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

10 **GARY SOLOMON**

11 Plaintiff,

12 v.

13 **PALM HILLS HOMEOWNERS**  
14 **ASSOCIATION, Inc.**

15 Defendant.

)  
) **CASE NO.: 14A000388**

)  
) **DEPT. NO.:**

)  
) **PLAINTIFF, SOLOMON'S, VERIFIED**  
) **MOTION TO DISQUALIFY REFEREE AND**  
) **STATEMENT OF FACTS**

16 **PLAINTIFF, SOLOMON'S, VERIFIED MOTION TO DISQUALIFY REFEREE**  
17 **DAVID STOEBLING AND STATEMENT OF FACTS**

18 COMES NOW the Plaintiff, Solomon, Pro se and pursuant to **NEVADA CODE OF**  
19 **JUDICIAL CONDUCT**, moves this Honorable Court to disqualify Referee David Stoebling  
20 and as grounds therefore would state as follows:

21 1. The above noted, **PLAINTIFF, SOLOMON'S, VERIFIED MOTION TO**  
22 **DISQUALIFY REFEREE DAVID STOEBLING AND STATEMENT OF FACTS** stems  
23 from Referee David Stoebling's inappropriate comportment and refusal to hear the matter in  
24 his Court.

25 2. Plaintiff, Solomon, filed a Small Claims matter in the Henderson Justice Court for  
26 the return of \$100 which was scammed from him by Palm Hills Homeowner's Association.  
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3. Since the February 10, 2013 Small Claims filing it has taken Solomon two years to be heard in Small Claims Court (**EXHIBIT " 1"**).

4. Solomon, the undersigned Pro se litigant, in good faith believes that the relationship of Referee David Stoebling, to the above noted Defendant, is the precipitating grounds for disqualification of Referee, David Stoebling from Solomon v. Palm Hills Owner's Association, Inc

5. Nevada law is clear: Where a judge has a conflict of interest such that there inputed disqualification of direct contact by Defendant or Defendant's Counsel to direct the Court to refuse to hear the matter.

6. Solomon has no doubt given comments made by Referee David Stoebling that he had information causing him to comport in a irresponsible and biased manner in this case.

7. An extension of this rule would offer some insight in this case and suggest that the appearance of conflict should be addressed and resolved in favor of the disqualification of Referee David Stoebling.

8. While the undersigned Pro se litigant is not directly aware of any type of communication that occurred between the Referee David Stoebling and Palm Hill Owner's Association, Angus and Terry Law Firm, and/or Troy Dickerson attorney for Palm Hills Owner's Association, it is clear from the actions of Referee, David Stoebling that on the day of the hearing he was biased and unwilling to hear the case and allow Solomon to speak in open Court.

9. It was not possible for Solomon to receive a fair and impartial trial, and therefore believes it is in his best interest to file this motion.

10.2. With extraordinary scrutiny that exists in this case, undersigned Pro se litigant can reasonably assume that such scrutiny will be visited upon this relationship.

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11. Any reaction to the scrutiny may have negative consequences on Solomon's right to a fair and impartial trial.

12. It is anticipated that this case will receive high profile attention as it relates to homeowners associations, management companies, collection companies and a HOA law firms, all of whom have a vested interest in making sure this case is never heard in the State of Nevada, as evidenced by the previous two years of stalling by Defendants.

13. The recent Federal Court HOA case supports the aforementioned.  
**(EXHIBIT " 2").**

14. It is a Canon of American justice that an independent judiciary should maintain the dignity of the judicial office at all times;

A Judge/Referee, David Stoebling, shall avoid even the appearance of an impropriety at all times, and whether the conduct would create in a reasonable mind a perception that the Judge/Referee David Stoebling's ability to carry out judicial responsibilities with integrity and impartiality and competence is impaired a judge/Referee (David Stoebling) shall disqualify himself or herself were his or her impartiality might reasonably be suspect and questioned.

**1 CANON**

**A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and,**

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**2 CANON**

**A judge shall perform the duties of judicial office impartially, competently, and diligently as the appearance of impropriety must be at all time securitized and,**

**3 CANON**

**A judge shall conduct the judge’s personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.**

15. A motion to recues must be granted if the facts alleged would prompt a reasonable prudent person to fear that he could not get a fair trial and an impartial trial from Referee David Stoebling.

- a) **Seven courtroom witnesses will attest to Referee David Stoebling's irresponsible comporment in refusing to allow Solomon to state his case and Referee David Stoebling listened, without reservations or refusal, to both sides of all cases prior to Solomon's case.**
- b) **This was the first and only oppotunity for Solomon to have his case heard, both in ADR and in Court.**
- b) **Solomon, on several instances, requested information about Suzanne LaGrange who was representing the Defendants.**
- c) **Referee David Stoebling refused to supply Solomon with information about the Defendant's representative Susan LaGrange.**
- d) **Solomon would learn later that Defendants attorney, Suzanne Lagrange, was not an attorney, but an employee of the management company, Camco, a Nevada Corporation, which is strictly disallowed in the State of Nevada.**

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- e) **Referee David Stoebling knowingly allowed Suzanne LaGrange, an unlicensed attorney, to act as the legal representative for Palm Hills Owner's Association.**
- f) **Referee David Stoebling was rude, erasable, irresponsible and must be sanctioned by the Courts accordingly.**
- g) **Referee David Stoebling openly in Court stated to his clerk that he was tired and wanted to move all of his cases along quickly.**

16. It is undisputed that at some point during the case Referee David Stoebling received information directly from an outside source regarding the hearing.

17. It is clear that Referee David Stoebling knowingly and willingly allowed an individual, Suzanne LaGrange--after Troy Dickerson withdrew from the case--to represent Palm Hills Home Owner's Association in a State of Nevada Court of law, willfully violating Nevada's NRS 116 laws. **(Exhibit " 3 ")**

18. Because of these undisputed facts, disqualification is necessary in this case to avoid the appearance of impropriety.

19. Undersigned Pro se litigant certifies that the assertions contained in this motion and any statements made herein by Solomon are made in good faith.

20. Whereas, Solomon respectfully requests this Honorable Court to enter an order disqualifying Referee David Stoebling in this matter for reasons stated above.

**STATEMENT OF FACTS, CASE BACKGROUD AND  
NRS 116 RULES IN THIS MATTER**

21. Case was originally filed on February 10, 2013, in the Henderson Justice Court.

22. Palm Hills Owners Association attorney, Troy Dickerson, argued that the matter was in the wrong Court since Palm Hills Owners Association does business in Clark

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County, but Camco, the management company, runs Palm Hills Owners Association in Henderson, Nevada.

23. Troy Dickerson knowingly misrepresented this information to the Courts.

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

25. Solomon was informed that he must go through Alternative Dispute Resolution (ADR) before the matter could be heard in the Nevada Judicial System.

26. On April 9, 2013, Solomon filed an ADR Complaint.

27. Attorney William Turner was assigned as the Arbitrator for this case.

28. During arbitration William Turner disclosed that Attorney George Carter was his attorney.

29. George Carter was Solomon's attorney in this matter

**(EXHIBIT " 41 ").**

30. Additionally, George Carter was Solomon's tenant at the Property on which the \$100.00 fine was levied.

31. During the only phone call/contact with Solomon, William Turner asked Troy Dickerson and Solomon if he should recues himself as the Arbitrator due to an obvious conflict of interest. (A witness to this conversation will attest to Solomon's statements.)

32. Troy Dickerson stated that there was not a conflict of interest and demanded that William Turner remain as the Arbitrator.

33. Solomon stated that there was a conflict of interest and demanded that William Turner recues himself.

34. Solomon requested that the matter be turned back over to the Ombudsman's office to be heard through the new NRED \$250.00 mediation program.

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35. William Turner refused to recues himself.

36. Solomon refused to continue with the Arbitration by phone.

37. William Turner and Troy Dickerson continued the phone Arbitration without Solomon.

38. William Turner awarded Troy Dickerson **\$7,348.14**, an amount **over 73 times greater** than the original amount of the \$100.00 claim against Palm Hills Owners Association; **\$7,098.14 more than the Nevada State NRED mediation program (EXHIBIT " 5 ")**.

39. William Turner waved his Arbitrator's fees.

40. No explanation was offered as to William Turner's fee waiver.

41. Records show that Troy Dickerson's fees were charged to both Solomon and Palm Hills Owners Association.

42. Arbitrator directed Solomon to return to Court.

43. Upon completion, the Ombudsman's office directed Solomon to Small Claims Court to litigate this \$100.00 illegal fine and vacate the \$7,348.17 award from William Turner to Troy Dickerson(**EXHIBIT " 5 "**).

44. Solomon asked the Court to vacate William Turner's \$7, 348.17 award to Troy Dickerson..

45. Sighting Hamon, 2005 v Arrowcreek Homeowners Association, Troy Dickerson prevented the Small Claims Court from hearing the case.

46. Troy Dickerson lied to the Court to stop the case from being heard (**EXHIBIT " 6"**).

47. The appeals court eventually confirmed Solomon's position that Small Claims Court is the proper venue per **NRS 116 Chapter 73 which states:**

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**"In all cases arising in the Justice Court, Small Claims for the recovery of money only where the amount claimed does not exceed \$7,500.00 and the named Plaintiff or Defendant is a resident of Nevada, or does business in Nevada, or is employed in the township in which the action is to be maintained, the Justice of the Peace may proceed as provided in this Chapter by rules of Court.**

48. Rule 1 of the Nevada Revised statutes states clearly and concisely:  
**"The court is to supply a speedy, just and inexpensive determination of every action.** Nothing remotely close to that has taken place in this case.

49. **NRS116.3102 Powers of unit-owners' association; limitations.**  
(Subsection (l) NRS 116.310305).

**Boards may impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in (m) NRS 116.31031.**

**CHAPTER 617**

50. **NRS116.345 Associations of planned communities are prohibited from taking certain actions regarding property, buildings and structures within planned communities.** (Added to NRS by 1999, 3354; Approved June 11, 1999).

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**WHEREAS,**

**Homeowners Associations are deemed a form of government. All forms of government should follow the basic principles of democracy found in the United States Constitution and the Nevada Constitution; and**

**WHEREAS,**

**Some unit-owners' associations in this state have a history of abuse of power; and**

**WHEREAS,**

**Unit-owners' associations have power over one of the most important aspects of a person's life, his residence; and**

**WHEREAS,**

**Homeowners invest financially and emotionally in their homes; and**

**WHEREAS,**

**Homeowners have the right to reside in a community without fear of illegal, unfair, unnecessary, unduly burdensome or costly interference with their property rights;**

Given the aforementioned, the comportment of Palm Hills Owners Association and Troy Dickerson it must be clear to the Court they are in multiple violations of NRS 116.

51. By taking the money for a non-existent fine the Palm Hills Owners Association acted as a for-profit company. This is a matter for the Internal Revenue Service and is, at this time, under investigation.

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52. **NRS 116.31184 Threats, harassment and other conduct prohibited; penalty:**

**A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit’s owner or a guest or tenant of a unit’s owner shall not willfully and without legal authority threaten, harass or otherwise engage in a course of conduct against any other person who is a unit owner in his or her common-interest community which:**

- 1. Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or**
  - (a) Creates a hostile environment for that person.**
  - (b) A person who violates the provisions of subsection 1 is guilty of a misdemeanor. (Added to NRS by 2013.2529).**

51. Solomon requests this Court to sanction Troy Dickerson for misleading the Court in this matter.

Whereas, Solomon respectfully requests this Honorable Court to enter an order disqualifying Referee David Stoebling in this matter for the reasons stated above.

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Gary Solomon, Plaintiff Pro Se

State of Nevada  
County of Clark

Sworn to affirm and signed before me on blank, Gary Solomon, plaintiff Pro se,

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