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CLERK OF THE COURT

ORDER

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**EIGHTH JUDICIAL DISTRICT COURT, FAMILY DIVISION
CLARK COUNTY, NEVADA**

XXXXXXXXXXXXXXXXXX

Plaintiff,

vs.

XXXXXXXXXXXXXXXXXX

Defendant.

CASE NO.: D-20-XXXXXX-C

DEPT. NO.: J

**ORDER ESTABLISHING RESTRICTIONS ON DEFENDANT XXXX
XXXXXX FILING OF COURT PAPERS**

This matter coming on for a hearing on January 14, 2025 at 1:30 p.m., on the remaining undecided issues from Plaintiff XXXXXXXXXXXX Motion to Strike Defendant XXXXXXXXXXXX Fugitive Motion for Recusal/Disqualification of Judge Dee Butler; to Identify Defendant XXXXXXXXXXXX as a Vexatious Litigant; to Impose Suitable Restrictions on Defendant XXXXXXXXXXXX as a Vexatious Litigant; and for an Award of Attorney's Fees and Costs (the "Motion"), with James M. Jimmerson, Esq. appearing for Plaintiff XXXXX XX ("Plaintiff" or XXXXXXXXXXXX), with Plaintiff also appearing, Timothy R. Treffinger, Esq. appearing on behalf of XXXXXXXXXXXX ("Defendant" or XXXXX), with Defendant not appearing, and the Court having reviewed and considered the papers and pleadings on file in this action, including, but not limited to, the Motion, Defendant's Objections thereto, and Plaintiff's

1 Reply in Support of her Motion, having heard oral argument from counsel,
2 and for good cause appearing:

3 **THE COURT FURTHER FINDS** that Defendant was provided
4 reasonable notice and an opportunity to be heard on this matter. Plaintiff
5 served her Motion contemporaneously with its filing. Defendant filed an
6 Objection to the Motion on October 7, 2024, along with an Appendix of
7 Exhibits in Support thereof. Defendant filed another Objection to the
8 Motion on October 9, 2024, along with an Appendix of Exhibits in Support
9 thereof. In addition to filing papers in response to Plaintiff's Motion, the
10 Court set a hearing on the matter by its Order entered on December 3,
11 2024, and heard oral argument on this matter on January 14, 2025.¹

12 **THE COURT FURTHER FINDS** that Defendant **XXXXXXXXXX**, while
13 he was still appearing in this action through his former counsel, Fred Page,
14 Esq., Defendant filed the following documents in this action with the Court
15 directly and not through his attorney:

16 Defendant **XXXXXXXXXXXXXXXXXXXX** Motion to Disqualify Counsel (filed
17 September 7, 2024).

18 Appendix Volume I – Exhibits in Support of Defendant **XXXXXXXXXXXXXXXX**
19 Motion to Disqualify Counsel (filed September 7, 2024).

20 Appendix Volume II – Exhibits in Support of Defendant **XXXXXXXXXXXXXXXX**
21 Motion to Disqualify Counsel (filed September 7, 2024).

- 22 • Peremptory Challenge (filed September 7, 2024).

23 Defendant **XXXXXXXXXXXXXXXXXXXX** Objection To Plaintiff **XXXXXXXXXX**
24 Application For Order Holding And Keeping October 11, 2024 Date
25 For Evidentiary Hearing (filed September 8, 2024).

26
27 ¹ Originally the hearing on this matter was set to take place on January 13, 2025,
28 but Defendant did not appear in Court on that date. The hearing was continued to
January 14, 2025.

Appendix of Exhibits to Defendant XXXXXXXXXXXXXX Motion to Disqualify Counsel, Volume II (filed September 15, 2024).

- Notice of Filings Being Re-Served to Dept M, Confusion Seeking Clarification Through Emails Sent to Dept. M and Dept. J Inbox Involving All Parties to the Matter (filed September 15, 2024).
- Peremptory Challenge (filed September 15, 2024).

Defendant XXXXXXXXXXXXXX Motion to Disqualify Counsel (filed September 16, 2024).

- Affidavit in Support of Motion for Recusal/Disqualification of Judge Dee Butler (filed September 26, 2024).

Defendant XXXXXXXXXXXXXX Submission of Appendices of Exhibits Pending E-Filing (filed September 26, 2024).

Defendant XXXXXXXXXXXXXX Opposition And Response To Attorney Fred C Page's "Motion To Withdraw As Attorney Of Record" (filed September 30, 2024).

Appendix of Exhibits – Defendant XXXXXXXXXXXXXX Opposition and Response to Attorney Fred C. Page's "Motion to Withdraw as Attorney of Record" (filed September 30, 2024).

- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 1 (filed October 3, 2024).
- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 2 (filed October 3, 2024).
- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 3, Part 2 (filed October 3, 2024).

- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 4 (filed October 3, 2024).
- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 5 (filed October 3, 2024).
- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 6 (filed October 3, 2024).
- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 7 (filed October 3, 2024).
- Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 8 (filed October 3, 2024).

Defendant XXXXXXXXXXXXXXX Motion and Faretta Declaration Asserting Right to Self-Representation (filed October 7, 2024).

Appendix of Exhibits in Support of Defendant XXXXXXXXXXXXXXX Motion and *Faretta* Declaration Asserting Right to Self-Representation (filed October 7, 2024).

Defendant XXXXXXXXXXXXXXX Objection to Improper Filing, Judicial Misconduct, and Violation of Due Process as per NRS 1.235, In Response to “Plaintiff XXXXXXXXXXXXXXX Motion to Strike Defendant XXXXXXXXXXXXXXX Fugitive Motion for Recusal/Disqualification of Judge Dee Butler; to Identify Defendant XXXXXXX as a Vexatious Litigant; to Impose Suitable Restrictions on Defendant XXXXXXXXXXXXXXX as a Vexatious Litigant; and for an Award of Attorney’s Fees and Costs” (filed October 7, 2024).

Appendix of Exhibits for Defendant XXXXXXXXXXXXXX Objection to Improper Filing, Judicial Misconduct, and Violation of Due Process as per NRS 1.235 (October 7, 2024).

Defendant XXXXXXXXXXXXXX Objection to Improper Filing, Judicial Misconduct, and Violation of Due Process as per NRS 1.235, In Response to “Plaintiff XXXXXXXX Motion to Strike Defendant XXXXXXXX Fugitive Motion for Recusal/Disqualification of Judge Dee Butler; to Identify Defendant XXXXXXXX as a Vexatious Litigant; to Impose Suitable Restrictions on Defendant XXXXXXXXK as a Vexatious Litigant; and for an Award of Attorney’s Fees and Costs” (filed October 9, 2024).

Appendix of Exhibits for Defendant XXXXXXXXXXXXXX Objection to Improper Filing, Judicial Misconduct, and Violation of Due Process as per NRS 1.235 (October 9, 2024).

- Defendant’s Motion for Clarification Regarding Movant Status and Procedural Actions in Disqualification Matter (filed October 15, 2024).
- Appendix of Exhibits for Defendant’s Motion for Clarification Regarding Movant Status and Procedural Actions in Disqualification Matter (filed October 15, 2024).
- Curative Appendix of Exhibits for Affidavit in Support of Disqualification/Recusal for Judge Dee Butler, Volume 6 (filed October 18, 2024).

These documents are hereinafter referred to as the “Filings.”

THE COURT FURTHER FINDS that the Filings were in violation of the Rules, including, but not limited to, the Eighth Judicial District Court Rules. Specifically, there were 30 Filings made between September 7, 2024 and October 18, 2024. All of the Filings were made in violation of

EDCR 7.40, which required that the filed documents be filed through the attorney appearing on behalf of Defendant.

THE COURT FURTHER FINDS that certain Filings were particularly problematic, unreasonable, repetitive, and were without an arguable factual/legal basis. For example, the Peremptory Challenges filed by Defendant were facially untimely as they were not filed within 10 days of the notice of a hearing date as required by SCR 48.1. The evidentiary hearing had already commenced and, thus, the Peremptory Challenges would be untimely by several months (the June 21, 2024 evidentiary hearing date was set in February, 2024). Even if the Court were to calculate the deadline to file Peremptory Challenges based on the Court setting Day 2 of the evidentiary hearing on August 15, 2024, the Peremptory Challenges (filed on September 7, 2024 and September 15, 2024) were well after expiration of the 10-day deadline under SCR 48.1. Notwithstanding being facially untimely, Defendant made the frivolous argument that the Peremptory Challenges were not untimely, arguing:

My preemptory challenge was timely and in line with SCR 48.1(3), which allows challenges within 10 days of notice of a new hearing date. Since the October 11 hearing was scheduled on August 15, my challenge filed on September 7 is within the theoretically required time limits purported by the Plaintiff.

September 8, 2024 Objection to Application to Hold Hearing Date at 8.

THE COURT FURTHER FINDS that for reasons in addition to those discussed above, the filing of the improper Peremptory Challenges was abusive, that their filing was without legal basis, and that they were filed with the intent to harass. The first day of the evidentiary hearing took place on June 21, 2024. After the first day of the hearing, the Court placed the parties on a list to get the earliest possible date to resume the evidentiary hearing rather than setting the second day in the ordinary course, which would have likely had the parties set to come back in

December, 2024. As a result, on August 15, 2024, the Court was able to set the second day for the evidentiary hearing for October 11, 2024. As a result of Defendant's first untimely and improper Peremptory Challenge, Plaintiff filed her Application for an Order Holding and Keeping October 11, 2024 Evidentiary Hearing Date. After the Court entered an Order granting the Application on September 9, 2024, Defendant thereafter filed another improper Peremptory Challenge on September 15, 2024. This action and the continuation of the evidentiary hearing was administratively confirmed to proceed before Judge Butler on September 23, 2024. Three days later, on September 26, 2024, Defendant filed his Affidavit in Support of Motion for Recusal/Disqualification of Judge Dee Butler.

THE COURT FURTHER FINDS that there were other Filings that were particularly problematic, unreasonable, repetitive, and were without an arguable factual/legal basis. Defendant's two (2) Objection[s] to Improper Filing, Judicial Misconduct, and Violation of Due Process as per NRS 1.235, In Response to "Plaintiff [REDACTED] Motion to Strike Defendant [REDACTED] Fugitive Motion for Recusal/Disqualification of Judge Dee Butler; to Identify Defendant [REDACTED] as a Vexatious Litigant; to Impose Suitable Restrictions on Defendant [REDACTED] as a Vexatious Litigant; and for an Award of Attorney's Fees and Costs" were repetitive, unreasonable, and were without factual/legal bases. First, Defendant filed two Objections, on October 7, and October 9, 2024, each with an appendix of exhibits, which were repetitive, and were significantly overlength (46 and 50 pages in length, respectively), in violation of EDCR 5.504(e)(1). Second, Defendant's Objections contained several improper and demonstrably false statements that abused the judicial system.

For example, Defendant stated, “[Exhibit 6 is] Judge Dedre Butler’s submission of Plaintiff’s stayed motion to District Court for the Disqualification Motion instead of Defendant’s Affidavit/Motion (sent 2:43pm 10/1/24).” Objection (10-7-24) Appendix at 2, description for Exhibit 6 to the Objection. Exhibit 6 is the Email Submission Accepted Notice, which supplies the link to the Court’s electronic portal to access the filed Order and served as notice for Judge Butler’s October 1, 2024 Order. Contrary to Defendant’s claim, this document was not a submission of Plaintiff’s Motion to Chief Judge Wiese (or any other department in the District Court) and it certainly was not a submission to be treated in lieu of or in place of Defendant’s Affidavit/Motion seeking this Court’s Disqualification/Recusal. Defendant’s Objections repeated this frivolous claim that the Court routed Plaintiff’s Motion in place of Defendant’s Affidavit for his motion to disqualify.²

Likewise, Defendant made the frivolous claim, “Despite Mr. Page no longer acting as Defendant’s attorney, the Court has improperly forced him upon Defendant as counsel of record.” Objection (10-7-24) at 3. The Court did not force Mr. Page on Defendant.

And the examples of Defendant’s unreasonable, frivolous, and abusive, statements, are not limited to the above. Defendant made numerous improper, frivolous, and abusive statements in his Objections, including the following:

² See Objection (10-7-24) at 13-14 (“Plaintiff’s stayed motion, submitted within Department J and thus subject to the mandatory procedural stay of proceedings under NRS 1.235, was improperly routed by Judge Butler to the District Court in place of Defendant’s original affidavit for the Motion to Disqualify.”); *id.* at 34 (“Judge Butler forwarded Plaintiff’s counsel’s motion and the OST to the Chief District Court Judge on October 1, 2024 at 2:41 PM. The file was conspicuously labeled with ‘DQ’ at the end, likely referencing ‘disqualification.’”).

- “In light of these egregious violations of judicial ethics, criminal statutes, and due process, immediate recusal is not only warranted but necessary...” Objection (10-7-24). at 44.
- “This conduct goes far beyond mere procedural errors or differences of opinion – it represents a deliberate and criminal attempt to subvert the proper administration of justice.” *Id.* at 41.
- “The illegal routing of Plaintiff’s Motion as the response to the Defendant’s disqualification motion is the smoking gun that proves beyond any reasonable doubt, the collusion between Judge Butler and Plaintiff’s counsel.” *Id.* at 43.
- “The actions of Judge Butler in forwarding Plaintiff’s counsel’s motion to undermine proper review of her own recusal, and essentially enlisting Jimmerson on her behalf to suppress evidence...” *Id.* at 43.
- “She [Judge Butler] has attempted to circumvent this process by allowing Plaintiff’s counsel to interfere and respond on her behalf through unlawful routing of Plaintiff’s stayed document within Dept J to the District Court in place of the Affidavit filed in the motion for Disqualification.” *Id.* at 14.

These are but some of the examples of Defendant making demonstrably false, frivolous, inappropriate and abusive statements in his Objections.

THE COURT FURTHER FINDS that there were other Filings that were also problematic, unreasonable, repetitive, and were without an arguable factual/legal basis. Defendant’s Defendant [REDACTED] Motion and *Faretta* Declaration Asserting Right to Self-Representation (filed October 7, 2024) (the “*Faretta* Motion”) was unreasonable and was without factual/legal basis. First, the *Faretta* Motion was entirely unnecessary and unreasonable. Defendant’s former attorney, Fred Page, had filed his

1 Motion to Withdraw on September 22, 2024. As of that date, both
2 Defendant and his then-attorney sought to end the attorney-client
3 relationship—there was no need for Defendant to file an overlength, 39-
4 page motion, in violation of EDCR 5.504(e)(1).

5 Second, the *Faretta* Motion similarly was made and based on
6 demonstrably false and frivolous statements. For example, Defendant
7 argued, “the refusal to grant a hearing on essential procedural motions,
8 such as the motion for disqualification, constitutes a clear violation of
9 Defendant’s due process rights.” *Faretta* Motion at 9. Prior to Defendant
10 filing his October 7, 2024 Objection and the *Faretta* Motion, a hearing on
11 Defendant’s request to disqualify Judge Butler was set and to take place
12 on October 24, 2024. Moreover, pursuant to EDCR 2.23(c), “the judge may
13 consider the motion on its merits at anytime with or without oral
14 argument, and grant or deny it.” *Id.*; see also *Mesi v. Mesi*, 136 Nev. 748,
15 750, 478 P.3d 366, 369 (2020) (“Due process is satisfied where interested
16 parties are given an opportunity to be heard at a meaningful time and in a
17 meaningful manner. When a district court rules on a dispositive motion,
18 the district court must therefore provide a meaningful opportunity to be
19 heard. Ordinarily, this takes the form of a live hearing, but in some cases
20 the parties may be afforded sufficient opportunity to present their case
21 through affidavits and supporting documents.” (citations omitted)).
22 Indeed, the Chief Judge decided Defendant’s Affidavit/Motion to Disqualify
23 this Court without oral argument and entered the order on the same on
24 October 22, 2024.³ Another example of Defendant’s frivolous and

25 ³ Importantly, the October 22, 2024 Order Regarding Motion for Disqualification of
26 Judge Butler (the “Order Denying Disqualification”) stated, “Plaintiff [REDACTED] is
27 probably correct that these filings by Defendant [REDACTED] outside of Counsel are fugitive
28 documents...” Order at 8. Further, the court held, “In considering Defendant [REDACTED]
Affidavit in Support of Motion on the merits, and Judge Butler’s Response, this
Court cannot find that Defendant [REDACTED] has met his burden in his written pleadings...
to establish any bias against him.” *Id.* at 9. Finally, the Order states, “This Court

demonstrably false statements within his *Faretta* Motion is his statement, “The Defendant cannot even access District Court filings. He must submit motions including the Opposition by mail.” *Faretta* Mot. at 14. This is another false statement by Defendant. Defendant is registered for e-service. Defendant certainly has access to the Court filings as demonstrated by the thousands of pages of exhibits Defendant has submitted to the Chief Judge as part of disqualification papers. This Court also takes judicial notice that Defendant has electronically filed dozens of submissions to the Court directly, separate and apart from an attorney.

THE COURT FURTHER FINDS that Defendant used the filing of the Affidavit in Support of Motion for Recusal/Disqualification of Judge Dee Butler as a basis to engage in abusive communication with Court staff. Based upon exhibits supplied to the Court only (rather than with communication with its staff), the Court finds that Defendant repeatedly engaged in abusive communication with Court staff in response to an appropriate and reasonable request to retrieve documents. On October 1, 2024, the Court’s Judicial Executive Assistant (JEA) emailed Defendant as follows:

Hello [REDACTED]

Per the Staff Attorney “The binders would need to be returned. Arrangement of a pick-up appears best at this juncture as these are unfiled documents not suitable for anyone’s review here at the Court.”

Please let me know when you will be coming to pick up all documents that were delivered.

Thank you,

acknowledges that it should ‘liberally construe the ‘inartful pleadings’ of pro se litigants.’ *Eldridge v. Block*, 832 F. 2d 1132 (9th Cir. 1987). However, even in liberally construing arguments, the Court cannot find that Defendant [REDACTED] has articulated any legitimate or legally cognizable allegations against Judge Butler that would implicate proceedings under NRS 1.235.” *Id.* at 9-10.

Within 24 minutes of this email from the Court’s JEA, Defendant replied with five (5) emails containing inappropriate and abusive attack to the Court’s JEA. The following are examples of the inappropriate and abusive communications that Defendant sent to the Court’s JEA in that short 24-minute period:

- “We’re already getting the Supreme Court Appellate Division involved as per your department’s illegal actions in violation of NRS.1235 yesterday. If there are other supervising bodies you would like to involve in this matter while subverting due process and placing the blame on the applicant, please specify.”
- “[Y]our statements are untimely, misleading, and highly inappropriate concerning the proper procedures for the District Court, and therefore unwelcome. But thank you for this demonstration.” *Id.*
- “I’ll not tolerate misrepresentation on this matter by a department that treats submissions and motions by this party as though they vanish upon receipt for over 6 months.” *Id.*

THE COURT FURTHER FINDS that many of the Filings, including the Peremptory Challenges, the Objections, and the *Faretta* Motion, including the Appendices of Exhibits filed in connection therewith, were unreasonable, frivolous, abusive, without a legal/factual basis, and were intended to harass.⁴ They resulted in both Plaintiff and the Court having to expend time and effort to review and address these filed papers, including Plaintiff having to file certain papers (and thereby incur attorney’s fees and costs) to respond to these filings. For example, absent a response from Plaintiff to the Peremptory Challenge filed on September 7, 2024, a new judge would have been assigned to the matter, the progress

⁴ Reference is also made to the Order Denying Disqualification and the findings and holdings contained therein supporting denial of Defendant’s Affidavit/Motion to Disqualify to demonstrate that the disqualification matter which was not ruled upon by this Court was also decided against Defendant and that the Chief Judge enunciated multiple reasons that would have supported denial of Defendant’s disqualification request, including, but not limited to, Defendant’s violation of EDCR 7.40.

1 from the first day of the evidentiary hearing would have been lost (as well
2 as all of the Court's institutional knowledge of the matter), and this would
3 have resulted in substantial duplication of time and work, which would
4 have necessitated the expenditure of additional attorney's fees and costs.

5 **THE COURT FURTHER FINDS** that while Plaintiff requests that
6 Defendant be identified as a vexatious litigant under SCR 9.5, such
7 identification is not necessary at this time.

8 **THE COURT FURTHER FINDS** that in balancing Defendant's
9 right of access to the courts with Plaintiff's right to be shielded from
10 vexatious litigation activity that the balance is best struck by the following
11 restrictions: (1) when Defendant appears through counsel in this action,
12 Defendant is prohibited from filing any papers with the Court consistent
13 with EDCR 7.40; and (2) if Defendant ever appears in proper person or *pro*
14 *se* in this action, for all papers that Defendant seeks to file, Defendant shall
15 seek leave of Court in advance prior to filing such papers and will not be
16 permitted to file the papers unless the Court first determines in a written
17 order permitting the filing that the proposed filing is not frivolous, that it
18 is not brought for an improper purpose, and/or that it implicates a
19 fundamental right.

20 **THE COURT FURTHER FINDS** that Plaintiff may be entitled to
21 an award of attorney's fees in connect with the Motion, and that the Court
22 will decide any such appropriate award as part of the final order on
23 Plaintiff's Motion for an Order to Show Cause Why Defendant Should Not
24 Be Held in Contempt, and for Attorney's Fees and Costs, and the
25 proceedings subsequent thereto.

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1 **THEREFORE, FOR GOOD CAUSE APPEARING,**
2 **THE COURT HEREBY, ORDERS, ADJUDGES, AND**
3 **DECREES** that Plaintiff's requested relief in the remaining undecided
4 portion of her Motion to Strike Defendant [REDACTED] Fugitive Motion for
5 Recusal/Disqualification of Judge Dee Butler; to Identify Defendant [REDACTED]
6 [REDACTED] as a Vexatious Litigant; to Impose Suitable Restrictions on Defendant
7 [REDACTED] as a Vexatious Litigant; and for an Award of Attorney's Fees
8 and Costs is GRANTED IN PART, and DENIED IN PART as detailed
9 herein.

10 **THE COURT FURTHER, ORDERS, ADJUDGES, AND**
11 **DECREES** that certain restrictions will be placed on Defendant to file
12 documents with the Court in this action. First, when Defendant appears
13 through counsel in this action, Defendant is prohibited from filing any
14 papers with the Court consistent with EDCR 7.40. Second, if Defendant
15 ever appears in proper person or *pro se* in this action, for all papers that
16 Defendant seeks to file, Defendant shall seek leave of Court in advance
17 prior to filing such papers and will not be permitted to file the papers unless
18 the Court first determines in a written order permitting the filing that the
19 proposed filing is not frivolous, that it is not brought for an improper
20 purpose, and/or that it implicates a fundamental right.

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1 **THE COURT FURTHER, ORDERS, ADJUDGES, AND**
2 **DECREEES** that Plaintiff may be entitled to an award of attorney's fees in
3 connect with the Motion, and that the Court will decide any such
4 appropriate award as part of the final order on Plaintiff's Motion for an
5 Order to Show Cause Why Defendant Should Not Be Held in Contempt,
6 and for Attorney's Fees and Costs, and the proceedings subsequent thereto.

7 **IT IS SO ORDERED.**

Dated this 23rd day of March, 2025

Dee Smart Butler

A54 ACC 7BFC E348
Dee Smart Butler
District Court Judge

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10 Respectfully submitted by:
11 THE JIMMERSON LAW FIRM, P.C.

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