

07A551662

DISTRICT COURT
CLARK COUNTY, NEVADA

FILE COPY

Business Court

COURT MINUTES

June 04, 2010

07A551662

Patrick Missud, Julie Missud

vs

D R Horton Inc, DHI Mortgage Co Ltd LP, et al

June 04, 2010

Chambers

Motion to
Seal/Redact Records

Deft D.R. Horton, Inc. and DHI
Mortgage Company, Ltd, LP's
Motion to Seal Court Records

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Kathy Klein

PARTIES None

PRESENT:

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed.

Accordingly, pursuant to EDCR 2.20(b) the motion is deemed unopposed. The Court having reviewed defendant's motion to seal court records and the related briefing and being fully informed, GRANTS the Motion IN PART and relieves Defendant for its obligations under the protective order as requested. Counsel for Defendants directed to submit a proposed order consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order or judgment.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Joel Odou, Esq. (Wood, Smith, H & B), and mailed to Patrick & Julie Missud, 91 San Juan Ave, San Francisco CA 94112.

1 Nevada Rules of Professional Responsibility, to
2 which the plaintiff is subject to, both as a
3 litigant and as an attorney in the State of
4 California who is practicing here.

5 For those reasons, we request the Court
6 grant our motion and set an evidentiary hearing.
7 We have provided in excess of 50 plus exhibits in
8 the two motions that would encompass the evidence
9 that this Court would need to strike the
10 plaintiff's complaint and enter judgment for the
11 defendants, in addition to the sanctions that we
12 have requested.

13 Finally, I would note that, again, I
14 can't tell that the opposition was actually filed
15 with this Court. I would have to presume it
16 wasn't, only because I tried to check it on
17 Blackstone and couldn't find it, and because it
18 hasn't been properly filed, this Court is free to
19 disregard it and grant our motion pursuant to
20 EDCR 220.

21 THE DISCOVERY COMMISSIONER: Thank you,
22 Counsel.

23 Mr. Missud.

24 MR. MISSUD: All right. I'm just going
25 to gloss over a couple of the more minor points and

1 even know how many sites she currently has,
2 probably in excess of 20. I still own six. I
3 tried to put them back up, but Federal organization
4 requested or unilaterally decided that two of them
5 were not to reappear, and I'm working on that
6 situation.

7 Mr. Odou requests that you disregard my
8 opposition. My opposition was fully driven by law,
9 stated three NRS sections. They were --

10 THE DISCOVERY COMMISSIONER: Mr. Missud,
11 let me just interrupt you, sir. I don't believe
12 the opposition was actually filed, so I did not
13 consider an opposition. So if there's something in
14 that opposition you want to advise me of, then I
15 will recommend you do so.

16 MR. MISSUD: Yes. Mr. Odou was kind
17 enough to include in his reply a copy of that
18 opposition, which was electronically filed;
19 however, was rejected by the Court's automatic
20 system. I did send it certified to three
21 government organizations in Nevada, as well as the
22 Clark County Court, which refused its delivery.
23 The opposition is reproduced in full.

24 THE DISCOVERY COMMISSIONER:

25 Unfortunately, defense counsel failed to

1 provide me a copy of their reply. So I have a
2 printout of some of it, but I did not receive it.
3 I received a copy of it, a courtesy copy of the
4 motion, but not of the reply.

5 Mr. Missud, is there anything further you
6 would like to add?

7 MR. ODOU: Yes. While we're on the
8 record, the opposition is Exhibit I, pages 4
9 through 6. It lists NRS 41.650, Limitation of
10 Liability. A person who engages in good faith
11 communication in furtherance of the right to
12 petition is immune from civil liability for claims
13 based upon the communication.

14 And within the legal analysis, I more or
15 less explained that what I have been telling the
16 Clark County Courts, as well as the State, as well
17 as the Federal government, is that there are some
18 very serious financial crimes going on by the
19 defendants.

20 NRS 41.660, entitled, "The Attorney
21 General or chief legal officer of political
22 subdivision may defend or provide support to
23 persons sued for engaging in the right to
24 petition."

25 I have requested that the State Attorney

CLARK COUNTY DISTRICT COURT



Help Wizard
 Hovering mouse pointer over areas of interest will make relevant Help text appear here.

FILE COPY

EFS | User Guides | DAP

E-File Queue

Filer by: [Redacted]

Category: All

Case #: All

Code: All

Action: All

Start Date: [Calendar Icon]

End Date: [Calendar Icon]

Key: S = Submitted P = Pending U = Under Review ✓ = Accepted ✗ = Rejected C = Cancelled Expired = Expired [X] = Format Error

Status / Action	Filer's Name	Filing Code	Filing Title	Case Number	Case Name	Reviewer's Name	Date Filed
P	Patrick Missud	AFFT	AFFIDAVIT #10: ...	A551662	A551662 - Patrick...		2010-07-02
P	Patrick Missud	RPLY	REPLY TO DEFEND...	A551662	A551662 - Patrick...		2010-07-02
✓	Patrick Missud	AFFT	Affidavit #9: D...	A551662	A551662 - Patrick...	Linda Denman	2010-06-17
✓	Patrick Missud	AFFT	Affidavit #8: ...	A551662	A551662 - Patrick...	Laura Reveles	2010-06-13
✓	Patrick Missud	AFFT	AFFIDAVIT #7: P...	A551662	A551662 - Patrick...	Laura Reveles	2010-06-13
✗	Patrick Missud	NOTC	SEC 14A8 Propos...	A551662	A551662 - Patrick...	Mary Anderson	2010-06-12
✓	Patrick Missud	OPPC	5-19-2010 Oppos...	A551662	A551662 - Patrick...	Frascarellis	2010-06-12
✓	Patrick Missud	MOT	NRS 41.660 Spec...	A551662	A551662 - Patrick...	Christine Ferch	2010-06-11

Download Queue

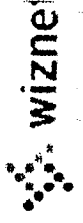
Electronically Filed ON

5/19/2010

Registered BY THE

COURT ON

6/12/2010



om/postageonline

PLEASE PRESS FIRML



1006

89101

U.S. POSTAGE
PAID
SAN FRANCISCO, CA
94112
MAY 19, 10
AMOUNT
\$5.60
00075601-04

Flat Rate Mailing Envelope

For Domestic and International Use

Visit us at usps.com

United States Postal Service® DELIVERY CONFIRMATION™



0308 3390 0001 3360 7404



From:/Expéditeur:



**PRIORITY®
MAIL**

UNITED STATES POSTAL SERVICE

For Domestic
and International Use

From

PATRICK MISSUD
91 SAN JUAN ST.
SAN FRANCISCO, CA 94112

TO

Clark County Courthouse
c/o Discovery Commissioner
Docs under "Seal" A551662
200 Lewis Avenue
Las Vegas, NV, 89101

Label 228, January 2008

POSTAGE PAID

Not Due Outside of Addressed
United States Postal Service

Incorrect Address

Incorrect Label

Uninsured - Not Insured

Not Street

Vacant

No Mail Receipts

Box Closed - No One

Returned For Better Address

Postage Due

refused



EPT4F



Recycled
Paper

This packaging is the property of the U.S. Postal Service® and is provided solely for use in sending Priority Mail® shipments. Misuse may be a violation of federal law. This packaging is not for resale. EPT4F © U.S. Postal Service; Oct. 2008; All rights reserved.



[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **0308 3390 0001 3360 7404**
Class: **Priority Mail®**
Service(s): **Delivery Confirmation™**
Status: **Delivered**

Track & Confirm

Enter Label/Receipt Number.

Your item was delivered at 1:21 PM on May 27, 2010 in SAN FRANCISCO, CA 94112.

Detailed Results:

- **Delivered, May 27, 2010, 1:21 pm, SAN FRANCISCO, CA 94112**
- **Processed through Sort Facility, May 26, 2010, 1:21 am, LAS VEGAS, NV 89199**
- **Processed through Sort Facility, May 25, 2010, 9:49 pm, LAS VEGAS, NV 89199**
- **Refused, May 25, 2010, 10:11 am, LAS VEGAS, NV 89106**
- **Delivered, May 21, 2010, 9:46 am, LAS VEGAS, NV 89155**
- **Arrival at Post Office, May 21, 2010, 7:19 am, LAS VEGAS, NV 89106**
- **Processed through Sort Facility, May 20, 2010, 8:18 pm, LAS VEGAS, NV 89199**
- **Acceptance, May 19, 2010, 11:50 am, SAN FRANCISCO, CA 94112**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)



FILE COPY

1 RPLY
 Joel D. Odou, Esq.
 Nevada Bar No. 7468
 jodou@wshblaw.com
 3 Patricia J. Peterson
 Nevada Bar No. 7865
 4 ppeterson@wshblaw.com
 Nadin J. Cutter, Esq.
 5 Nevada Bar No. 11548
 ncutter@wshblaw.com
 6 WOOD, SMITH, HENNING & BERMAN LLP
 7 7670 West Lake Mead Boulevard, Suite 250
 Las Vegas, Nevada 89128-6652
 Telephone: (702) 222-0625
 8 Facsimile: (702) 253-6225
 9 Attorneys for Defendants, D.R. HORTON, INC. AND DHI MORTGAGE
 COMPANY, LTD, LP
 10

11 DISTRICT COURT
 12 CLARK COUNTY, NEVADA

13 PATRICK A. MISSUD and JULIE
 MISSUD, husband and wife,

14 Plaintiff,

15 v.

16 D.R. HORTON, INC.; DHI
 17 MORTGAGE COMPANY, LTD, LP;
 and ROE CORPORATIONS I - X

18 Defendants.
 19

CASE NO. A551662
 DEPT. XI

(DISCOVERY COMMISSIONER)

REPLY TO UNTIMELY AND
 IRREGULAR "OPPOSITION" OF
 PLAINTIFFS TO DEFENDANTS'
 REQUEST FOR AN ORDER TO
 SHOW CAUSE

Hearing Date: June 2, 2010
 Hearing Time: 9:00 a.m.

20 COME NOW, Defendants D.R. HORTON, INC. ("D.R. Horton") and DHI
 21 MORTGAGE COMPANY LTD, L.P. ("DHI Mortgage"), (collectively, "Defendants"),
 22 by and through their attorneys Wood, Smith, Henning & Berman LLP, and hereby
 23 submit this Reply to the Plaintiffs' Irregular and Untimely "Opposition" to
 24 Defendants' request for an Order to Show Cause.

25 Attached hereto as Exhibit "I" is an "Opposition," six Affidavits, and a cover
 26 e-mail that Plaintiff e-mailed to Defense counsel and may have provided to this
 27
 28

WOOD, SMITH, HENNING & BERMAN LLP
 Attorneys at Law
 7670 WEST LAKE MEAD BOULEVARD, SUITE 250
 LAS VEGAS, NEVADA 89128-6652
 TELEPHONE 702 222 0625 • FAX 702 253 6225

1 Court.¹ Despite the same,² the issues before this Court at this time are as
2 follows:

- 3 1. Were the Plaintiffs' web sites up after April 19, 2010?
- 4 2. Do the content of these web sites violate the provisions of this
5 Court's April 19, 2010, Order that Plaintiffs agreed to follow?
- 6 3. Is an Evidentiary Hearing on sanctions warranted?

7 Plaintiffs' untimely "Opposition" not only concedes the first two of these
8 issues, it promises that Plaintiff has already taken steps to retaliate if he is found in
9 Contempt and/or Sanctions are awarded. Based upon the same, Defendants
10 request that this Court grant the instant Motion AND the pending Motion for
11 Sanctions presently under submission, for Plaintiffs' frequent and intentional
12 violations of Nevada and California law.

13 ///

14 ///

15
16 ¹ To try to avoid confusion, Defendants used Exhibits "A" through "H" in
17 their initial motion and have started their Reply with Exhibit "I." This Exhibit
18 consists of Plaintiffs' cover letter, "Opposition," unsigned Affidavits, and cover e-
19 mail. Omitted from this exhibit are the pages and pages of extraneous materials
20 Plaintiff provided which included his medical records with his Social Security
21 Number prominently displayed. Should Plaintiff desire to properly file these
22 materials as part of an Opposition, defendants will reserve their rights on a Motion
23 to Strike.

24 ² Plaintiffs' "Opposition" contains a number of irregularities, only some of
25 which will be addressed herein. In addition, the "Opposition" appears to have not
26 been correctly filed, but sent via US Mail to the Nevada Supreme Court as a
27 further Ex Parte Communication on an unrelated matter in violation of **Nevada**
28 **Rules of Appellate Procedure**, Rule 46. As the Nevada Supreme Court has
already warned Plaintiff not to attempt to communicate on that case because he is
not admitted to practice in Nevada and because he is not a litigant in that case, it
is equally astonishing that the Plaintiff also provided to Defendants in the mailed
version of his "Opposition," copies of the Nevada Supreme Court's response to his
prior correspondence, as well as a copy of the Nevada Attorney General's
response to these prior communications referring this matter to the Nevada State
Bar. These are collectively attached hereto as Exhibit "J," and warrant inclusion in
the record on this matter as part of the record of Plaintiffs' conduct.