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Gary Solomon
1001 Calico Ridge Dr.
Solomon, Pro se
Henderson, Nevada 89011
Phone: (702) 812-3591
Fax: (702) 565-6218

**JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA**



)	
)	CASE NO.: 14-A000388
GARY SOLOMON)	
Plaintiff,)	DEPT. NO.: RJC Courtroom 8A.
)	<u>OPPOSITION TO QUASH SUBPOENAS AND</u>
v.)	<u>PLAINTIFF'S MOTION TO COMPEL</u>
)	
PALM HILLS HOME OWNERS)	DATE: May 1, 2014
ASSOCIATION Inc.)	
Defendant.)	TIME: 1:00 PM
)	
<hr style="width: 50%; margin-left: 0;"/>		

OPPOSITION TO QUASH SUBPOENAS AND PLAINTIFF'S MOTION TO COMPEL

Comes now, Solomon ("Solomon"), Pro se, and hereby files this **OPPOSITION TO QUASH SUBPOENAS AND PLAINTIFF'S MOTION TO COMPEL.** This Motion is made and based

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upon the papers filed herein, and oral argument, if any, at the time of the hearing .

DATED this 28 day of April, 2014.

Solomon, Pro Se

By:  _____

Gary Solomon
1001 Calico Ridge Dr.
Henderson, Nevada 89011
Phone: (702) 812-3591
Fax: (702) 565-6218
Drgarysolomon@gmail.com

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2 **OPPOSITION TO QUASH SUBPOENAS AND PLAINTIFF'S MOTION TO COMPEL**

3 1. On April 22, 2014 Solomon served six (6) Subpoenas: Gail Anderson, Sharon Jackson,
4 Sonja Meriweather, Victoria Broadbent, Ken Richardson, and Jennifer Oerding (collectively "The
5 Subpoenaed").

6 2. Subpoenas directed individuals to testify at a hearing of this Court on the matter of
7 Solomon v. Palm Hills Homeowner's Association, Case Number 14-A000388 to be held on May
8 1, 2014 1:00 PM in our RJC Courtroom 8A.

9 3. On April 24, 2014 Senior Deputy Attorney General Michele. D. Briggs ("Briggs") filed
10 a Motion to Quash Subpoenas serving same on April 24, 2014.

11
12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I**

14 **STATEMENT OF FACTS**

15 4. Solomon is a resident of Clark County, Nevada.

16 5. Palm Hills Homeowners Association ("Defendant" or "Association") is a Common-
17 Interest Community Homeowners Association ("HOA") doing business in Clark County, Nevada.

18 6. Solomon previously owned and resided in a home in Palm Hills Estates.

19 7. Solomon's property was located at 700 Leicester, Henderson Nevada, 89002.

20 8. On February 10, 2013 Solomon filed a Small Claims Complaint ("Complaint"); **GARY**
21 **SOLOMON VS. PALM HILLS HOMEOWNERS ASSOCIATION--12AH000342.**

22 9. Complaint was related to Association demanding and taking an illegal \$100.00 fine
23 from Solomon regarding trash cans.

24 10. Court directed Solomon to file a Complaint with the Nevada Real Estate Division
25 (NRED) Ombudsman per NRS Chapter 38.300 to 38.360.

26
27 ///

1
2 11. Solomon was informed that he first must go through Alternative Dispute Resolution
3 (ADR).

4 12. On April 9, 2013 Solomon filed an ADR Complaint.

5 13. One year after the original Complaint was filed, on January 14, 2014, the ADR
6 Arbitrator William Turner awarded the Association's attorney, Troy Dickerson, attorney's fees in
7 the amount of \$7,348.17, legal fees in an amount over 70 times greater than the original \$100.00
8 claim that had been denied by William Turner, Arbitrator.

9 14. Arbitrator directed Solomon to return to Court.

10 15. Once the matter has been taken before the Ombudsman's Office-ADR-Solomon had the
11 right to move into the Nevada State Court system.
12

13 16. Ombudsman's office directed Solomon back to Small Claims Court.

14 17. Solomon has the right to return to Small Claims Court after the completion of the ADR
15 process.

16 18. Solomon met the requirements dictated by NRS 116 and Henderson Justice Court .

17 19. Association's counsel, Troy Dickerson, Angius and Terry Law Offices, intentionally
18 and collusively inflated and created legal fees in the amount of \$7,348.17 on a matter of \$100, an
19 amount over 70 times greater than the \$100.00 claim.
20

21 20. Legal fees were charged to Solomon by the order of William Turner, Arbitrator.

22 **II**

23 **SOLOMON MADE MULTIPLE DEMANDS ON WILLIAM TURNER TO RECUES**
24 **HIMSELF IN NON-BINDING ARBITRATION AND THEREFORE REQUESTS THIS**
25 **COURT VACATE TROY DICKERSON'S \$7,348.17 LEGAL AWARD**

26 21. Solomon demanded William Turner, Arbitrator, recues himself.

27 22. William Turner informed Solomon that Solomon's tenant, Attorney George Carter,
28

1
2 was, in fact, his attorney in his-William Turner's-personal legal case.

3 23. Attorney George Carter was Solomon's attorney in the matter concerning the fines.

4 24. Attorney George Carter was the tenant in Solomon's Palm Hills property.

5 25. **Both William Turner and Troy Dickerson were completely aware of the conflict**
6 **of interest regarding Attorney George Carter and this arbitration.**

7 26. Troy Dickerson encouraged-demanded-that William Turner not recues himself though
8 **both knew of the conflict of interest.**

9 27. Solomon believes Troy Dickerson and William Turner had Ex Parte communication,
10 operating collusively to create legal fees charged to Solomon in the amount of \$7, 348.17 on a
11 \$100 claim which is 70 times greater than the \$100.00 claim.
12

13 28. It must be clear to this Court that this was done maliciously and intentionally to inflict
14 harm on not only Solomon, but the creditability of the judicial system as a whole.

15 29. Solomon followed through with the directive of the Ombudsman's office.

16 30. Solomon has the right to move forward with his Complaint in Small Claims Court per
17 the Ombudsman's office.
18

19 31. Solomon requests this Court sanction Troy Dickerson for misleading the Court in this
20 matter.

21 32. Solomon requests this Court vacate Arbitrator William Turner's award of \$7, 348.17 to
22 Troy Dickerson on a \$100 claim which is 70 times greater than the original \$100.00 claim.

23 **III**

24 **SOLOMON'S BAR COMPLAINT AGAINST WILLIAM TURNER AND**
25 **TROY DICKERSON**

26 ADR Commissioner
27 Eighth Judicial District Court
28 Phoenix Building
330 S. Third St., #1060

1 Las Vegas, NV 89155-2377
2 1-702-671-4493
3 1-702-671-4484

4 Phillip J. Patte
5 State Bar of Nevada
6 600 East Charleston Blvd.
7 Las Vegas, NV 89104-1563
8 1-702-383-2200
9 1-702-385-2878

10 George Carter, Attorney at Law
11 1050 E. Sahara Ave.
12 Las Vegas, NV 89104
13 1-702-384 8951

14 Christopher J. Lalli
15 Assistant District Attorney
16 Office of the District Attorney
17 200 Lewis Avenue
18 Las Vegas, NV 89101
19 1-(702)- 671-2501
20 1-(702)-455-2294

21 State of Nevada
22 Department of Business and Industry
23 Real Estate Division
24 2501 E Sahara Ave., Ste. 102,
25 Las Vegas Nevada 89104-4137
26 1-(702)-486-4033
27 1-(702)-486-4275

28 Lisa McGrane,
Fee Dispute Manager
State Bar of Nevada
Las Vegas Office
600 E. Charleston Blvd., Las Vegas, NV 89104
1-(702)-382-2200
1- (702)-385-2878

33. William Turner was the Arbitrator on my \$100.00 return of fines claim charged against me by Palm Hills Homeowners Association (the "HOA") on my property at 700 Leicester, Henderson, Nevada 89002 ("Property").

34. Troy Dickerson, Law firm of Anguis and Terry, represented the HOA.

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35. I, Gary Solomon, filed a complaint through NRED against my HOA.

36. William Turner was assigned as the Arbitrator for the case, Solomon v. HOA.

37. During arbitration William Turner disclosed that Attorney George Carter was his, William Turner's, attorney.

38. George Carter was my attorney.

39. George Carter was my tenant at the Property on which the fine was levied.

40. During the one and only phone call/contact with me William Turner asked Troy Dickerson and myself if he should recues himself as the Arbitrator due to a conflict of interest. (I have a witness to this conversation.)

41. Troy Dickerson stated that he felt there was not a conflict of interest.

42. I stated that there was a conflict of interest and demanded that William Turner recues himself. (I have a witness to this conversation.)

43. I demanded that William Turner turn the matter back over to the Ombudsman's office to be heard through the new \$250.00 Mediation Program.

44. William Turner refused to recues himself and refused to turn the matter over to the Ombudsman's office for the new \$250.00 Mediation Program.

45. Troy Dickerson demanded that William Turner remain as the Arbitrator.

46. I refused to continue with the Arbitration.

47. William Turner and Troy Dickerson continued the Arbitration without me.

48. William Turner awarded Troy Dickerson **\$7,348.17**, an amount **over 70 times greater** than the amount of my \$100.00 claim; **\$7, 098.17 more than the new \$250.00 Nevada State mediation program would have cost me in total.**

49. William Turner waved his Arbitrator's fees.

///

1
2 50. **Now why in the world would William Turner wave his Arbitrator's fees? Was it**
3 **because there was a conflict of interest?**

4 51. **NECESSARY ACTION**

- 5
 - Suspend/disbar William Turner, Attorney at Law
 - 6 • Suspend/disbar Troy Dickerson, Attorney at Law
 - 7 • Remove William Turner as an Arbitrator

8 **IV**

9 **OMBUDSMAN FOR OWNERS IN A COMMON INTEREST COMMUNITY:**
10 **APPEARANCE UNDER SUBPOENA OF GAIL ANDERSON, SHARON JACKSON,**
11 **SONJA MERIWEATHER, VICTORIA BROADBENT, KEN RICHARDSON, AND**
12 **JENNIFER OERDING IS IMPORTANT IN THE CASE**

13 52. Duties and Responsibilities of the Office of the Ombudsman for home owners in a
14 common interest community are , in part, to assist home owners in processing claims submitted to
15 mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive; Assist owners in common-
16 interest communities to understand their rights and responsibilities as set forth in Chapter 116B of
17 NRS and the governing documents of their associations, including, without limitation, publishing
18 materials related to those rights and responsibilities;

19 53. Briggs reports her following concerns:

- 20 A. *"Individuals being subpoenaed are employees of the Nevada Real Estate Division".*
21
22 B. *"None of the individuals being subpoenaed have any personal knowledge about the*
subject matter of the claim".
23
24 C. *"Having six employees from NRED attend the hearing on this matter is unduly*
burdensome on NRED".
25
26 D. *"It is not clear what information The Subpoenaed have that would be relevant to*
this matter."
27
28 C. *"But to the extent any requested information concerns an investigation by NRED*

1 *such information is confidential by NRS 116.757".*

2 *D. "Compelling their testimony may potentially required the disclosure of confidential*
3 *matters that are related or be on the scope of litigation and no exception or waiver*
4 *applies".*

5 *E. "The Subpoenaed comprise a large part of the entire workforce for the*
6 *ombudsman's office. Requiring them to attend the hearing is unduly burdensome to*
7 *them".*

8 *F. "NRED has not received adequate time to prepare to have such a large part of his*
9 *staff absence".*

10 *G. "The subpoenas also failed to comply with JCRCP 45(a)(1)(D)in that they failed to*
11 *include the text of subdivision (c) and (d) of JCRCP 45".*

12 **V**

13 **THE SUBPOENAED HAVE KNOWLEDGE NECESSARY FOR THE COURT TO**
14 **HEAR AND MAKE A RESPONSIBLE AND PROPER RULINGS IN SOLOMON'S**
15 **SMALL CLAIMS CASE AND THE VACATING OF TROY DICKERSON'S \$7,348.17**
16 **LEGAL AWARD MADE BY ARBITRATOR WILLIAM TURNER**

17 54. Solomon believes the Court is being bamboozled by Troy Dickerson's specious and
18 spurious arguments.

19 55. It is necessary for the Court to allow Solomon's subpoena's to stand as NRED
20 employee's are trained in clarifying to the Court his rights to appear in Small Claims Court.

21 56. The Subpoenaed, as employees of an NRED, have direct knowledge of the inner
22 workings of NRS 116.

23 57. To Solomon's knowledge none of the Subpoenaed have direct knowledge of this case.

24 58. The Subpoenaed are aware of the rules and guidelines that allow homeowners who
25 have been through arbitration to enter into the Small Claim's Civil Court system.

26 59. It is imperative that none of the individuals being subpoenaed have any direct
27 knowledge concerning this case to avoid any conflict of interest.

1
2 60. The six subpoenaed employees are important in Solomon's case as they are involved in
3 NRED's day-to-day Ombudsman for owners in common interest communities operations.

4 61. Since no confidential information will be released by the Subpoenaed or asked of the
5 Subpoenaed no conflict exists.

6 62. Solomon only needs The Subpoenaed to clarify NRS 116, mediation and ADR and his
7 right to access the courts per NRS 116.

8 **CONCLUSION**

9
10 Solomon requests the right to be heard in this matter in Small Claims Court. It is
11 unreasonable that the matter of Solomon v. HOA has taken over a year and a half to return to
12 Small Claims Court. And, it is necessary that The Subpoenaed appear in this Court to clarify to the
13 Court NREDs rules and regulations. As Troy Dickerson continues to horns woggle the Court,
14 Solomon requests the Court sanction Troy Dickerson. Solomon has filed a bar complaint against
15 Troy Dickerson, Anguis and Terry Law Offices, and William Turner, for their reprehensible,
16 despicable comportment in the Arbitration case of Solomon v. HOA. As the Arbitration was
17 nonbinding Solomon requests the vacating of the \$7,348.17 awarded to Troy Dickerson, an
18 amount over 70 times greater than the original \$100.00 claim. Solomon asks the Court to sanction
19 both Troy Dickerson and William Turner.
20

21 DATED this 28th day of April, 2014

22 Solomon, Pro Se

23 By: _____
24

Gary Solomon
1001 Calico Ridge Dr.
Henderson, Nevada 89011
Phone: (702) 812-3591
Fax: (702) 565-6218
Drgarysolomon@gmail.com

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2 **CERTIFICATE OF MAILING**

3 Pursuant to NRCP 5(b), I certify that I, Gary Solomon, Pro se and that on the 28th day of
4 April, 2014 I caused the document entitled to be served as follows:

5 [X] by delivering the document for mailing in the United States mail, in a sealed
6 envelope, upon which first class postage was prepaid, in Henderson, Nevada; and/or,

7 [] by delivering the document for mailing in the United States mail, in a sealed
8 envelope, certified, return receipt requested, upon which first class certified postage was prepaid,
9 in Henderson, Nevada; and/or,

10 [] pursuant to EDCR 7.26, to be sent via facsimile; and/or,

11 [] by sending the document via Electronic mail; and/or,

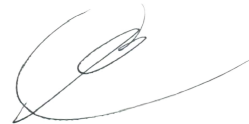
12 [] to be hand-delivered;

13 to the individuals and/or attorneys listed below at the address and/or facsimile number and/or
14 electronic mail address indicated below:

15 Michelle Briggs
16 Senior Deputy Attorney General
17 State of Nevada
18 Department of Business and Industry
19 Real Estate Division
2101 E. Sahara Ave, Suite 102
Las Vegas, Nevada 89104-4137

20 Troy Dickerson
21 1120 N. Town Center Drive
22 # 260
Las Vegas, NV 89144

23 DATED this 28th day of April, 2014



24
25 _____
26 Gary Solomon, Pro Se
27
28