60(b)(1) and/or (3)
- 09/16/2020  Motion for Attorney Fees and Costs
Filed By: Defendant Quicken Loans Inc; Defendant Chiesti, Brian; Defendant Chiesti, Debora
Motion for Attorney's Fees and Costs
- 09/17/2020  Clerk's Notice of Hearing
Notice of Hearing
- 10/08/2020  Notice of Entry of Order
Filed By: Defendant Stokes, Joel A; Defendant Jimijack Irrevocable Trust; Defendant Stokes, Sandra
Notice Of Entry Of Order Granting Motion For Attorney s Fees And Costs Filed By Joel A. Stokes, Joel A. Stokes And Sandra Stokes, As Trustees Of The Jimijack Irrevocable Trust, And Jimijack Irrevocable Trust, Pursuant To EDCR 7.60(b)(1) And/Or (3)
- 10/08/2020  Opposition to Motion
Filed By: Plaintiff Tobin, Nona
Opposition to Chiesi and Quicken Loans Motion for Attorney Fees and Costs
- 10/16/2020  Order Shortening Time

CASE SUMMARY
CASE NO. A-19-799890-C

Defendants, Joel A. Stokes and Sandra Stokes, as Trustees of The JimiJack Irrevocable Trust and JimiJack Irrevocable Trust's, Motion to Enforce Order for Attorney's Fees and Costs and for Contempt and for Attorney's Fees and Costs Pursuant to E.D.C.R. Rule 7.60(b)(3) and/or (5) and Order Shortening Time

10/16/2020



Notice of Entry of Order

Filed By: Defendant Stokes, Joel A; Defendant JimiJack Irrevocable Trust; Defendant Stokes, Sandra

Notice Of Entry Of Order Shortening Time

10/19/2020



Reply

Filed by: Defendant Chiesti, Brian

Reply to Plaintiff's Opposition to the Chiesi Defendants' Motion for Attorney's Fees and Costs

10/27/2020



Opposition to Motion

Filed By: Plaintiff Tobin, Nona

Opposition to Joel A. Stokes and Sandra Stokes, as Trustees of the JimiJack Irrevocable Trust and JimiJack Irrevocable Trust's Motion to Enforce Order for Attorney Fees and Costs and for Contempt and Order Shortening Time

11/09/2020



Notice of Appeal

Filed By: Plaintiff Tobin, Nona

Notice of Appeal to the Supreme Court, State of Nevada

11/09/2020



Case Appeal Statement

Filed By: Plaintiff Tobin, Nona

CASE APPEAL STATEMENT

11/09/2020



Notice of Posting of Cost Bond

Filed By: Plaintiff Tobin, Nona

NOTICE OF POSTING OF COST BOND

DISPOSITIONS

09/06/2020

Order (Judicial Officer: Johnson, Susan)

Debtors: Nona Tobin (Plaintiff)

Creditors: Joel A Stokes (Defendant), JimiJack Irrevocable Trust (Defendant), Sandra Stokes (Defendant)

Judgment: 09/06/2020, Docketed: 09/08/2020

Total Judgment: 3,455.00

HEARINGS

08/11/2020

Motion to Dismiss (8:30 AM) (Judicial Officer: Johnson, Susan)

Defendant Red Rock Financial Services, LLC's Motion to Dismiss Complaint Pursuant to NRCPC 12(b)(5) and (6)

07/28/2020

Continued to 08/11/2020 - Stipulation and Order - Quicken Loans Inc; Tobin, Nona; Stokes, Joel A; JimiJack Irrevocable Trust; Nationstar Mortgage LLC; Red Rock Financial Services; Chiesti, Brian; Chiesti, Debora; Stokes, Sandra

08/11/2020

Joinder (8:30 AM) (Judicial Officer: Johnson, Susan)

Nationstar's Joinder to Defendant Red Rock Financial Services' Motion to Dismiss First Amended Complaint

07/28/2020

Continued to 08/11/2020 - Stipulation and Order - Quicken Loans Inc; Tobin, Nona; Stokes, Joel A; JimiJack Irrevocable Trust; Nationstar Mortgage LLC; Red Rock Financial Services; Chiesti, Brian; Chiesti, Debora; Stokes, Sandra

08/11/2020

Joinder (8:30 AM) (Judicial Officer: Johnson, Susan)

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-799890-C

Joel A. Stokes, Joel A. Stokes And Sandra Stokes, As Trustees Of The Jimijack Irrevocable Trust, And Jimijack Irrevocable Trust s Joinder To Defendant, Red Rock Financial Services , Motion To Dismiss First Amended Complaint And For Attorney s Fees And Costs Pursuant To E.D.C.R. Rule 7.60(b)(1) And/Or (3)

07/28/2020 *Continued to 08/11/2020 - Stipulation and Order - Quicken Loans Inc; Tobin, Nona; Stokes, Joel A; Jimijack Irrevocable Trust; Nationstar Mortgage LLC; Red Rock Financial Services; Chiesti, Brian; Chiesti, Debora; Stokes, Sandra*

08/11/2020 **Joinder (8:30 AM)** (Judicial Officer: Johnson, Susan)

Brian and Debora Chiesi and Quicken Loan Inc.'s Joinder to Defendant Red Rock Financial Service's Motion to Dismiss Plaintiff's Amended Complaint

07/28/2020 *Continued to 08/11/2020 - Stipulation and Order - Quicken Loans Inc; Tobin, Nona; Stokes, Joel A; Jimijack Irrevocable Trust; Nationstar Mortgage LLC; Red Rock Financial Services; Chiesti, Brian; Chiesti, Debora; Stokes, Sandra*

08/11/2020  **All Pending Motions (8:30 AM)** (Judicial Officer: Johnson, Susan)

Matter Heard;

Journal Entry Details:

DEFENDANT RED ROCK FINANCIAL SERVICES, LLC'S MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP 12(B)(5) AND (6) NATIONSTAR'S JOINDER TO DEFENDANT RED ROCK FINANCIAL SERVICES' MOTION TO DISMISS FIRST AMENDED COMPLAINT JOEL A. STOKES, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST, AND JIMIACK IRREVOCABLE TRUST'S JOINDER TO DEFENDANT, RED ROCK FINANCIAL SERVICES , MOTION TO DISMISS FIRST AMENDED COMPLAINT AND FOR ATTORNEY'S FEES AND COSTS PURSUANT TO E.D.C.R. RULE 7.60(B)(1) AND/OR (3) BRIAN AND DEBORA CHIESI AND QUICKEN LOAN INC.'S JOINDER TO DEFENDANT RED ROCK FINANCIAL SERVICE'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT Counsel appearing remotely via Bluejeans. Argument by counsel. COURT ORDERED, Defendant Red Rock Financial Services, LLC's Motion to Dismiss Complaint, GRANTED adding that the Court would take the request for attorney fees under advisement. Mr. Wight to prepare the order.;

10/29/2020  **Motion for Attorney Fees and Costs (9:00 AM)** (Judicial Officer: Johnson, Susan)

Defendant's Motion for Attorney's Fees and Costs

Motion Granted;

Journal Entry Details:

Arguments by Ms. Wood and Mr. Thompson regarding whether or not the 31.6 billed hours were reasonable and necessary. COURT ORDERED, matter taken UNDER ADVISEMENT; advised it wanted to review the attorneys fees in lieu of the Brunzell factors; matter SET for hearing. 11/03/2020 - 8:30 AM - DEFENDANTS, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST AND JIMIACK IRREVOCABLE TRUST'S MOTION TO ENFORCE ORDER FOR ATTORNEY'S FEES AND COSTS AND FOR CONTEMPT AND FOR ATTORNEY'S FEES AND COSTS PURSUANT TO EDCR RULE 7.60 (B)(3) AND/OR (5) AND ORDER SHORTENING TIME;

11/03/2020  **Motion to Enforce (8:30 AM)** (Judicial Officer: Johnson, Susan)

Defendants, Joel A. Stokes and Sandra Stokes, as Trustees of the Jimijack Irrevocable Trust and Jimijack Irrevocable Trust's Motion to Enforce Order for Attorney's Fees and Costs and for Contempt and for Attorney's Fees and Costs Pursuant to EDCR Rule 7.60(b)(3) and/or (5) and Order Shortening Time

Denied Without Prejudice;

Journal Entry Details:

Court noted the best remedy would be for Mr. Hong to submit a proposed judgment and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Thomson advised there were several issues with this Motion and they should be awarded attorneys fees. Arguments by Mr. Thomson in support of attorneys fees. Court noted Mr. Thomson didn't have a pending motion for attorneys fees and advised he should file one if he felt it was appropriate.;

DATE

FINANCIAL INFORMATION

Defendant Chiesti, Brian
Total Charges

283.00

CASE SUMMARY

CASE NO. A-19-799890-C

Total Payments and Credits	283.00
Balance Due as of 11/10/2020	0.00
Defendant Nationstar Mortgage LLC	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 11/10/2020	0.00
Defendant Red Rock Financial Services	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 11/10/2020	0.00
Defendant Stokes, Joel A	
Total Charges	283.00
Total Payments and Credits	0.00
Balance Due as of 11/10/2020	283.00
Plaintiff Tobin, Nona	
Total Charges	294.00
Total Payments and Credits	294.00
Balance Due as of 11/10/2020	0.00

1 OGM

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

5 **NONA TOBIN, an individual,**
6
7 **Plaintiff,**

Case No. A-19-799890-C
Dept. No. XXII

8 **Vs.**

9 **BRIAN CHIESTI, an individual;**
10 **DEBORA CHIESTI, an individual;**
11 **QUICKEN LOANS INC.; JOEL A.**
12 **STOKES, an individual; JOEL A.**
13 **STOKES and SANDRA STOKES, as**
14 **Trustees of JIMI JACK IRREVOCABLE**
15 **TRUST; JIMI JACK IRREVOCABLE**
16 **TRUST; NATIONSTAIR MORTGAGE**
17 **LLC; RED ROCK FINANCIAL**
18 **SERVICES; DOES I through X, inclusive;**
19 **and ROE CORPORATIONS I through V,**
20 **inclusive,**

21 **Defendants.**

22 **ORDER GRANTING MOTION FOR ATTORNEY'S FEES AND COSTS FILED BY JOEL**
23 **A. STOKES, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE**
24 **JIMI JACK IRREVOCABLE TRUST, AND JIMI JACK IRREVOCABLE TRUST,**
25 **PURSUANT TO EDCR 7.60(b)(1) AND/OR (3)**

26 This matter, concerning the Motion for Attorney's Fees and Costs filed by JOEL A.
27 STOKES, individually, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE
28 JIMI JACK IRREVOCABLE TRUST and JIMI JACK IRREVOCABLE TRUST pursuant to EDCR
7.60(b)(1) and/or (3) filed June 25, 2020,¹ came on for hearing on the 11th day of August 2020 at the
hour of 8:30 a.m. before Department XXII of the Eighth Judicial District Court, in and for Clark

¹This motion was included within these Defendants' Joinder to Defendant RED ROCK FINANCIAL SERVICES' Motion to Dismiss First Amended Complaint.

1 County, Nevada with JUDGE SUSAN JOHNSON presiding; Plaintiff NONA TOBIN appeared by
2 and through her attorney, JOHN W. THOMSON, ESQ.; Defendants BRIAN CHIESI and DEBORA
3 CHIESI appeared in *pro se*; Defendants JOEL A. STOKES, JOEL A STOKES AND SANDRA
4 STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST and JIMIACK
5 IRREVOCABLE TRUST appeared by and through their attorney, JOSEPH Y HONG, ESQ. of the
6 law firm, HONG & HONG LAW OFFICE; Defendant RED ROCK FINANCIAL SERVICES
7 appeared by and through its attorney, BRODY R. WIGHT, ESQ. of the law firm, KOCH & SCOW;
8 Defendant NATIONSTAR MORTGAGE, LLC appeared by and through its attorney, DONNA
9 WITTIG, ESQ. of the law firm, AKERMAN; and Defendant QUICKEN LOANS INC. appeared by
10 and through its attorney, BRITTANY WOOD, ESQ. of the law firm, MAURICE WOOD. Having
11 reviewed the papers and pleadings on file herein, heard oral arguments of the lawyers and taken this
12 matter under advisement, this Court makes the following Findings of Fact and Conclusions of Law:
13
14

15 **FINDINGS OF FACT AND PROCEDURAL HISTORY**

16 1. On June 16, 2015, Defendants JOEL A. STOKES, JOEL A. STOKES AND
17 SANDRA STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST filed their
18 Complaint against BANK OF AMERICA² and SUN CITY ANTHEM COMMUNITY
19 ASSOCIATION, INC., seeking, *inter alia*, to quiet title to their residence, 2763 White Sage,
20 Henderson, Nevada 89052. *See Stokes v. Bank of America*, Case No. A-15-720032-C, filed in
21 Department XXXI, Eighth Judicial District Court, in and for Clark County, Nevada.
22 Subsequently, on May 17, 2016, NATIONSTAR MORTGAGE, LLC intervened, and filed
23 its Counter-Claim against, *inter alia*, JIMIACK IRREVOCABLE TRUST.³ Further, a
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27 ²NATIONSTAR MORTGAGE, LLC thereafter was permitted to intervene in that it was BANK OF
28 AMERICA'S successor-in-interest.

³The Counter-Claim was also filed against OPPORTUNITY HOMES, LLC, F. BONDURANT, LLC as well as
DOE and ROE defendants. In this Court's view, the pleading lodged against these "Counter-Defendants" was

1 Complaint previously filed by NATIONSTAR MORTGAGE, LLC against OPPORTUNITY
2 HOMES, LLC in another action, Case No. A-16-730078-C, on January 11, 2016 was
3 consolidated with the older case filed by MR. STOKES and the Trustees of JIMIJACK
4 IRREVOCABLE TRUST in Department XXXI.
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6 2. In July 2016, Plaintiff NONA TOBIN and STEVEN HANSEN, as individuals, filed
7 their Motion to Intervene in Case No. A-16-730078-C, claiming MS. TOBIN was a Trustee and MR.
8 HANSEN was a beneficiary of the GORDON B. HANSEN TRUST, the entity that owned the
9 subject property until the homeowners' association foreclosure sale took place. Such motion was
10 denied without prejudice given MS. TOBIN and MR. HANSEN, individually, lacked standing to sue
11 or intervene in the action. MS. TOBIN eventually was permitted to intervene as Trustee of the
12 GORDON B. HANSEN TRUST in early 2017. MS. TOBIN thereafter filed her Counter-Claim
13 against MR. STOKES and JIMIJACK IRREVOCABLE TRUST and Cross-Claims against SUN
14 CITY ANTHEM COMMUNITY ASSOCIATION, OPPORTUNITY HOMES, INC. and F.
15 BONDURANT, LLC. Of interest here, MS. TOBIN identified herself interchangeably as an
16 individual and trustee throughout the pleadings, an error noted by JUDGE JOANNA KISHNER in
17 her Findings of Fact, Conclusions of Law and Judgment filed June 24, 2019, pp. 4 and 8.
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20 3. On April 17, 2019, JUDGE KISHNER granted summary judgment in favor of SUN
21 CITY ANTHEM COMMUNITY ASSOCIATION, INC. as it held a valid homeowners' association
22 foreclosure sale which terminated the interest of GORDON B. HANSEN TRUST within the subject
23 property and MS. TOBIN showed no reason such as "fraud," "oppression" or "malice" for the sale
24 to be set aside Further, JUDGE KISHNER noted MS. TOBIN, as an individual, had no standing to
25 sue and papers identifying her as a plaintiff suing individually were stricken. On June 5 and 6, 2019,
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inappropriately called a "counter-claim," as these parties were not listed as plaintiffs in the primary action.

1 a bench trial was heard by JUDGE KISHNER with respect to the claims of MS. TOBIN, as Trustee
2 of the GORDON B. HANSEN TRUST against, *inter alia*, MR. STOKES and the JIMIACK
3 IRREVOCABLE TRUST. After hearing the evidence, that Court issued Findings of Fact,
4 Conclusions of Law and Judgment in favor of MR. STOKES and the JIMIACK IRREVOCABLE
5 TRUST, and ordered the *lis pendens* filed by MS. TOBIN against the subject property be expunged.
6 The consolidated action heard by Department XXXI is now pending before the Nevada Court of
7 Appeals.
8

9 4. MS. TOBIN, in her individual capacity, has now sued various persons and entities,
10 including MR. STOKES and JIMIACK IRREVOCABLE TRUST in the instant matter before
11 Department XXII for declaratory relief and to quiet title in the real estate that was the subject of the
12 previous consolidated litigation. Various Defendants filed their Motions to Dismiss, along with
13 Joinders thereto, upon the basis, *inter alia*, MS. TOBIN was judicially estopped from asserting an
14 ownership interest in the subject property and re-litigating the case which had already been adjudged
15 by JUDGE KISHNER. This Court granted the motions and now considers the Motion for
16 Attorney's Fees and Costs filed by MR. STOKES, individually, JOEL A. STOKES AND SANDRA
17 STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST and JIMIACK
18 IRREVOCABLE TRUST. They seek reimbursement of \$3,165.00 in attorney's fees and \$290.00 in
19 costs pursuant to Rule 7.60 of the Eighth Judicial District Court Rules (EDCR).
20
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22 CONCLUSIONS OF LAW

23 1. EDCR 7.60(b) provides in salient part:

24 The court may, after notice and an opportunity to be heard, impose upon an attorney
25 or a party any and all sanctions which may, under the facts of the case, be reasonable,
26 including the imposition of fines, costs or attorney's fees when an attorney or a party without
27 just cause:

28 (1) Presents to the court a motion or an opposition to a motion which is obviously
frivolous, unnecessary or unwarranted; ...or

1 (3) So multiplies the proceeding in a case as to increase costs unreasonably and
2 vexatiously.

3 2. Although not cited by movants, this Court notes NRS 18.010(2) specifically provides:

4 2. In addition to the cases where an allowance is authorized by specific statute,
5 the court may make an allowance of attorney's fees to a prevailing party:

6 (b) Without regard to the recovery sought, when the court finds that the
7 claim, counterclaim, cross-claim or third-party complaint or defense of the opposing
8 party was brought or maintained without reasonable ground or to harass the
9 prevailing party. The court shall liberally construe the provisions of this paragraph in
10 favor of awarding attorney's fees in all appropriate situations. It is the intent of the
11 Legislature that the court award attorney's fees pursuant to this paragraph and impose
12 sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all
13 appropriate situations to punish for and deter frivolous or vexatious claims and
14 defenses because such claims and defenses overburden limited judicial resources,
15 hinder the timely resolution of meritorious claims and increase the costs of engaging
16 in business and providing professional services to the public.

17 *Also see* NRS 18.020 (costs *must* be awarded to the prevailing party).

18 3. Here, the intervention action and claims of the GORDON B. HANSEN TRUST and
19 MS. TOBIN, whether individually or as Trustee of the Trust, were decided before JUDGE
20 KISHNER in the aforementioned consolidated actions. Specifically, JUDGE KISHNER found MS.
21 TOBIN, as an individual, had no standing to sue as she had no ownership interest in the subject
22 residence. Although JUDGE KISHNER made such a finding, MS. TOBIN continued to
23 interchangeably refer to herself as suing individually and as Trustee. After hearing the matter fully
24 in both summary judgment and a bench trial, JUDGE KISHNER concluded the homeowners'
25 association held a valid foreclosure sale which terminated the property interests of GORDON B.
26 HANSEN TRUST, and title ultimately vested in MR. STOKES, individually, and the JIMIJACK
27 IRREVOCABLE TRUST. Although a final determination was made in Department XXXI and is
28 now being appealed, MS. TOBIN nevertheless sought another bite at the apple and filed the instant
litigation. The second lawsuit was a multiplication of the previous proceeding, was precluded by
virtue of principles of claim and issue preclusion, and thus, was brought without reasonable ground.

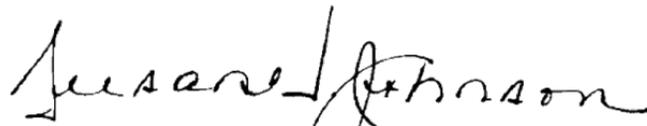
1 It resulted in MR. STOKES, individually, JOEL A. STOKES AND SANDRA STOKES, AS
2 TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST and JIMIACK IRREVOCABLE
3 TRUST unnecessarily incurring attorney's fees and costs in the instant matter.

4 4. The movants provided this Court their analyses concerning the reasonableness of
5 their attorneys' fees under Brunzell v. Golden Gate National Bank, 84 Nev. 345, 349-350, 455 P.2d
6 31, 33 (1969). This Court has considered all the Brunzell factors, noting the qualities of JOSEPH Y.
7 HONG, ESQ.'S and HONG AND HONG LAW'S advocacy, the character of the work to be done
8 and actually performed by the lawyers, and result. All in all, this Court believes an award of
9 \$3,165.00 in attorneys' fees and \$290.00 in costs incurred by MR. STOKES, individually, JOEL A.
10 STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE
11 TRUST and JIMIACK IRREVOCABLE TRUST in defending the matter to be reasonable under
12 the circumstances under EDCR 7.60 and NRS 18.010 and 18.020. This Court therefore grants the
13 Motion for Attorney's Fees and Costs.
14

15
16 Accordingly, and based upon the foregoing Findings of Fact and Conclusions of Law,

17 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** the Motion for Attorney's
18 Fees and Costs filed by JOEL A. STOKES, individually, JOEL A. STOKES AND SANDRA
19 STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST and JIMIACK
20 IRREVOCABLE TRUST pursuant to EDCR 7.60(b)(1) and/or (3) filed June 25, 2020 is granted.
21 These Defendants are awarded \$3,165.00 in attorney's fees and \$290.00 in costs as against Plaintiff
22 NONA TOBIN.
23

Dated this 6th day of September, 2020

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26 _____
SUSAN JOHNSON, DISTRICT COURT JUDGE

27
28 **208 4A7 24C5 145D**
Susan Johnson
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Nona Tobin, Plaintiff(s)

CASE NO: A-19-799890-C

7 vs.

DEPT. NO. Department 22

8 Joel Stokes, 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 Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/6/2020

15 David Koch

dkoch@kochscow.com

16 Brody Wight

bwight@kochscow.com

17 Akerman LLP

AkermanLAS@akerman.com

18 Andrea Eshenbaugh - Legal Assistant

aeshenbaugh@kochscow.com

19 Donna Wittig

donna.wittig@akerman.com

20 Daniel Scow

dscow@kochscow.com

21 JOSEPH HONG

YOSUPHONGLAW@GMAIL.COM

22 JOSEPH HONG

YOSUPHONGLAW@GMAIL.COM

23 MELANIE MORGAN

melanie.morgan@akerman.com

24 JOSEPH HONG

yosuphonglaw@gmail.com

25 JOSEPH HONG

YOSUPHONGLAW@GMAIL.COM

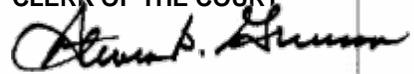
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JOSEPH HONG	YOSUPHONGLAW@GMAIL.COM
MELANIE MORGAN	MELANIE.MORGAN@AKERMAN.COM
STEVEN SCOW	sscow@kochscow.com
STEVEN SCOW	sscow@kochscow.com
John Thomson	johnwthomson@ymail.com
Vincenette Caruana	jwtlaw@ymail.com
Brittany Wood	bwood@mauricewood.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 9/8/2020

Aaron Maurice	Maurice Wood Attn: Aaron Maurice, Esq 9525 Hillwood Drive, Suite 140 Las Vegas, NV, 89134
Joseph Hong	Hong & Hong Attn: Joseph Y. Hong 1980 Festival Plaza Drive, Suite 650 Las Vegas, NV, 89133



1 **NEOJ**
2 JOSEPH Y. HONG, ESQ.
3 State Bar No. 005995
4 HONG & HONG LAW OFFICE
5 1980 Festival Plaza Drive, Suite 650
6 Las Vegas, Nevada 89135
7 Telephone No.: (702) 870-1777
8 Facsimile No.: (702) 870-0500
9 E-mail: yosuphonglaw@gmail.com
10 Attorney for **JOEL A. STOKES,**
11 **JOEL A. STOKES AND SANDRA**
12 **STOKES, AS TRUSTEES OF THE**
13 **JIMIACK IRREVOCABLE TRUST,**
14 **AND JIMIACK IRREVOCABLE TRUST**

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

12 NONA TOBIN, an individual,
13
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Case No.: A-19-799890-C

Dept. No.: XXII

15 vs.

16 BRIAN CHIESTI, an individual; DEBORA
17 CHIESTI, an individual; QUICKEN LOANS
18 INC.; JOEL A. STOKES, an individual; JOEL A.
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20 JIMIACK IRREVOCABLE TRUST; JIMIACK
21 IRREVOCABLE TRUST; NATIONSTAR
22 MORTGAGE LLC; RED ROCK FINANCIAL
23 SERVICES; DOES I through X, inclusive; and
24 ROE CORPORATIONS I through V, inclusive,

25 Defendants.

**NOTICE OF ENTRY OF ORDER
GRANTING MOTION FOR
ATTORNEY'S FEES AND COSTS
FILED BY JOEL A. STOKES, JOEL
A. STOKES AND SANDRA
STOKES, AS TRUSTEES OF THE
JIMIACK IRREVOCABLE
TRUST, AND JIMIACK
IRREVOCABLE TRUST, PURSUANT
TO EDCR 7.60(b)(1) AND/OR (3)**

26 TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

27 ///

28 ///

1 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an ORDER
2 GRANTING MOTION FOR ATTORNEY'S FEES AND COSTS FILED BY JOEL A. STOKES,
3 JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMIACK
4 IRREVOCABLE TRUST, AND JIMIACK IRREVOCABLE TRUST, PURSUANT TO EDCR
5 7.60(b)(1) AND/OR (3) was entered in the above-entitled matter, and filed on the 6th day of
6 September, 2020, a copy of which is attached hereto.

7 DATED this 8th day of October, 2020.

8 HONG & HONG LAW OFFICE

9
10
11 /s/ Joseph Y. Hong

12 JOSEPH Y. HONG, ESQ.

13 State Bar No. 005995

14 1980 Festival Plaza Drive, Suite 650

15 Las Vegas, Nevada 89135

16 *Attorney for JOEL A. STOKES, JOEL A.*

17 *STOKES AND SANDRA STOKES, AS*

18 *TRUSTEES OF THE JIMIACK*

19 *IRREVOCABLE TRUST, AND JIMIACK*

20 *IRREVOCABLE TRUST*

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CERTIFICATE OF ELECTRONIC SERVICE

Pursuant to NRCP 5(b)(2)(E), I certify that I am an employee of Joseph Y. Hong, Esq., and that on this 8th day of October, 2020, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR ATTORNEY'S FEES AND COSTS FILED BY JOEL A. STOKES, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST, AND JIMIACK IRREVOCABLE TRUST, PURSUANT TO EDCR 7.60(b)(1) AND/OR (3)** by electronic transmission through the Eighth Judicial District Court EFP system (Odyssey eFileNV) pursuant to NEFCR 9 upon each party in this case who is registered as an electronic case filing user with the Clerk.

By */s/ Debra L. Batesel*
An employee of Joseph Y. Hong, Esq.

1 OGM

3 DISTRICT COURT

4 CLARK COUNTY, NEVADA

5 NONA TOBIN, an individual,

Case No. A-19-799890-C

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Dept. No. XXII

7 Vs.

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2 of the GORDON B. HANSEN TRUST against, *inter alia*, MR. STOKES and the JIMIACK
3 IRREVOCABLE TRUST. After hearing the evidence, that Court issued Findings of Fact,
4 Conclusions of Law and Judgment in favor of MR. STOKES and the JIMIACK IRREVOCABLE
5 TRUST, and ordered the *lis pendens* filed by MS. TOBIN against the subject property be expunged.
6 The consolidated action heard by Department XXXI is now pending before the Nevada Court of
7 Appeals.
8

9 4. MS. TOBIN, in her individual capacity, has now sued various persons and entities,
10 including MR. STOKES and JIMIACK IRREVOCABLE TRUST in the instant matter before
11 Department XXII for declaratory relief and to quiet title in the real estate that was the subject of the
12 previous consolidated litigation. Various Defendants filed their Motions to Dismiss, along with
13 Joinders thereto, upon the basis, *inter alia*, MS. TOBIN was judicially estopped from asserting an
14 ownership interest in the subject property and re-litigating the case which had already been adjudged
15 by JUDGE KISHNER. This Court granted the motions and now considers the Motion for
16 Attorney's Fees and Costs filed by MR. STOKES, individually, JOEL A. STOKES AND SANDRA
17 STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST and JIMIACK
18 IRREVOCABLE TRUST. They seek reimbursement of \$3,165.00 in attorney's fees and \$290.00 in
19 costs pursuant to Rule 7.60 of the Eighth Judicial District Court Rules (EDCR).
20
21

22 CONCLUSIONS OF LAW

23 1. EDCR 7.60(b) provides in salient part:

24 The court may, after notice and an opportunity to be heard, impose upon an attorney
25 or a party any and all sanctions which may, under the facts of the case, be reasonable,
26 including the imposition of fines, costs or attorney's fees when an attorney or a party without
27 just cause:

28 (1) Presents to the court a motion or an opposition to a motion which is obviously
frivolous, unnecessary or unwarranted; ...or

1 (3) So multiplies the proceeding in a case as to increase costs unreasonably and
2 vexatiously.

3 2. Although not cited by movants, this Court notes NRS 18.010(2) specifically provides:

4 2. In addition to the cases where an allowance is authorized by specific statute,
5 the court may make an allowance of attorney's fees to a prevailing party:

6 (b) Without regard to the recovery sought, when the court finds that the
7 claim, counterclaim, cross-claim or third-party complaint or defense of the opposing
8 party was brought or maintained without reasonable ground or to harass the
9 prevailing party. The court shall liberally construe the provisions of this paragraph in
10 favor of awarding attorney's fees in all appropriate situations. It is the intent of the
11 Legislature that the court award attorney's fees pursuant to this paragraph and impose
12 sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all
13 appropriate situations to punish for and deter frivolous or vexatious claims and
14 defenses because such claims and defenses overburden limited judicial resources,
15 hinder the timely resolution of meritorious claims and increase the costs of engaging
16 in business and providing professional services to the public.

17 *Also see* NRS 18.020 (costs *must* be awarded to the prevailing party).

18 3. Here, the intervention action and claims of the GORDON B. HANSEN TRUST and
19 MS. TOBIN, whether individually or as Trustee of the Trust, were decided before JUDGE
20 KISHNER in the aforementioned consolidated actions. Specifically, JUDGE KISHNER found MS.
21 TOBIN, as an individual, had no standing to sue as she had no ownership interest in the subject
22 residence. Although JUDGE KISHNER made such a finding, MS. TOBIN continued to
23 interchangeably refer to herself as suing individually and as Trustee. After hearing the matter fully
24 in both summary judgment and a bench trial, JUDGE KISHNER concluded the homeowners'
25 association held a valid foreclosure sale which terminated the property interests of GORDON B.
26 HANSEN TRUST, and title ultimately vested in MR. STOKES, individually, and the JIMI JACK
27 IRREVOCABLE TRUST. Although a final determination was made in Department XXXI and is
28 now being appealed, MS. TOBIN nevertheless sought another bite at the apple and filed the instant
litigation. The second lawsuit was a multiplication of the previous proceeding, was precluded by
virtue of principles of claim and issue preclusion, and thus, was brought without reasonable ground.

1 It resulted in MR. STOKES, individually, JOEL A. STOKES AND SANDRA STOKES, AS
2 TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST and JIMIACK IRREVOCABLE
3 TRUST unnecessarily incurring attorney's fees and costs in the instant matter.

4 4. The movants provided this Court their analyses concerning the reasonableness of
5 their attorneys' fees under Brunzell v. Golden Gate National Bank, 84 Nev. 345, 349-350, 455 P.2d
6 31, 33 (1969). This Court has considered all the Brunzell factors, noting the qualities of JOSEPH Y.
7 HONG, ESQ.'S and HONG AND HONG LAW'S advocacy, the character of the work to be done
8 and actually performed by the lawyers, and result. All in all, this Court believes an award of
9 \$3,165.00 in attorneys' fees and \$290.00 in costs incurred by MR. STOKES, individually, JOEL A.
10 STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE
11 TRUST and JIMIACK IRREVOCABLE TRUST in defending the matter to be reasonable under
12 the circumstances under EDCR 7.60 and NRS 18.010 and 18.020. This Court therefore grants the
13 Motion for Attorney's Fees and Costs.
14

15
16 Accordingly, and based upon the foregoing Findings of Fact and Conclusions of Law,

17 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** the Motion for Attorney's
18 Fees and Costs filed by JOEL A. STOKES, individually, JOEL A. STOKES AND SANDRA
19 STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST and JIMIACK
20 IRREVOCABLE TRUST pursuant to EDCR 7.60(b)(1) and/or (3) filed June 25, 2020 is granted.
21 These Defendants are awarded \$3,165.00 in attorney's fees and \$290.00 in costs as against Plaintiff
22 NONA TOBIN.
23

Dated this 6th day of September, 2020

24
25 

26 _____
SUSAN JOHNSON, DISTRICT COURT JUDGE

27
28 **208 4A7 24C5 145D**
Susan Johnson
District Court Judge

1 **CSERV**

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

5
6 Nona Tobin, Plaintiff(s)

CASE NO: A-19-799890-C

7 vs.

DEPT. NO. Department 22

8 Joel Stokes, 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 Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/6/2020

15 David Koch

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John Thomson	johnwthomson@ymail.com
Vincenette Caruana	jwtlaw@ymail.com
Brittany Wood	bwood@mauricewood.com

If indicated below, a copy of the above mentioned filings were also served by mail via United States Postal Service, postage prepaid, to the parties listed below at their last known addresses on 9/8/2020

Aaron Maurice	Maurice Wood Attn: Aaron Maurice, Esq 9525 Hillwood Drive, Suite 140 Las Vegas, NV, 89134
Joseph Hong	Hong & Hong Attn: Joseph Y. Hong 1980 Festival Plaza Drive, Suite 650 Las Vegas, NV, 89133

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 11, 2020

A-19-799890-C Nona Tobin, Plaintiff(s)
vs.
Joel Stokes, Defendant(s)

August 11, 2020 8:30 AM All Pending Motions

HEARD BY: Johnson, Susan **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Jill Chambers

RECORDER: Norma Ramirez

REPORTER:

PARTIES

PRESENT:	Chiesti, Brian	Defendant
	Chiesti, Debora	Defendant
	Hong, Joseph Y.	Attorney
	Thomson, John W.	Attorney
	Wight, Brody R.	Attorney
	Wittig, Donna	Attorney
	Wood, Brittany	Attorney

JOURNAL ENTRIES

- DEFENDANT RED ROCK FINANCIAL SERVICES, LLC'S MOTION TO DISMISS COMPLAINT PURSUANT TO NRCP 12(B)(5) AND (6) NATIONSTAR'S JOINDER TO DEFENDANT RED ROCK FINANCIAL SERVICES' MOTION TO DISMISS FIRST AMENDED COMPLAINT JOEL A. STOKES, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMI JACK IRREVOCABLE TRUST, AND JIMI JACK IRREVOCABLE TRUST'S JOINDER TO DEFENDANT, RED ROCK FINANCIAL SERVICES, MOTION TO DISMISS FIRST AMENDED COMPLAINT AND FOR ATTORNEY'S FEES AND COSTS PURSUANT TO E.D.C.R. RULE 7.60(B)(1) AND/OR (3) BRIAN AND DEBORA CHIESI AND QUICKEN LOAN INC.'S JOINDER TO DEFENDANT RED ROCK FINANCIAL SERVICE'S MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

Counsel appearing remotely via Bluejeans.

Argument by counsel. COURT ORDERED, Defendant Red Rock Financial Services, LLC's Motion to Dismiss Complaint, GRANTED adding that the Court would take the request for attorney fees under advisement. Mr. Wight to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

October 29, 2020

A-19-799890-C Nona Tobin, Plaintiff(s)
vs.
Joel Stokes, Defendant(s)

**October 29, 2020 9:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Johnson, Susan **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Keri Cromer

RECORDER: Norma Ramirez

REPORTER:

PARTIES

PRESENT:	Hong, Joseph Y.	Attorney
	Thomson, John W.	Attorney
	Tobin, Nona	Plaintiff
	Wood, Brittany	Attorney

JOURNAL ENTRIES

- Arguments by Ms. Wood and Mr. Thompson regarding whether or not the 31.6 billed hours were reasonable and necessary.
COURT ORDERED, matter taken UNDER ADVISEMENT; advised it wanted to review the attorneys fees in lieu of the Brunzell factors; matter SET for hearing.

11/03/2020 - 8:30 AM - DEFENDANTS, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE JIMI JACK IRREVOCABLE TRUST AND JIMI JACK IRREVOCABLE TRUST'S MOTION TO ENFORCE ORDER FOR ATTORNEY'S FEES AND COSTS AND FOR CONTEMPT AND FOR ATTORNEY'S FEES AND COSTS PURSUANT TO EDCR RULE 7.60(B)(3) AND/OR (5) AND ORDER SHORTENING TIME

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

November 03, 2020

A-19-799890-C Nona Tobin, Plaintiff(s)
vs.
Joel Stokes, Defendant(s)

November 03, 2020 8:30 AM Motion to Enforce

HEARD BY: Johnson, Susan **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Keri Cromer

RECORDER: Norma Ramirez

REPORTER:

PARTIES

PRESENT: Thomson, John W. Attorney

JOURNAL ENTRIES

- Court noted the best remedy would be for Mr. Hong to submit a proposed judgment and ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Thomson advised there were several issues with this Motion and they should be awarded attorneys fees. Arguments by Mr. Thomson in support of attorneys fees. Court noted Mr. Thomson didn't have a pending motion for attorneys fees and advised he should file one if he felt it was appropriate.



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

JOHN W. THOMSON, ESQ.
2450 ST. ROSE PKWY., SUITE 120
HENDERSON, NV 89074

DATE: November 10, 2020
CASE: A-19-799890-C

RE CASE: NONA TOBIN vs. BRIAN CHIESTI; DEBORA CHIESTI; QUICKEN LOANS, INC.; JOEL A. STOKES;
JOEL A. STOKES and SANDRA STOKES as Trustee of JIMI JACK IRREVOCABLE TRUST; JIMI JACK
IRREVOCABLE TRUST; NATIONSTAR MORTGAGE LLC; RED ROCK FINANCIAL SERVICES

NOTICE OF APPEAL FILED: November 9, 2020

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 court.*
- Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- Order
- Notice of Entry of Order

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.

***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 TO THE SUPREME COURT, STATE OF NEVADA;
CASE APPEAL STATEMENT; NOTICE OF POSTING OF COST BOND; DISTRICT COURT
DOCKET ENTRIES; ORDER GRANTING MOTION FOR ATTORNEY'S FEES AND COSTS FILED
BY JOEL A. STOKES, JOEL A. STOKES AND SANDRA STOKES, AS TRUSTEES OF THE
JIMIACK IRREVOCABLE TRUST, AND JIMIACK IRREVOCABLE TRUST, PURSUANT TO
EDCR 7.60(B)(1) AND/OR (3); NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR
ATTORNEY'S FEES AND COSTS FILED BY JOEL A. STOKES, JOEL A. STOKES AND SANDRA
STOKES, AS TRUSTEES OF THE JIMIACK IRREVOCABLE TRUST, AND JIMIACK
IRREVOCABLE TRUST, PURSUANT TO EDCR 7.60(B)(1) AND/OR (3); DISTRICT COURT
MINUTES; NOTICE OF DEFICIENCY

NONA TOBIN,

Plaintiff(s),

vs.

BRIAN CHIESTI; DEBORA CHIESTI;
QUICKEN LOANS, INC.; JOEL A. STOKES;
JOEL A. STOKES and SANDRA STOKES as
Trustee of JIMIACK IRREVOCABLE TRUST;
JIMIACK IRREVOCABLE TRUST;
NATIONSTAR MORTGAGE LLC; RED
ROCK FINANCIAL SERVICES,

Defendant(s),

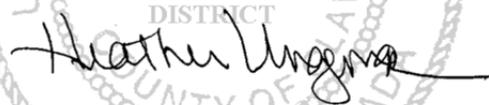
Case No: A-19-799890-C

Dept No: XXII

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 10 day of November 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

