

## **APPENDIX A**

1 NOEJ  
2 Law Offices of ERIC R. LARSEN  
3 Recd J. Werner, Esq.  
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10 Attorney for Defendant  
11 LINDEN GITTINGS

Electronically Filed  
10/16/2019 1:34 PM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

DISTRICT COURT  
CLARK COUNTY, NEVADA

8 CHARLES BELSSNER, an individual;

Case No.: A-18-769908-C  
Dept. No.: 29

9 Plaintiff,

10 —vs—

11 LINDEN GITTINGS, an individual; DOES I  
12 through X, inclusive; ROE CORPORATIONS  
13 I through X, inclusive;

Defendants.

NOTICE OF ENTRY OF ORDER  
GRANTING PLAINTIFF'S MOTION  
FOR ADA VIOLATIONS

14 TO: ALL PARTIES AND COUNSEL OF RECORD.

15 PLEASE TAKE NOTICE that an Order was entered on October 14, 2019, in the above-  
16 captioned matter, a copy of which is attached hereto.

17 DATED this 16th day of October, 2019.

18 Law Offices of ERIC R. LARSEN

20 : /s/ Reed J. Werner  
21 Reed J. Werner, Esq.  
22 Nevada Bar No.: 9221  
23 9275 W. Russell Rd., Ste. 205  
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27 LINDEN GITTINGS

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Law Offices of ERIC R. LARSEN and that service of a true and correct copy of the above and foregoing NOTICE OF ENTRY OF ORDER was served on the 16th day of October 2019, to the following addressed parties by:

First Class Mail, postage prepaid from Las Vegas, NV pursuant to N.R.C.P. 5(b)  
 Facsimile, pursuant to EDCR 7.26 (as amended)  
 Electronic Mail / Electronic Transmission  
 Hand Delivered to the addressee(s) indicated  
 Receipt of Copy of the foregoing on this \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
acknowledged by, \_\_\_\_\_.

Via U.S. Mail

**CHARLES BELSSNER  
P.O. Box 46154  
Las Vegas, NV 89114**

/s/ Debra M. Watson  
An employee of Law Offices of  
ERIC R. LARSEN

rw Officers of  
RICK LAKSEN  
35 W Russell Rd. Ste 200  
o Vegas, NV 89146  
telephone: (702) 873-3820  
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1 Electronically Filed  
2 10/16/2019 1:19 PM  
3 Steven D. Grierson  
4 CLERK OF THE COURT  
5 *Steven D. Grierson*

1 OPPS  
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3 Reed J. Werner, Esq.  
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11 Attorney for Defendant  
12 LINDEN GITTINGS  
13

14  
15 DISTRICT COURT  
16 CLARK COUNTY, NEVADA

17 CHARLES BELSSNER, an individual;  
18 Plaintiff,

19 Case No.: A-18-769908-C  
20 Dept. No.: 29

21 —vs—

22 LINDEN GITTINGS, an individual; DOES I  
23 through X, inclusive; ROE CORPORATIONS  
24 I through X, inclusive;

25 Defendants.

26 ORDER GRANTING PLAINTIFF'S  
27 MOTION FOR ADA VIOLATIONS

28 On September 4, 2019, Plaintiff's Motion to Reopen Case for ADA violations came before the Court. Charles Belssner appeared pro se and Reed Werner, Esq. appeared for Defendant Linden Gittings. The Court having reviewed the pleadings and listened to oral arguments took the case under advisement to review the dates of things and the docket. While the Court did not have new evidence and did not violate the ADA rules, in an effort to allow matters to be heard on their merits, the Court considered the motion as one for reconsideration and grants the motion reopening the case and referring it to the short trial program. Wherefore;

29 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the instant case be reopened to allow the Plaintiff to have his case heard before a jury and not decided on his and his former attorney's failure to timely appear at the arbitration hearing, file a brief or otherwise participate in the arbitration process. The Court wishes the case to be heard on the merits and refers the case to the short trial program where it can be heard and a final determination can be

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1 made on the facts presented by the Plaintiff.

2 DATED this 14 day of October, 2019.

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5 DISTRICT COURT JUDGE  
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83

9  
10 Respectfully submitted by:

11 Law Offices of ERIC R. LARSEN

12 Reed J. Werner, Esq.  
13 Nevada Bar No.: 9221  
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15 9275 W. Russell Road  
16 Suite 205  
17 Las Vegas, Nevada 89148  
18 Attorney for Defendant  
19 LINDEN GITTINGS

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## **APPENDIX B**

1 **STORD**  
2 Peter M. Angulo, Esq.  
3 Nevada Bar No. 3672  
4 LAW OFFICES OF CORY J. HILTON  
(702) 384-8000

5  
6  
7 DISTRICT COURT

8  
9 CLARK COUNTY, NEVADA

10 **CHARLES N. BELSSNER,**

11 Plaintiff, Case No.: A-18-7699087-C

12 vs.

13 Dept No.: 29

14 **LINDEN GITTINGS,**

15 STP

16 Defendant

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ORDER SETTING HEARING ON  
DEFENDANT'S MOTION FOR  
SUMMARY JUDGMENT

Defendant has filed a potentially dispositive Motion for Summary Judgment for which this Court has determined a hearing should be conducted. Originally, the hearing was scheduled to be heard, telephonically or by Zoom conferencing, on Friday, November 6, 2020. However, on November 4, 2020, Plaintiff sent an email which appeared to indicate his unavailability to attend telephonically on that date.

As an accommodation, the Court rescheduled the hearing to Monday, November 9th at 2:00 p.m. In response, Plaintiff sent another email on November 4<sup>th</sup> addressed to my secretary which again appears to raise reasons why a hearing cannot be conducted on Monday. Having considered these arguments, I find they are without merit.

ORDER SETTING HEARING ON DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - I

1 Having considered the filings in this matter, and the numerous emails which have been  
2 repeatedly sent by Plaintiff, the Court DENIES the Motion for Summary Judgment. While the  
3 arguments raised by Defendant are persuasive and appropriate, after the Arbitration Award was  
4 entered on January 16, 2019, Plaintiff raised before Judge David Jones a motion which  
5 essentially sought to have the award vacated. On October 16, 2019, Judge Jones issued an order  
6 which held “in an effort to allow matters to be heard on their merits, the Court considered the  
7 motion as one for reconsideration and grants the motion reopening the case and referring it the  
8 short trial program.” He specifically ordered the “case be reopened to allow the Plaintiff to have  
9 his case heard before a jury and not decided on his and his former attorney’s failure to timely  
10 appear at the arbitration hearing, file a brief or otherwise participate in the arbitration process.”

13 While this Court may not have so ruled on those issues, this decision would seem to the  
14 law of the case at this point and this Court is leery of overturning that decision based on the  
15 filings before it. This Court is aware NAR 18(B) indicates the 30-day period for filing is  
16 jurisdictional and, after its expiration, the order is deemed final. NAR 19. However, even final  
17 orders are subject to being revisited under NRCP 60, for good cause shown. In this case, it  
18 seems Judge Jones essentially granted a 60(b) motion and vacated the entry of the arbitration  
19 award. In other words, it is as though he set aside a default judgment. Clearly, he was  
20 empowered to do so.

22 As to Plaintiff’s non-payment of the arbitrator’s fees and those of the short trial judge, it  
23 is the Court’s understanding Plaintiff has been granted *in forma pauperis* status. Such fees may  
24 not be required of him.

26 Plaintiff has also raised an issue in his Opposition that this matter should be removed  
27 from the Short Trial Program. That matter has been heard and considered by the Arbitration  
28

ORDER REGARDING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT - 2

1 Commissioner and the Court. It has been rejected. Plaintiff is advised to continue to raise that  
2 issue with this Court will result in the possible imposition of Rule 11 sanctions going forward as  
3 it has been deemed without merit. This matter will stay in this program and the recovery will be  
4 limited to \$50,000.00.  
5

6 Defendant has also raised the issue of Plaintiff's failure to comply with NRCP 16.1  
7 disclosure obligations. The Court is very concerned about the time that has been wasted by  
8 Plaintiff in having meaningful discovery conducted—especially since the early case conference  
9 was conducted on October 1, 2020 and, under NRCP 16.1(a)(1)(C), these should have been  
10 properly disclosed within 14 days thereafter. Given that Plaintiff is *pro se*, the Court will excuse  
11 his failure to this point but will require he provide full and complete disclosures as required by  
12 NRCP 16.1 no later than November 19, 2020 to Defendant, in the appropriate pleading format.  
13 To be clear, this means Plaintiff is required to provide “the name and, if known, the address and  
14 telephone number of each individual likely to have information discoverable under Rule 26(b),  
15 including for impeachment or rebuttal, identifying the subjects of the information; a copy — or a  
16 description by category and location — of all documents, electronically stored information, and  
17 tangible things that the disclosing party has in its possession, custody, or control and may use to  
18 support its claims or defenses, including for impeachment or rebuttal, and, unless privileged or  
19 protected from disclosure, any record, report, or witness statement, in any form, concerning the  
20 incident that gives rise to the lawsuit; . . . the identity of each relevant medical provider so that  
21 the opposing party may prepare an appropriate medical authorization for signature to obtain  
22 medical records from each provider; a computation of each category of damages claimed by the  
23 disclosing party — who must make available for inspection and copying as under Rule 34 the  
24 documents or other evidentiary material, unless privileged or protected from disclosure, on  
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ORDER REGARDING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - 3

1 which each computation is based, including materials bearing on the nature and extent of injuries  
2 suffered . . .” NRCP 16.1(a)(1)(A)(i)-(iv)(emphasis added).

3 Plaintiff is not excused from this obligation. NRCP 16.1(g). This means Plaintiff must  
4 provide, at a minimum, a complete list of all known witnesses—with the identifying information  
5 for each; either a copy or description and location of all relevant documentary materials  
6 supporting Plaintiff’s claim; a specific identification of all Plaintiff’s medical providers related to  
7 the injuries arising from this incident and a clear and comprehensive computation of his alleged  
8 damages. Should a full and complete disclosure not be received at the time specified, the Court  
9 will consider appropriate sanctions under NRCP 16.1(e).

10  
11 To ensure the litigation is proceeding properly towards the established trial date, upon  
12 receipt of the designation of medical providers, Defendant may choose to have Plaintiff sign  
13 HIPAA authorizations. Plaintiff will seven (7) days in which to return those authorizations  
14 properly signed and executed, after he has been served with a copy and a request by Defendant.  
15 The failure to comply will be deemed a violation of Plaintiff’s duty to engage in proper  
16 discovery and may expose him to sanctions under NRCP 37.

17  
18 Finally, this Court has repeatedly warned Plaintiff of using emails to communicate with  
19 this Court or to use them as attempts to obtain rulings from this Court. Plaintiff has nevertheless  
20 continued in this inappropriate method of communication. The parties are accordingly informed  
21 the Court will not entertain any direct communications from any party—whether by email, letter,  
22 text, or telephone—regarding issues in this case. The lone exception is if the parties jointly agree  
23 the Court needs to be contacted to schedule a hearing or discuss a matter requiring immediate  
24 resolution and jointly extend that communication to the Court. All other concerns need to be  
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ORDER REGARDING DEFENDANT’S MOTION FOR SUMMARY JUDGMENT - 4

1 placed as a proper motion. The continued failure to comply with this Court's direct order will  
2 result in the dismissal of this suit for vexatious conduct.

3 IT IS SO ORDERED this 9<sup>th</sup> day of November, 2020.  
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JUDGE PRO TEMPORE

ORDER REGARDING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT - 5

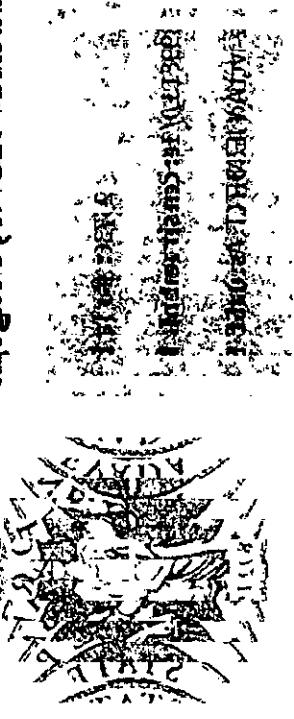
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 10 day of November, 2020, I served a copy of the foregoing ORDER REGARDING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT via Wiznet to the following counsel of record:

Charles N. Belssner  
P.O. Box 46154  
Las Vegas, Nevada 89114  
Plaintiff in Proper Person

Reed J. Warner, Esq.  
750 E. Warm Springs Road, Suite 320, Box 19  
Las Vegas, Nevada 89119  
Attorney for Defendant

An Employee of the Law Firm of Cory J. Hilton



Astronomy, etc.; Willard

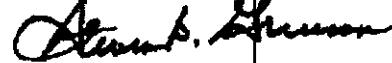
○ おおむねは、この二種類の方法で、日本語の文法を説明する。たゞ、この二種類の方法は、必ずしも、日本語の文法を完全に説明するものではない。

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162 *Journal of Democracy*

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## APPENDIX C



1                   **STORD**  
2 Peter M. Angulo, Esq.  
3 Nevada Bar No. 3672  
4 LAW OFFICES OF CORY J. HILTON  
(702) 384-8000

5                   DISTRICT COURT  
6                   CLARK COUNTY, NEVADA

7                   CHARLES N. BELSSNER,

8                   Plaintiff,

9                   vs.

10                   LINDEN GITTINGS,

11                   Defendant

Case No.: A-18-769908-C

Dept No.: 29

12                   STP

13                   **ORDER DISMISSING LITIGATION ON  
14                   SUMMARY JUDGMENT AND AS A  
15                   SANCTION**

16                   On December 16, 2020, Defendant filed a potentially dispositive Motion for Summary  
17                   Judgment with the Court. On December 21, 2020, the Court entered a briefing order indicating  
18                   any Opposition to the filed Motion was due by December 30, 2020. Additionally, in that Order,  
19                   the parties were informed of the hearing of the motion would be held on January 20, 2021 at  
20                   10:00 a.m. and the parties were required to provide valid contact phone numbers to the Court by  
21                   December 30, 2020.

22                   On January 20, 2021, at 10:05 a.m., the Court conducted its hearing on the pending  
23                   Motion for Summary Judgment filed by Defendant. In advance of the hearing, this Court sent an  
24                   email to the parties identifying the contact telephone numbers it had for them and seeking to  
25                   ensure those numbers were the best to be able to contact them for the scheduled hearing.

26                   **ORDER DISMISSING LITIGATION ON SUMMARY JUDGMENT AND AS A SANCTION - 1**

1 Defendant's counsel responded, providing a direct number. Plaintiff never responded with a  
2 better number. At the time scheduled, the Court called the listed/provided numbers. The number  
3 for Plaintiff went directly to voicemail. The Court left a detailed message indicating it would  
4 wait another 5 minutes before starting the hearing on the Motion for Summary Judgment to give  
5 Plaintiff the opportunity to call the court directly or to respond with a better number. After  
6 waiting the indicated time, this Court called Plaintiff again and again went directly to voicemail.  
7 Again, the Court informed Plaintiff he was welcome to call the office directly while the hearing  
8 was being conducted if he wished to participate, otherwise, the Court would consider any filings  
9 he had properly submitted and rule accordingly.

10 At approximately 10:11 a.m., the Court conducted its hearing of the pending Motion. In  
11 attendance was Reed J. Werner, Esq., of the Law Offices of ERIC R. LARSEN, on behalf of  
12 Defendant. Plaintiff did not attend and did not place a phone call during the time of the hearing.

13 In considering the filings in this matter, the Court notes Plaintiff did not file an  
14 Opposition to the Motion for Summary Judgment by December 30, 2020. He did not ask for an  
15 enlargement of time to file an Opposition based on some good cause or excuse. The Court does  
16 note the filing of an "*Update Opposition to Defendant's Motion for Summary*  
17 *Judgment/Sanctions imposed for Defendant's Falsehoods & Accepted Liability of Damages.*

18 *Motion to Be ; Strike*" which was filed yesterday, January 19, 2021 at 11:14 a.m. Although this  
19 document is fugitive as it is filed outside the required time, it has been read and considered by  
20 this Court. It is noted, however, this "Opposition" fails to meet the appropriate standards for  
21 opposing summary judgment. Plaintiff, because he is in proper person, was previously sent an  
22 order from this Court on October 12, 2020 which, in light of the Nevada Supreme Court's  
23 guidance in Bonnell v. Lawrence, 128 Nev. 394, 403-04, 282 P.3d 712, 718 (2012), set forth in  
24

25 ORDER DISMISSING LITIGATION ON SUMMARY JUDGMENT AND AS A SANCTION - 2

1 painstaking detail Plaintiff's obligations in opposing summary judgment.. Thus, this late-filed  
2 Opposition is even more repugnant since there was no adherence to these standards in that  
3 Opposition.

4  
5 The Court is also mindful of several improper emails which were sent on January 5-7,  
6 2021 in derogation of this Court's clear order of November 10,2020 wherein this Court  
7 specifically stated: *"Finally, this Court has repeatedly warned Plaintiff of using emails to*  
8 *communicate with this Court or to use them as attempts to obtain rulings from this Court.*  
9 *Plaintiff has nevertheless continued in this inappropriate method of communication. The parties*  
10 *are accordingly informed the Court will not entertain any direct communications from any*  
11 *party—whether by email, letter, text, or telephone—regarding issues in this case. The lone*  
12 *exception is if the parties jointly agree the Court needs to be contacted to schedule a hearing or*  
13 *discuss a matter requiring immediate resolution and jointly extend that communication to the*  
14 *Court. All other concerns need to be placed as a proper motion. The continued failure to*  
15 *comply with this Court's direct order will result in the dismissal of this suit for vexatious*  
16 *conduct."*<sup>1</sup> The emails sent by (or on behalf of ) Plaintiff sought to disparage the Courts, Judge  
17 David M. Jones, while making observations or statements which were not relevant to matters  
18 before this Court. Indeed, Judge Jones' law clerk responded in email at one point to defend the  
19 proper actions of her judge. In a subsequent brief conversation held with this law clerk, she  
20 confirmed Plaintiff had sent of number of disparaging, and even threatening, emails to Judge  
21 Jones and his staff on prior occasions.

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1 In addition, the Court has already issued an order dated November 6, 2020, indicating the improper use of emails  
and specifically indicating future emails would not receive a response from the Court.

1                   With all this in mind, Defendant's Motion for Summary Judgment is considered and  
2 deemed worthy of being GRANTED. In seeking dismissal of the matter, Defendant raises  
3 several arguments which will be addressed in turn.

4

5                   I.     NRCP 16.1 VIOLATIONS

6                   Initially, Defendant notes this Court, in its November 10, 2020 order, clearly ordered  
7 Plaintiff to provide proper NRCP 16.1 disclosures to Defendant by November 19, 2020 or he  
8 would be subject to sanctions under NRCP 16.1(e). Among the available sanctions are those  
9 found in NRCP 37(b) and (f). These sanctions include "prohibiting the disobedient party from  
10 supporting or opposing designated claims or defenses, or from introducing designated matters in  
11 evidence; striking pleadings in whole or in part; . . . dismissing the action or proceeding in whole  
12 or in part; . . . rendering a default judgment against the disobedient party; or treating as contempt  
13 of court the failure to obey any order . . ." NRCP 37(b)(1)(B)-(G). Utilizing any of these  
14 sanction (all of which are deemed appropriate in this matter) would have the practical effect of  
15 dismissing Plaintiff's case.

16                   A review of the filings in this matter reveal Plaintiff failed to comport with this Court's  
17 clear directive without good cause. No enlargement of time was sought by Plaintiff to ensure  
18 compliance. Not even a pallid response was submitted by Plaintiff. Accordingly, this Court  
19 finds Plaintiff has chosen to willfully and intentionally disobey and derogate this Court's  
20 directive and, by implication, its authority. Accordingly, this Court deems the severe sanction of  
21 dismissal in whole is appropriate. In reaching this decision, the Court has weighed the  
22 possibility of some lesser sanction catching Plaintiff's attention and ensuring future compliance.  
23 However, given the past history in this case with Plaintiff, I have determined lesser sanctions  
24 will not be effective.

1                   II.     FAILURE TO RESPOND TO DISCOVERY

2                   The second argument raised deals with the fact Defendant served on Plaintiff  
3                   Interrogatories and Requests for Admissions to which no response has ever been received.  
4                   While Defendant argues the failure to respond to the Interrogatories warrants dismissal as a  
5                   sanction under NRCP 37, inasmuch as I do not have any evidence of an EDCR 2.34 conference  
6                   being conducted between the parties, I do not give this request any credence.  
7

8                   As to the Request for Admissions, however, a 2.34 conference need not be held. NRCP  
9                   36(a)(1) provides parties to litigation with discovery device whereby they "may serve on any  
10                  other party a written request to admit . . . the truth any matters . . . relating to [] facts, the  
11                  application of law to any fact, or opinions about either[.]". Parties have a limited time period in  
12                  which to respond to the Requests for Admission. NRCP 36(a)(3) mandates "[a] matter is  
13                  admitted unless, within 30 days after being served, the party to whom the request is directed  
14                  serves on the requesting party a written answer or objection addressed to the matter and signed  
15                  by the party or its attorney." NRCP 36(b) further notes "[a] matter admitted under this rule is  
16                  conclusively established unless the court, on motion, permits the admission to be withdrawn or  
17                  amended."

18                  In this case, Plaintiff was served with a copy of Defendant's Request for Admissions.  
19                  Plaintiff failed to answer to Requests within the mandated 30 days and has not sought an  
20                  enlargement of time nor asked for judicial relief from this inaction. Accordingly, by operation of  
21                  the Rule, each of the requested Admissions are deemed to have been answered affirmatively by  
22                  Plaintiff. "The sanction for failure to serve timely answers or objections to requests for  
23                  admissions is that all matters in the request are deemed admitted." Wagner v. Carex  
24                  Investigations & Sec. Inc.

25                  , 93 Nev. 627, 630, 572 P.2d 921, 923 (1977).

26                  ORDER DISMISSING LITIGATION ON SUMMARY JUDGMENT AND AS A SANCTION - 5

1 Failure to respond to such admissions “properly [serves] as the basis for summary  
2 judgment against the party who has failed to serve a timely response.” Id.; see also Graham v.  
3 Carson-Tahoe Hosp., 91 Nev. 609, 540 P.2d 105 (1975). The Nevada Supreme Court has stated  
4 this function of NRCP 36 “is comparable to an admission in pleadings or a stipulation drafted by  
5 counsel for use at trial, rather than to an evidentiary admission of a party, and therefore is not  
6 rebuttable by contradictory testimony of the admitting party.” Wagner, 93 Nev. at 631-32  
7 (describing the legislative history of NRCP 36(b)).  
8

9  
10 Given this, Plaintiff is deemed to have admitted to have caused the subject automobile  
11 accident of March 8, 2016 through his own negligence. He admits he was not injured by the  
12 accident. He admits Defendant violated or breached no duty owed to Plaintiff. These  
13 admissions render the instant litigation a nullity and warrant the grant of summary judgment in  
14 Defendant’s favor with prejudice—consistent with the arbitration award which has already been  
15 received.  
16

17 **III. FAILURE TO PAY SHORT TRIAL DEPOSIT**

18 The third argument raised by Defendant deals with the payment of short trial fees. While  
19 it is true Plaintiff has never paid same, the Court will decline using this as a basis for dismissal.  
20

21 **IV. PLAINTIFF’S CONDUCT WARRANTS DISMISSAL**

22 Although not raised in the Motion, this Court has determined another ground exists for  
23 dismissing this case with prejudice. Specifically, Plaintiff has repeatedly ignored the direct  
24 orders of this Court. He has not filed appropriate, timely motions/oppositions, he has not  
25 participated in the scheduled hearings, he has harassed the district court and has continued  
26 sending emails in direct derogation of this Court’s clear directions. While Plaintiff is in proper  
27 person, that alone is not a sufficient justification for such behavior. Plaintiff has a checkered past  
28

ORDER DISMISSING LITIGATION ON SUMMARY JUDGMENT AND AS A SANCTION - 6

1 when it comes to litigation practices. A review of his litigation practices in both state and federal  
2 court have revealed this pattern of misconduct is not unique to this suit.  
3

4 In Belssner v. Guild Mortg., Case No. 2:17-CV-01650-KJD-PAL, (D. Nev., January 30,  
5 2019), it was noted Plaintiff was “warned that continued motion practice requesting relief that  
6 has already been denied or making frivolous, unsupported requests may result in the imposition  
7 of sanctions, including dismissal of this case.” In Belssner v. Bank of America, Case No. 2:17-  
8 cv-01666-APG-NJK (D. Nev. November 2, 2017), the Court noted it had warned Plaintiff of the  
9 consequences of failing to comply with the Court’s order regarding amending his Complaint. In  
10 response, he ignored the Court’s directions and, instead of clarifying his claims and the factual  
11 allegations supporting them, Plaintiff instead added even more claims based on the same basic  
12 recitation of his factual allegations. Accordingly, his case was dismissed. More importantly, in  
13 Belssner v. Gittings, Case No. 2:19-CV-02034-APG-VCF (D. Nev. March 19, 2020), Judge  
14 Gordon declared Plaintiff to be a vexatious litigant based on his behavior before the Court.  
15

16 A review of state court filings reveals Plaintiff has been involved in numerous lawsuits  
17 over the years. Thus, he is no novice to the legal system. As recently as last year, it appears at  
18 least one court treated him as a vexatious litigant. Belssner v. ATT, Case No. 19A003631 (LV  
19 Justice Court, March 3, 2020). While none of this is dispositive on the topic, it does appear that  
20 Plaintiff has engaged in a pattern similar to that which has unfolded before this Court.  
21

22 The right of access to the courts is neither absolute nor unconditional. In re Green, 669  
23 F.2d 779, 785 (D.C. Cir. 1981). “[N]o one, rich or poor, is entitled to abuse the judicial  
24 process.” Hardwick v. Brinson, 523 F.2d 798, 800 (5th Cir. 1975). “Although there is a  
25 constitutional right to access to the courts, there is ‘no constitutional right of access to the courts  
26 to prosecute an action that is frivolous or malicious.’” Colorado Ex Rel. Colorado Judicial Dept.  
27

28 ORDER DISMISSING LITIGATION ON SUMMARY JUDGMENT AND AS A SANCTION - 7

v. Fleming, 726 F. Supp. 1216, 1217 (D. Colo. 1989) (citing Phillips v. Carey, 638 F.2d 207, 208 (10th Cir.), cert. denied, 450 U.S. 985 (1981).

The most apparent effect of excessive litigation is the imposition of unnecessary burdens on, and the useless consumption of, court resources. As caseloads increase, courts have less time to devote to each case. A lack of adequate time for reflection threatens the quality of justice. Second, long delays in adjudication create public dissatisfaction and frustration with the courts, such delays also result in the unfortunate continuation of wrongs and injustices while cases that would correct them set on court calendars. Third, abuse of litigation results in long, repetitive harassment of defendants, causing frustration and often extraordinary and unreasonable expenditures of time and money defending them against unfounded claims.

Colorado v. Carter, 678 F. Supp. 1484, 1486 (D. Colo. 1986).

In this case, it is clear to this Court Plaintiff has intentionally abused the judicial process. He has filed at least one frivolous appeal without justification. He repeatedly submits filings which are deemed to be groundless. He has failed to comply with clear orders from this court and has continually sought to disparage Judge Jones. The behavior noted in this case seems to parallel that undertaken in other cases. Thus, it appears clear the courts are being used as a vehicle of harassment by a knowledgeable and experienced pro-se litigant who follows the same abusive pattern in all his litigations.

Vexatious litigants are those "who repeatedly file[ ] frivolous lawsuits." Peck v. Crouser, 129 Nev. 120, 122, 295 P.3d 586, 587 (2013)(internal quotation marks omitted). As such, orders may properly issue to limit their access to the courts as a sanction to deter such conduct. *Id.*

"Inherent in courts is the power to dismiss a case for failure to prosecute or to comply with its orders. To prevent undue delays and to control their calendars, courts may exercise this power within the bounds of sound judicial discretion, independent of any authority granted under statutes or court rules." *Moore v. Cherry*, 90 Nev. 390, 393, 528 P.2d 1018, 1020 (1974).

“Where a party has been accurately notified of the time and place of a hearing, his failure to ORDER DISMISSING LITIGATION ON SUMMARY JUDGMENT AND AS A SANCTION - 8

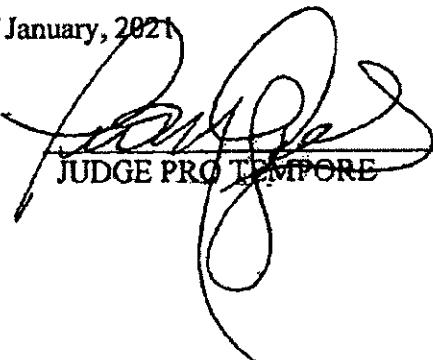
1 appear amounts to failure to prosecute, and is a proper ground for dismissal." Id. 90 Nev. at  
2 394.  
3

4 In this case, as detailed, Plaintiff has repeatedly refused to obey this Court's orders. He  
5 has failed to follow the Rules of Civil Procedure. He has failed to meaningfully participate in  
6 discovery. He has failed to attend at least two separate hearings set by this Court. Given the  
7 totality of these circumstances, I find it appropriate to dismiss this case with prejudice on these  
8 grounds also.  
9

10 **CONCLUSION**

11 For these reasons, the Court GRANTS Defendant's Motion for Summary Judgment on  
12 the grounds of Plaintiff's deemed admissions and his failure to cooperate in discovery. Further,  
13 the Court finds independent grounds to dismiss this lawsuit based on Plaintiff's repeated acts of  
14 misconduct. Accordingly, this litigation is DISMISSED WITH PREJUDICE.  
15

16 IT IS SO ORDERED this 20<sup>th</sup> day of January, 2021

17   
18 JUDGE PRO TEMPORE

## **APPENDIX D**

1494

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Carson City, Nevada 89701

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725 N. ROYAL CREST CIRCLE, STE. 217  
LAS VEGAS NV 89169

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IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES N. BELSSNER,  
Appellant,  
vs.  
LINDEN GITTINGS,  
Respondent.

No. 82470-COA

**FILED**

OCT 26 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *S. Young*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Charles N. Belssner appeals from an order granting summary judgment in a tort action. Eighth Judicial District Court, Clark County; David M. Jones, Judge.<sup>1</sup>

Belssner filed a personal injury claim against respondent Linden Gittings as a result of a motor vehicle accident where Belssner claims that Gittings crossed several lanes of traffic, entered the wrong side of a parking lot entrance, and struck Belssner's vehicle while he was waiting to exit the parking lot.

Following court annexed arbitration proceedings, the district court referred this case to the short trial program where, as relevant here, Gittings propounded discovery and served Belssner with interrogatories, requests for production of documents, and requests for admissions. Although these documents were properly served on Belssner on November 11, 2020, Belssner (proceeding pro se) responded only to Gittings' requests

---

<sup>1</sup>Peter M. Angulo, Pro Tempore Judge, served as the short trial judge in this case.

for production of documents and did not respond to Gittings' requests for admission or interrogatories.

Consequently, on December 16, Gittings filed a motion for summary judgment, primarily arguing that (1) summary judgment should be granted under NRCP 36 as Belssner failed to timely respond to his requests for admissions, thereby admitting he was at fault for the accident and suffered no damages; (2) Belssner failed to produce proper NRCP 16.1 disclosures despite a previous court order instructing him to do so; and (3) Belssner could not prove his case at trial as he failed to timely and properly disclose witnesses and treating doctors in support of his case.

Although the short trial judge entered an order indicating that Belssner's opposition to the motion would be due by December 30, and informing the parties that a telephonic hearing would be held on the motion on January 20, 2021, Belssner did not file a written opposition to the motion until January 19, and did not answer the phone when called by the short trial judge. Nevertheless, the short trial judge considered Belssner's late opposition and decided the motion on the pleadings without argument.

Following the hearing, the short trial judge entered an order granting summary judgment based on Belssner's failure to respond to Gittings' requests for admission; and as an alternative, also dismissed Belssner's complaint as a sanction for his failure to properly complete his NRCP 16.1 disclosures as previously ordered by the court, and as a sanction for Belssner's conduct during the litigation, which included sending multiple inappropriate emails to the court and ignoring court orders. The district court entered judgment on the short trial judge's order, and

following several unsuccessful post-judgment motions, Belssner now appeals.<sup>2</sup>

As an initial matter, on appeal, Belssner fails to adequately challenge the district court's alternative grounds for resolving the case—dismissing the matter for failing to comply with NRCP 16.1's disclosure requirements and as a sanction for abusive litigation practices. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived); *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (stating that this court need not consider claims that are not cogently argued). Thus, the challenged order can be affirmed on this basis alone. *Id.*; *see also Hillis v. Heineman*, 626 F.3d 1014, 1019 n.1 (9th Cir. 2010) (affirming a dismissal where the appellants failed to challenge the alternative ground that the district court provided for it). Nevertheless, we also address below the district court's grant of summary judgment based on Belssner's failure to respond to requests for admission under NRCP 36.

A district court's decision to grant summary judgment is reviewed de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists “and that the moving party is entitled to a judgment as a matter of law.” *Id.* (internal quotation marks omitted).

Under NRCP 36(a)(3), once a request for admission is served, “[a] matter is [deemed] admitted unless, within 30 days after being served,

---

<sup>2</sup>We note that Belssner filed a second notice of appeal in this case on March 5, 2021. Because that notice of appeal fails to identify an appealable order under NRAP 3A, we take no action as to that filing.

the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party . . . .” Courts consider any matter admitted under NRCP 36 to be “conclusively established unless the court, on motion, permits the admission to be withdrawn or amended.” NRCP 36(b). Moreover, “[i]t is well-settled that unanswered requests for admission may be properly relied upon as a basis for granting summary judgment.” *Estate of Adams v. Fallini*, 132 Nev. 814, 820, 386 P.3d 621, 625 (2016).

Here, Gittings properly served his requests for admission, asking Belssner to admit liability and that he suffered no damages on November 11, 2020, and Belssner had until December 14, 2020 to respond.<sup>3</sup> On appeal, Belssner contends that he properly responded to the requests for admission, but our review of the record demonstrates that he only responded to Gittings’ requests for production of documents—which is a separate and distinct form of discovery permitted under NRCP 26 and NRCP 34. Accordingly, Belssner’s timely response to Gittings’ requests for production of documents does not cure his failure to respond to the requests for admission under NRCP 36.

And because Belssner failed to respond to the requests for admission, the matters contained in those requests—that he admitted liability and that he suffered no damages—are considered conclusively established, “even if the established matters are ultimately untrue.” *Smith v. Emery*, 109 Nev. 737, 742, 856 P.2d 1386, 1390 (1993). Consequently, no

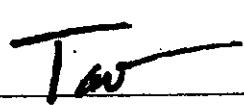
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<sup>3</sup>See NRCP 6(a) (stating that when calculating a period of time stated in days under the NRCP, one must exclude the day of the event that triggers the period, count every day including weekends and legal holidays, and if the last day of the period falls on a weekend or legal holiday, end the computation on the next day that is not a weekend or legal holiday).

genuine issues of fact remained with regard to Belssner's claims given his admissions and, therefore, we perceive no error in the district court's resulting grant of summary judgment in Gittings' favor. *Wood*, 121 Nev. at 729, 121 P.3d at 1029; *see also Estate of Adams*, 132 Nev. at 820, 386 P.3d at 625; *Wagner v. Carex Investigations & Sec. Inc.*, 93 Nev. 627, 631, 572 P.2d 921, 923 (1977) (holding that where admissions left no room for conflicting inferences and were dispositive of the case, summary judgment was appropriate). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. David M. Jones, District Judge  
Peter M. Angulo, Pro Tempore Judge  
Charles N. Belssner  
Law Offices of Eric R. Larsen  
Eighth District Court Clerk

<sup>4</sup>Insofar as Belssner raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

1 Electronically Filed  
2 12/19/2021 12:58 PM  
3 Steven D. Gitterman  
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(612)341-9201 CHANGE

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

CHARLES N. BELSSNER

NO. 82470-COA

9 APPELLANT,  
10 -vs-  
11 LINDEN GITTINGS  
12  
13 RESPONDENT

**District Court Case A-18-769908-C**  
**PETITION FOR REVIEW OF**  
**SUPPRESSED EVIDENTIARY\***  
**PETITION TO REMAND FOR TRIAL**

**EXEMPTION FROM ARBITRATION  
EXEMPTION FROM TELEPHONIC OR  
VIDEO CONFERENCING HEARINGS  
TO ACCOMMODATE ADA SECTION 504**

**ORAL ARGUMENT HEARING  
REQUESTED**

**PETITION TO REMAND FOR TRIAL.**

COMES NOW, CHARLES N. BEISSNER, Plaintiff in compliance with Rules of Civil Proceedings this Order OF Affirmance must be respectfully dismissed for Common Good and the Improvement of the State of Nevada Judiciary which the Culture relies heavily on for if the quality of life is ever going to improve in Nevada.

## LEGAL POSTURE

As inherited with by the challenge by Esq. ADA Expert Suz Thomas (See Exhibit A) and crooked by the devotion of the late Director of the Center for Public Ethics

<sup>4</sup>(See *Haines vs Kerner* 404 U.S. 519, 3 Ct. 894, 30 L.Ed.2d 652, 15 Fed.R. Serv. 2d) Less Stringent Standard- Not applied by Pro Tampons in Order(s) 1

Walton (See Exhibit B) whom was challenged by the chants of an audience @ this

Case Number: A-16-708808-C

<sup>34</sup>  
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NOV 10 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY \_\_\_\_\_  
DEPUTY CLERK

5 **8<sup>TH</sup> JUDICIAL DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

9 CHARLES N. BELSSNER

**NO. 82470-COA**

10 APPELLANT.

**District Court Case A-18-769908-C**

11 -VS-

12 LINDEN GITTINGS

13 RESPONDENT.

**PETITION FOR REVIEW OF  
SUPPRESSED EVIDENTIARY\***

**PETITION TO REMAND FOR TRIAL**

14 EXEMPTION FROM ARBITRATION  
15 EXEMPTION FROM TELEPHONIC OR  
16 VIDEO CONFERENCING HEARINGS  
TO ACCOMMODATE ADA SECTION 504

17  
18 **ORAL ARGUMENT HEARING  
REQUESTED**

**PETITION TO REMAND FOR TRIAL**

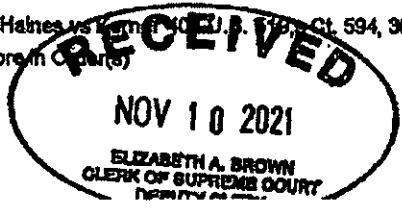
19 COMES NOW, CHARLES N. BELSSNER, Plaintiff in compliance with Rules of  
20 Civil Proceedings this Order OF Affirmance must be respectfully dismissed for Common  
21 Good and the Improvement of the State of Nevada Judiciary which the Culture relies  
22 heavily on for if the quality of life is ever going to improve in Nevada.

23  
24 **LEGAL POSTURE**

25 L

26 As inherited with by the challenge by Esq. ADA Expert Suz Thomas (See Exhibit  
27 A) and groomed by the devotion of the late Director of the Center for Public Ethics

28 \*(See Haines vs. Lamm, 10 U.S. 176, Ct. 594, 30 L.Ed.2ed 652, 16 Fed R. Serv. 2d) Less Stringent Standard- Not applied by Pro  
Tempore in Cases)



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N. Belssner vs. Linden Gittings No.82470 filed October 26, 2021 received on November  
2, 2021 to:

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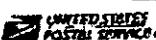
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IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES N. BELSSNER,  
Appellant,  
vs.  
LINDEN GITTINGS,  
Respondent.

No. 82470

**FILED**

NOV 29 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DENYING PETITION FOR REVIEW*

Review denied. NRAP 40B.

It is so ORDERED.

*Hardesty*, C.J.  
Hardesty

*Parraguirre*  
Parraguirre

*Stiglich*, J.  
Stiglich

*Cadish*, J.  
Cadish

*Silver*, J.  
Silver

*Pickering*, J.  
Pickering

*Herndon*, J.  
Herndon

cc: Hon. David M. Jones, District Judge  
Charles N. Belssner  
Law Offices of Eric R. Larsen  
Eighth District Court Clerk

## **APPENDIX E**



SUPREME COURT of NEVADA  
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c/o:  
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LAS VEGAS, NV. 89109  
EG/1609

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1 PETITION  
2 CHARLES N. BELSSNER  
3 C/O:  
4 725 n. Royal Crest Circle  
#217  
5 LAS VEGAS, NV. 89169-8307  
6 (612) 341-9201

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BY ~~DEPUTY CLERK~~

7 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 CHARLES N. BELSSNER

9 APPELLANT

No. 82470

10 -VS-

11 PETITION FOR REHEARING

12 LINDEN GITTINGS

13 RESPONDENT

14  
15 COMES NOW, CHARLES N. BELSSNER, Appellant whom has been denied  
16 a legal search for Pro Bono Counsel on a referral from the ADR Commissioner to Legal  
17 Aid of Southern Nevada because it being a Personal Injury Litigation according to Rules  
18 of the Supreme Court of the United States the State Supreme Court:  
19

20 Denied Discretionary Review

21 Then

22 Denied a Petition for Rehearing

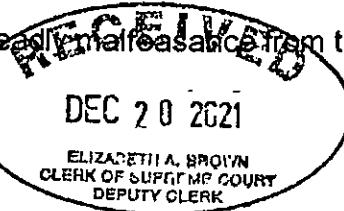
23 For the appendices in order

24 LEGAL POSTURE

25 L.

26 REHEARING:

27 To date the Appellant has proven the indefensible bureaucratic bungling with  
28 deadle malfeasance from the elimination of requests for hearing involving Removal of



1 Counsel that was voided by the Department Clerk that ultimately took over a year of  
2 Filings to eliminate an Arbitration Award that had no merit to said removal of Counsel  
3 which to this date that has the Case Summary (records) appearing to even Senior  
4 Litigators that the Attorney Withdrew –tarnishing the Appellant ability to retain counsel.  
5 to the State highest court stained with persons that ink a Confirmation Order that is  
6 laced with fabrication that can be void with Oral Argument involving a original hearing  
7 that never has been provided to date – let alone a rehearing.  
8

9 **LEGAL ARGUMENT**

10 **II..**

11 **SUPPRESSED EVIDENCE**

12 The Petition of Review of Suppressed clearly proves just that. The Order  
13 Dismissing Litigation Summary Judgment And As a Sanction Page 6, Line 1 Failure to  
14 Respond to such Admissions fabricates that the lack of the Pro Tempore Admission that  
15 he received the received Discovery along with Defense Counsel with a Request for  
16 Confirmation of Receipt (See Exhibit D of the Petition- formerly Exhibit E filed with the  
17 The Supreme Court on Feb 28, 2021) along with the statement:  
18

19 "ANYTHING ELSE"

20 This was filed with the District Court on 11/16/2020.

21 A Height of Covid

22 This for Admissions that seeks the Appellant to admit to causing the accident  
23 although the Defendant Council & Insurer paid for the damages to the Appellant' car  
24 in excess of Book Value.

25 **CONCLUSION**

26 **III..**

27 No Hearing was ever provided. From total disregard for the then Plaintiff Section  
28

1 504 Accommodations to the constant change in scheduling to the Pro Tempore  
2 ultimately calling a wrong number no hearing was ever provided.

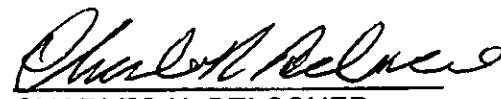
3 Rules of the District Court Civil Proceedings were never provided and fabrication  
4 by the Pro Tempore that he too received the Discovery that was provided to then  
5 Plaintiff and no confirmation as requested was provided to include an answer to

6 "ANYTHING ELSE"  
7

8 This can of corruption to our Courts can that be tolerated.

9 A Rehearing must be mandated.

10 This the 17<sup>th</sup> day of December, 2021

11   
12

13 CHARLES N. BELSSNER  
14 C/O:  
15 725 N. Royal Crest Circle  
#217  
Las Vegas, Nevada 89169-8307  
(612)-341-9201  
E-Mail: [chaschrisjingles@live.com](mailto:chaschrisjingles@live.com)

1  
2  
**AFFIDAVIT OF MAILING**

3 /s/ state that on this the 18<sup>th</sup> day of December, 2021 mailed by USPS  
4 In a sealed postage paid Certified mail 7021 0950 0002 2826 2783 Form 3811 a

5 **PETITION FOR REHARING** In Belssner vs. Gittings. Supreme Court Case No. 82470

6 To:

7  
8 SUPREME COURT OF NEVADA  
9 OFFICE OF THE CLERK  
10 201 S. CARSON ST.  
11 SUITE 201  
12 CARSON CITY, NEVADA 89701

13 WITH e-filing to:

14 CLERK OF DISTRICT COURT  
15 DEFENSE COUNSEL  
16 DEPT. 29  
17 5<sup>TH</sup> PRO TEMPORE

EXHIBITS BILLY ROBOK

**EXHIBIT 4 FOR OPOSITION TO DEFEND U.S. MOTION**

## FIGURE 1. *WATERFALL* (continued)

INC. • PETITION

• 4000 YEARS OF CHINESE PAINTING 1000 BC-AD 1900

## FOR SUGGESTED FAILURE RATE

APPEAL PETITION FOR REMAND, SUPREME COURT  
**REHEARING**

卷之三

8 - 18th & D Street, N.W. - Washington, D.C.

**BELSSNER VS. GITINGS SUPREME COURT CASE NO. 82470**

2023 RELEASE UNDER E.O. 14176

EXHIBIT E: COPY OF ADA + EC FORM

## 4.4.4. AMODAT

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