



1 **OPPS**

2 Sheri M. Thome, Esq.

3 Nevada Bar No. 008657

4 Chad C. Butterfield, Esq.

5 Nevada Bar No. 010532

6 Virginia T. Tomova, Esq.

7 Nevada Bar No. 012504

8 **WILSON, ELSER, MOSKOWITZ,**

9 **EDELMAN & DICKER LLP**

10 6689 Las Vegas Blvd. South, Suite 200

11 Las Vegas, Nevada 89119

12 Telephone: 702.727.1400

13 Facsimile: 702.727.1401

14 Email: Sheri.Thome@wilsonelser.com

15 Email: Chad.Butterfield@wilsonelser.com

16 Email: Virginia.Tomova@wilsonelser.com

17 *Attorneys for Defendants*

18 *Greater Las Vegas Association of Realtors*

19 *and Ingrid Trujillo*

20 **DISTRICT COURT**

21 **CLARK COUNTY, NEVADA**

22 LINDSEY LICARI, an individual,

23 Plaintiff,

24 vs.

25 NIKKI SIKALIS BOTT, an individual;
26 NATIONAL TITLE CO., a Nevada
27 corporation; LINDA NAW, an individual; ERA
28 BROKERS; a Nevada Corporation; VALLEY
WEST MORTGAGE, a Nevada Corporation,
DREW LEVY, an individual, BOBBY
ANTEE, an individual., ONE REALTY
GROUP; a Nevada Corporation; MELISSA
PARKER; an individual; MELANIE
TREANOR, an individual; GREATER LAS
VEGAS ASSOCIATION OF REALTORS; a
Nevada Corporation; NEVADA REAL
ESTATE DIVISION BUSINESS AND
INDUSTRY; a Nevada Corporation; LINDA
STRATTON, an individual; INGRID
TRUJILLO, an individual; DARYL
MCCLOSKEY; an individual; VATCHE
SAJIDIAN; an individual; CLARK COUNTY
RECORDERS OFFICE, a Nevada Corporation;
NEVADA SECRETARY OF STATE OFFICE;
a Nevada Corporation; LAS VEGAS
METROPOLITAN POLICE DEPARTMENT;
a Nevada Corporation JENNINGS AND
FULTON LTD, a Nevada Corporation,
SHUMWAY VAN LTD; a Nevada

Case No. A-20-820980-C

Dept. No.: 32

**DEFENDANTS GREATER LAS VEGAS
ASSOCIATION OF REALTORS AND
INGRID TRUJILLO'S OPPOSITIONS TO
PLAINTIFF'S MOTION FOR QUIET
TITLE AND PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT**

Hearing Date: November 17, 2020

Hearing Time: 9:30 a.m.

1 Corporation; DOES I through X; and ROE
CORPORATIONS I through X, inclusive,

2 Defendants.

3
4 Defendants Greater Las Vegas Association of Realtors (“GLVAR”) and Ingrid Trujillo
5 (“Ms. Trujillo”) (collectively the “GLVAR Defendants”) by and through their counsel of record,
6 Wilson, Elser, Moskowitz, Edelman & Dicker LLP, hereby file this opposition to Plaintiff’s Motion
7 for Quiet Title and Counter Motion for Summary Judgment. This opposition is made and based
8 upon Nevada Rule of Civil Procedure (“NRCP”) 56, the pleadings and papers on file herein, the
9 attached Memorandum of Points and Authorities, and any oral argument that the Court may
10 entertain.

11 **MEMORANDUM OF POINTS & AUTHORITIES**

12 **I. INTRODUCTION**

13 This Court should respectfully deny Plaintiff’s Motion for Quiet Title and Motion for
14 Summary Judgment as to the GLVAR Defendants. Plaintiff’s Motion for Quiet Title is defective
15 as to the GLVAR Defendants as they do not claim an estate or interest in real property, adverse to
16 Plaintiff, as required under NRS 40.010. This motion has no factual or legal basis as to the GLVAR
17 Defendants and should be denied.

18 Plaintiff’s Motion for Summary Judgment (the “MSJ”) is equally defective as to the GLVAR
19 Defendants. First, the MSJ is grossly premature, as the GLVAR Defendants (and several other
20 defendants) have moved to dismiss Plaintiff’s First Amended Complaint and have not yet even filed
21 a responsive pleading. Thus, Plaintiff cannot possibly satisfy her burden under NRCP 56(c)(1) of
22 “asserting that a fact cannot be or is genuinely disputed . . . [by] *citing to particular parts of*
23 *materials in the record*, including depositions, documents, electronically stored information,
24 affidavits or declarations, stipulations (including those made for purpose of the motion only),
25 admissions, interrogatory answers, or other materials . . .” (Emphasis added.) There is no record.

26 Additionally, Plaintiff has wholly failed to satisfy her burden under Rule 56 of
27 demonstrating: (1) “each claim or defense — or the part of each claim or defense — on which
28 summary judgment is sought”; (2) the absence of genuine issues of material fact as to the GLVAR

1 Defendants; and (3) that Plaintiff is entitled to judgment as a matter of law with respect to the
2 defective claims Plaintiff has asserted against the GLVAR Defendants. Indeed, Plaintiff has failed
3 to identify any purported undisputed facts as to the GLVAR Defendants. Similarly, Plaintiff's
4 stream of consciousness "Argument" section of the MSJ omits any reference to Plaintiff's frivolous
5 claims against the GLVAR Defendants, which are the subject of a pending motion to dismiss.
6 Summary judgment is clearly unwarranted and this Court should respectfully deny Plaintiff's MSJ.

7 **II. THE GLVAR DEFENDANTS' RESPONSES TO PLAINTIFF'S PURPORTED**
8 **UNDISPUTED FACTS**

9 Under NRCP 56(c) and 56(e), a party opposing summary judgment is required to respond to
10 each of the undisputed facts set forth in the motion:

11 (c) **Procedures.**

12 (1) **Supporting Factual Positions.** A party asserting that a fact cannot be or
13 is genuinely disputed must support the assertion by:

14 (A) citing to particular parts of materials in the record, including
15 depositions, documents, electronically stored information, affidavits or
16 declarations, stipulations (including those made for purposes of the
17 motion only), admissions, interrogatory answers, or other materials; or

18 (B) showing that the materials cited do not establish the absence or
19 presence of a genuine dispute, or that an adverse party cannot produce
20 admissible evidence to support the fact.

21 (2) **Objection That a Fact Is Not Supported by Admissible Evidence.** A
22 party may object that the material cited to support or dispute a fact cannot be
23 presented in a form that would be admissible in evidence.

24 (3) **Materials Not Cited.** The court need consider only the cited materials,
25 but it may consider other materials in the record.

26 (4) **Affidavits or Declarations.** An affidavit or declaration used to support
27 or oppose a motion must be made on personal knowledge, set out facts that
28 would be admissible in evidence, and show that the affiant or declarant is
competent to testify on the matters stated.

Nev. R. Civ. P. 56(c). None of the facts set forth in Plaintiff's statement of undisputed facts apply
to the GLVAR Defendants and do not demonstrate that Plaintiff is entitled to judgment as a matter
of law as to her claims against the GLVAR Defendants. In compliance with NRCP 56(c), the
GLVAR Defendants respond to Plaintiff's statement of undisputed facts as follows:

Fact No(s).	The GLVAR Defendants' Responses to Plaintiff's Purported Facts
1, 2	These purported facts are irrelevant as to Plaintiff's claims against the GLVAR Defendants.

Fact No(s).	The GLVAR Defendants' Responses to Plaintiff's Purported Facts
3	This purported fact is wholly irrelevant as to Plaintiff's claims against the GLVAR Defendants. The truth or falsity of statements made to GLVAR does not provide the basis for Plaintiff's frivolous claims against the GLVAR Defendants.
4-6	These purported facts do not reference or apply to the GLVAR Defendants and is therefore irrelevant and fails to demonstrate Plaintiff is entitled to judgment as a matter of law.
7	This purported fact is wholly irrelevant as to Plaintiff's claims against the GLVAR Defendants. The truth or falsity of statements made to GLVAR does not provide the basis for Plaintiff's frivolous claims against the GLVAR Defendants.
8-28	These purported facts do not reference or apply to the GLVAR Defendants and is therefore irrelevant and fails to demonstrate Plaintiff is entitled to judgment as a matter of law.

The GLVAR Defendants also object to Plaintiff's voluminous exhibits, none of which are authenticated and many of which consist of inadmissible hearsay. *See Henry Prods., Inc. v. Tarmu*, 114 Nev. 1017 (1998) (holding evidence in support of or in opposition to a motion for summary judgment must be admissible).

III. LEGAL ARGUMENT

A. Plaintiff's Motion for Quiet Title is Defective as to the GLVAR Defendants and Must be Denied.

This Court should deny Plaintiff's Motion for Quiet Title as to the GLVAR Defendants, as it factually and legally baseless.

Actions for quiet title are governed by NRS 40.010, which states: "[a]n action may be brought by any person against another who claims an estate or interest in real property, adverse to the person bringing the action, for the purpose of determining such adverse claim." As set forth in the GLVAR Defendants' pending motion to dismiss, Plaintiff has purported to assert a claim for quiet title as against "All Defendants." (*See* First Amended Complaint at pp. 28-29.) Plaintiff has not alleged, in the First Amended Complaint or in her Motion for Quiet Title, that the GLVAR Defendants claim an adverse estate or interest in real property. Thus, Plaintiff has failed to plead and prove a prima facie element of her claim for quiet title and her Motion for Quiet Title must be denied.

B. This Court Should Deny Plaintiff's Motion for Summary Judgment.

1. Legal Standards Governing Summary Judgment

Summary judgment must be granted "if the pleadings, depositions, answers to

1 interrogatories, and admissions on file, together with the affidavits, if any, show that there is no
2 genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of
3 law.” *See Wood v. Safeway*, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005); *see also* NRCP 56(c).

4 After the moving party demonstrates no genuine issue of material fact exists, the nonmoving
5 party must show the existence of a genuine issue of material fact. *Cuzze v. Univ. & Cmty. Coll. Sys.*
6 *of Nev.*, 123 Nev. 598, 172 P.3d 131, 134 (2007). The nonmoving party can no longer merely raise
7 the “slightest doubt” to avoid summary judgment; the nonmoving party “bears the burden to do
8 more than simply show that there is some metaphysical doubt as to the operative facts in order to
9 avoid summary judgment being entered in the moving party’s favor.” *Wood*, 121 Nev. at 731-32,
10 121 P.3d at 1031. The nonmoving party cannot merely “build a case on the gossamer threads of
11 whimsy, speculation, and conjecture.” *Id.* at 732, 121 P.3d at 1031 (quotation omitted). The
12 nonmoving party must present *genuine* issues of *material* fact to avoid summary judgment. *Id.*, 121
13 P.3d at 1031. Speculative arguments about what the facts might be at the time of trial do not suffice
14 to withstand a motion for summary judgment. *Id.*

15 2. Plaintiff has Failed to Satisfy her Burden Under NRCP 56.

16 In order to prevail on a motion for summary judgment, Plaintiff bears the burden of
17 demonstrating the absence of genuine issues of any material fact, and that she is entitled to judgment
18 as a matter of law.¹ Plaintiff has wholly failed to satisfy these burdens.

19 Plaintiff’s statement of undisputed facts makes no reference to any facts purportedly
20 supporting Plaintiff’s frivolous claims against the GLVAR Defendants.² Furthermore, Plaintiff’s
21 “Legal Argument” section, which consists of stream of consciousness ramblings, lacks any
22 reference to the GLVAR Defendants, contains no legal citations, and contains absolutely no analysis
23 of Plaintiff’s claims against the GLVAR Defendants. Indeed, upon review of Plaintiff’s MSJ,
24 undersigned counsel for the GLVAR Defendants is at a complete loss as to the purported bases upon
25 which Plaintiff seeks summary judgment. Plaintiff appears to be continuing her misguided crusade
26 by abusing the judicial system, thereby wasting this Court’s and the GLVAR Defendants’ (and
27

28 ¹ *Wood v. Safeway, Inc.*, 121 Nev. 724, 121 P.3d 1026, 1029 (2005).

² *See* MSJ at pp. 14-17.

1 others') valuable time and resources.

2 Plaintiff cannot prevail on her claims against the GLVAR Defendants, for the reasons set
3 forth in the GLVAR Defendants' pending motion to dismiss (which Plaintiff has failed to oppose).
4 This Court should respectfully deny Plaintiff's baseless MSJ.

5 **IV. CONCLUSION**

6 For the foregoing reasons, Defendants GLVAR and Ms. Trujillo respectfully request that this
7 Court deny the Plaintiff's Motion for Quiet Title and Motion for Summary Judgment.

8 DATED this 28th day of October, 2020.

9 WILSON, ELSER, MOSKOWITZ, EDELMAN
10 & DICKER LLP

11 By: /s/ Chad C. Butterfield
12 Sheri M. Thome, Esq.
13 Nevada Bar No. 008657
14 Chad C. Butterfield, Esq.
15 Nevada Bar No. 010532
16 Virginia T. Tomova, Esq.
17 Nevada Bar No. 012504
18 6689 Las Vegas Blvd. South, Suite 200
19 Las Vegas, Nevada 89119
20 *Attorneys for Defendants*
21 *Greater Las Vegas Association of*
22 *Realtors and Ingrid Trujillo*
23
24
25
26
27
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5, I certify that I am an employee of WILSON, ELSER, MOSKOWITZ,
3 EDELMAN & DICKER LLP and that on this 28th day of October, 2020, I served a true and correct
4 copy of the foregoing **DEFENDANTS GREATER LAS VEGAS ASSOCIATION OF**
5 **REALTORS AND INGRID TRUJILLO'S OPPOSITIONS TO PLAINTIFF'S MOTION**
6 **FOR QUIET TITLE AND PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT** as
7 follows:

- 8 by placing same to be deposited for mailing in the United States Mail, in a sealed
9 envelope upon which first class postage was prepaid in Las Vegas, Nevada;
- 10 via electronic means by operation of the Court's electronic filing system, upon each
11 party in this case who is registered as an electronic case filing user with the Clerk;
- 12 via hand-delivery to the addressees listed below;
- 13 via facsimile;
- 14 by transmitting via email the document listed above to the email address set forth
below on this date before 5:00 p.m.

15 Lindsey Licari
9564 Scorpion Track Ct
Las Vegas, NV 89178
16 Telephone: 702-577-6657
17 Email: LINDSEYLICARI14@AOL.COM
Plaintiff Pro Se

Melanie Treanor
46 Precipice Ct.
Henderson, NV 89002
Telephone: (702) 812-5016
18 Email: melanietreanor1@gmail.com
Defendant Pro Se

19 Barry E. Clarkson, Esq.
Matthew D. Spring, Esq.
CLARKSON & ASSOCIATES, LLC 340
20 Falcon Ridge Parkway, Suite 700A
Mesquite, Nevada 89027
21 162 North 400 East, Suite A-204
P.O. Box 1630
22 St. George, Utah 84771
(702) 345-7588 or (435) 634-1940
23 (435) 634-1942 fax
bclarkson@clarksonlegal.com
mspring@clarksonlegal.com
Attorneys for Defendant ERA Brokers

Michael C. Van, Esq.
Garrett R. Chase, Esq.
Margaret A. Manning, Esq.
SHUMWAY VAN
24 8985 South Eastern Ave., Suite 100
Las Vegas, Nevada 89123
Telephone: (702) 478-7770
Facsimile: (702) 478-7779
michael@shumwayvan.com
garrett@shumwayvan.com
mmanning@shumwayvan.com
*Attorneys for Defendants Linda Naw and
Bobby Antee*

