

e.g."

" APPENDIX A "

District Court Clark County NV. ORDER Appealed From PG. 5 7

1 **ORDR**

2 **DISTRICT COURT**
 3 **CLARK COUNTY, NEVADA**

CASE NO.: A-22-855737-C

DEPT. NO. 5

PLEASE TAKE NOTICE that Gina M. Mushmeche, Esq.,

ALICIA L. IAMES

Service Manager

MIDAS

MIKE VIGIL,

Plaintiff,

vs.

11 MIDAS INTERNATIONAL
 12 CORPORATION; OCEAN
 13 AUTOMOTIVE, LLC,

Defendants

Defendants. MIDAS INTERNATIONAL 1-800-621-8545;

NOTE! Service Manager Alicia L. Iames
 Defined under NRCP 4.2 (c)(1)(A) Affirm
 to Rec. 2 Summons 2 Complaints Sheriff
 Dept. 8/10/2022 8:15. Manager Contacts
 & Faxes Summons & Complaints to MIDAS
 INTERNATIONAL CORP. In turn MIDAS
 INTERNATIONAL CORP. Contacts Law Firm
 Above for Representation. October 5, /22

16 **ORDER GRANTING DEFENDANTS' AMENDED MOTION TO QUASH**
 17 **SERVICE, GRANTING DEFENDANTS' AMENDED MOTION TO**
 18 **DISMISS AND/OR IN THE ALTERNATIVE, MOTION FOR MORE**
 19 **DEFINITE STATEMENT AND/OR MOTION TO STRIKE, AND**
 20 **DENYING PLAINTIFF'S MOTION TO STRICK [SIC]**

21 The Court notes that Defendants Midas International, LLC (erroneously named
 22 as Midas International Corporation) and Owens Holdings, LLC – Midas 1 Series'
 23 (erroneously named as Ocean Automotive, LLC) ("Defendants") Amended Motion to
 24 Quash Service (docket #15) is set for a hearing on December 1, 2022. Defendants'
 25 Amended Motion to Dismiss and/or in the Alternative, Motion for More Definite
 26 Statement and/or Motion to Strike (docket #16) is set for a hearing on December 6.

28 A Felony Intentional FRAUD QUASH SERVICE and Order to AMEND FELONY
 Pltf.'s Complaint. (2) Qualified Experts Read 65 Pg. Complaint
NO Defects Chief Justice Clark County July 21, 2022, Attorney
 Donald Green AUTHOR of Several Books on the Subject of the LAW.
 NO DEFECTS in the Complaint. May 26, 2022, Court Rejected Open
 Court Testimony

DISTRICT JUDGE DEPT 5 AND **THE SUPREME COURT OF THE STATE OF NEVADA**

Think MIDAS INTERNATIONAL CORPORATION IS A GOVERNMENT AGENCY.

2022. Plaintiff Mike Vigil's ("Plaintiff") "Motion to Strick [sic] Pursuant to
Default. By its derivation, a failure. Meadows v. Continental Assur. Co., C.C.A.Tex., 89 F.2d 256. An
Fed.R.Civil P. 12(F) Insufficient Defense Answer Filed 76 Days. (Govt. Agencies

limited to 45 Days.) Fraudulent Declarations are criminal Offenses. Motion to Quash
Pvt.Citizens 20 Days Dead Line Ans.

and Motion to Dismiss Pltf.'s Complaint filed July 19, 2022. District [Court Judge]

Jerry Wiese Ruled NO DEFECTS July 22, 2022. Appellate Courts have Ruled on

Mandated Deadlines. October 26, 2022 Filed 2 Motions. Defense [sic]" (docket #20)

is set for a hearing on January 3, 2023. After a review of the pleadings, and good

cause shown, pursuant to EDCR 2.23, the Court FINDS, CONCLUDES and

ORDERS as follows:

Findings of Fact and Conclusions of Law

Pltf. Never served Correctly on Motion Or Order TO ANS.

The Court FINDS and CONCLUDES that under EDCR 2.20(e), Plaintiff has 14
days from the service of the motions to file and serve a written notice of
nonopposition or opposition thereto, together with a memorandum of points and
authorities and supporting affidavits, if any, stating facts showing why the motions
should be denied. Here, the amended motions were filed and served on October 26,
2022. However, no opposition has been filed. Even if the Court is to construe
Plaintiff's motion to strick [sic] as an opposition, it was untimely filed on November
21, 2022. Thus, Plaintiff's failure is construed as an admission that the motions are
meritorious and a consent to granting the same.

Intentionally Employer Steve Owens easily Could have obtained Alicia Llamis Declaration for the Court Record Title was Only an Employee. Only Record to PROVE Possition is Alicia Llamis Business Card Service Manager to Quailfy to Receive Service From the Sheriff's Dept Officer Mark Ruech Summons and Complaint.

1 The Court FINDS and CONCLUDES that even if the Court substantively
2 considers the pleadings, as to Defendants' motion to dismiss and/or in the alternative,
3 motion for more definite statement and/or motion to strike, the motion is not meritless.
4 The Court must accept all factual allegations in the complaint as true, and draw all
5 inferences in Plaintiff's favor. *Buzz Stew, LLC v. City of Las Vegas*, 124 Nev. 224,
6 227-28, 181 P.3d 670, 672 (2008). The test for determining whether the allegations of
7 a complaint are sufficient to assert a claim for relief is whether the allegations give
8 fair notice of the nature and basis of the legally sufficient claim and relief requested.
9 *Breliant v. Preferred Equities Corp.*, 109 Nev. 842, 846, 858 P.3d 1258, 1260
10 (1993). Dismissal is proper if it appears beyond a doubt that [plaintiff] could prove no
11 set of facts, which, if true, would entitle it to relief. *Buzz Stew*, 124 Nev. at 228, 181
12 P.3d 672. Although the Court agrees that the Complaint (docket #1) is replete with
13 multiple legal conclusions, as well as unnecessary, inflammatory and/or redudant
14 factual allegations, there appears to be at least some semblance of multiple causes of
15 action sought in the complaint. Thus, dismissal under NRCP 12(b)(5) is improper.
16 Furthermore, although Defendants are seeking a motion to strike under NRCP 12(f),
17 Defendants failed to point out the specific redundant, immaterial, impertinent or
18 scandalous matter that they wish to strike. Thus, the Court cannot grant Defendants
19 broad request. However, the Court agrees that under NRCP 12(e), motion for a more
20 definite statement is proper as the Complaint is indeed vague and ambiguous,
21
22
23
24
25
26
27
28

1 regarding the relevant facts and the elements of the causes of action that Plaintiff
2 alleges, that Defendants cannot reasonably prepare a response. Thus, the NRCP 12(e)
3 request is proper.
4

5 The Court FINDS and CONCLUDES that as to the Defendants' motion to
6 quash, they set forth sufficient showing that the attempted service was insufficient.
7 There are 3 separate documents, all filed on August 26, 2022, that purportedly showed
8 service. "Service of Summons and Complaint" (docket #5) merely states that
9 unknown documents (presumably summons and complaint) were provided to the
10 (Clark County) Sheriff's office for service (presumably to be served on Defendants).
11 Affidavit of Service (docket #6) states that a Deputy Constable served Defendant
12 "Midas Ocean Automotive LLC" on 2797 E. Tropicana Avenue, Las Vegas, NV
13 89121 on August 10, 2022 at 8:15 a.m. However, the name of the actual person
14 served is not listed. Affidavit of Service (docket #7) states that a Deputy Constable
15 served Defendant "Midas International Corp" on 2797 E. Tropicana Avenue, Las
16 Vegas, NV 89121 on August 10, 2022 at 8:15 a.m. However, again, the name of the
17 actual person served is not listed. Under NRCP 4(e), the summons and complaint
18 must be served upon Defendants within 120 days after the complaint is filed. If the
19 summons and complaint is not timely served, the case may be dismissed without
20 prejudice. *Id.* However, upon a showing of good cause and excusable neglect, the
21 service deadline may be extended. *Id.* Under NRCP 4.2(c), to properly serve an
22
23
24
25
26
27
28

1 entity or association, such as Defendants, the summons and complaint must be served
2 on their registered agent, officer or director, manager of a LLC, any managing or
3 general agent, or any other agent authorized by appointment or law to receive service
4 of process. Here, the identity of the individual(s) purportedly served with the
5 summons and complaint is unknown. Thus, it is unknown whether the NRCP 4.2(c)
6 requirements were met. Furthermore, although Defendants admit that Alicia Llamas,
7 an employee of Defendant Owens Holdings, LLC, was present at the address at the
8 time and date, she was not authorized to accept service of summons and complaint on
9 behalf of the Defendants. In their motion, Defendants provided the necessary
10 information on whom the service can be effectuated; namely, the registered agents of
11 the Defendants according the Nevada Secretary of State. Plaintiff failed to rebut the
12 motion with any relevant law or facts. Thus, the motion to quash service should be
13 granted.
14
15
16
17
18

19 The Court FINDS and CONCLUDES that as to Plaintiff's motion to strick [sic],
20 it is without merit. First, he relies on Federal Rules of Civil Procedure, but the
21 applicable rules are the Nevada Rules of Civil Procedure. Second, the motion was
22 untimely filed. Plaintiff is seeking to strike Defendants' motions filed on October 26,
23 2022, but Plaintiff's motion was not filed until November 21, 2022 – almost a month
24 later. No explanation for the delay was provided. Third, as the Court is quashing the
25 service, the deadline to file a responsive pleading under NRCP 12(a)(1) is not in
26
27
28

effect. Lastly, Plaintiff appears to be confused about the extent of the Chief Judge Wiese's Order Granting In Forma Pauperis (docket #4). Chief Judge Wiese did not review the validity or even the substance of the complaint. Rather, he merely ruled on whether waiver of court costs and service fees is appropriate. Overall, Plaintiff failed to provide a showing of an insufficient defense or any redundant, immaterial, impertinent or scandalous matter. Thus, Plaintiff's motion to strike under NRCP 12(f) District Judge

cannot be granted. Veronica M. Barisich Dept. 5 Can Not by LAW

Testify for Chief Justice Jerry A. Wiese in OPEN Court unless
She heard those words personally Would be Perjury Model Penal Code §241.1

Orders

Hearsay. A statement, other than one made by the declarant while testifying at the trial or hearing offered in evidence to prove the truth of the matter asserted. Fed.R.Evid. 801(c). "Hearsay evidence" is

The Court ORDERS that Amended Motion to Quash Service shall be GRANTED. Defendant's Amended Motion to Dismiss shall be DENIED, Motion to Strike shall be DENIED, but the Motion for More Definite Statement shall be GRANTED. Plaintiff's Motion to Strick [sic] shall be DENIED.

"The Court further ORDERS that Defendants' counsel shall file a notice of entry of this order. Plaintiff shall have until December 27, 2022 to file an Amended

Complaint.

PETITIONER NEVER AMENDED COMPLAINT
ADVISED BY EXPERTS

The Court further ORDERS that the hearings set for December 1, 2022, December 6, 2022, and January 3, 2023 shall be VACATED.

District Court Judge has Never Allowed Pltff an Open Court Hearing to Subpoena Witnesses or intro duce Evidence Cross Examine Defendantants. Court Reporter Transcripts or Video Proceedings were Prohibited Violation of the U.S. Constitution.

1 The Court again RECOMMENDS that if Plaintiff wishes to continue to pursue
2 this case, that he seek legal assistance in this matter, including but not limited to, the
3 Civil Law Self-Help Center, the Legal Aid Center of Southern Nevada, the State Bar
4 of Nevada Lawyer Referral Services, and the Nevada Legal Services.
5
6

7 Dated this 29th day of November, 2022

8 
9

10 27B BCF AA12 A89B
11 Veronica M. Barisich
12 District Court Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

e.g.,

" **APPENDIX B** "

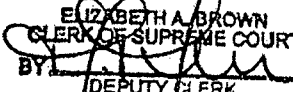
IN THE SUPREME COURT OF THE STATE OF NEVADA

MIKE VIGIL,
Appellant,
vs.
MIDAS INTERNATIONAL
CORPORATION; OCEAN
AUTOMOTIVE, LLC,
Respondents.

No. 85960

FILED


FEB 27 2023

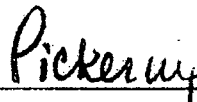
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

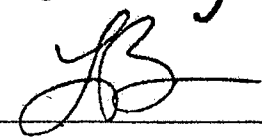
ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.

 J.
Cadish

 J.
Pickering

 J.
Bell

cc: Hon. Veronica Barisich, District Judge
Mike Vigil
Kravitz Schnitzer Johnson Watson & Zeppenfeld, Chtd.
Eighth District Court Clerk

" APPENDIX C "

e.g.,

SUPREME COURT OF THE STATE OF NEV. ORDER DISMISSING APPEAL Pg. 1

Petitioner (SCN) Decission Tainted W/Criminal Fraud a Felony,
 PERJURY Model Code § 241.1 a Felony, Quash Service a Felony Defts
 Business Office Only Person behind Counter Service Manager Alicia
 L. James Authorized NRCP 4.2(c)(1)(a) Rec. Sheriff's Dept Service
 Summons (2) Complaint (2). (2) Experts More Qualified in Experience
 Chief Justice A. Wiese read 65 pg. Complaint Approved 2 Billion in
 Complaint Filing July 22, 2022. Included Waiver of fees Service.
 2nd Expert NO Defects Well Experience and Qualified Author on Several
 Books on the Subject of the Law Approved 2 Billion Punitive Damages.
 District Judge ORDER Frivolous to Amend Complaint is to ERASE "default"
 by the Defts. Midas Corp 214 Days, Prt. Citizens 20 Days Deadline ANS.
 GOvenment Agenices 45 Days Deadline. Default. By its derivation, a failure. Meadows v. Con-
tinental Assur. Co., C.C.A. Tex., 89 F.2d 256. An

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIKE VIGIL,

Appellant,

vs.

MIDAS INTERNATIONAL

CORPORATION; OCEAN

AUTOMOTIVE, LLC,

Respondents.

No. 85960

FILED

FEB 03 2023

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

This is an appeal from a district court order granting an amended motion to quash service, denying a motion to dismiss, denying a motion to strike, and directing appellant to file an amended complaint. Eighth Judicial District Court, Clark County; Veronica Barisich, Judge.

Our preliminary review of the documents before this court reveals a jurisdictional defect. Specifically, the order designated in the notice of appeal is not substantively appealable. See NRAP 3A(b) (listing orders and judgments from which an appeal may be taken). This court has jurisdiction to consider an appeal only when the appeal is authorized by statute or court rule. *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 678 P.2d 1152 (1984). No statute or court rule authorizes an appeal from the above-mentioned order. Accordingly, this court lacks jurisdiction to consider this appeal, and we

ORDER this appeal DISMISSED.

Criminal Offenses

Perjury, Corruption

Fed.R. Civil P. 56. final judgment appealable

J.

VISIT APPENDIX A

J.

Pg. 6-line 20.

Case Dismissed

Dec. 27, 2022

Bell

23-03384

SUPREME COURT
OF
NEVADA

(0) 1947A

Pickering

Cadish

J.

e.g.,

" APPENDIX D "

CASE APPEAL STATEMENT 2 pages

COPY

Electronically Filed
1/13/2023 9:52 AM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

ASTA

IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK

MIKE VIGIL,

Plaintiff(s),

vs.

MIDAS INTERNATIONAL CORPORATION
CUSTOMER RELATIONS PALM BEACH
GARDENS, 4300 TBC WAY, FLORIDA 33410;
OCEAN AUTOMOTIVE LLC OWNERS MIDAS
MUFFLERS 2797 E. TROPICANA AVE. LAS
VEGAS NV. 19121. #7202,

Defendant(s).

Case No: A-22-855737-C

Dept No: V

CASE APPEAL STATEMENT

1. Appellant(s): Mike Vigil

2. Judge: Veronica Barisich

3. Appellant(s): Mike Vigil

Counsel:

Mike Vigil
4990 Topaz St., Apt. 34
Las Vegas, NV 89120

4. Respondent (s): Midas International Corporation Customer Relations Palm Beach Gardens,
4300 TBC Way, Florida 33410; Ocean Automotice LLC Owners Midas Mufflers 2797 E.
Tropicana Ave. Las Vegas NV. 19121. #7202

FEB 09 2023

A-22-855737-C
CLERK OF SUPREME COURT
DEPUTY CLERK

Counsel:

Gina M. Mushmeche, Esq.
8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, July 22, 2022
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: N/A
Date Application(s) filed: N/A

9. Date Commenced in District Court: July 21, 2022

10. Brief Description of the Nature of the Action: TORT - Intentional Misconduct

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 13 day of January 2023.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Mike Vigil

e.g.,

" APPENDIX E "

4 Pgs .

EIGHTH JUDICIAL DISTRICT COURT CASE SUMMARY

CASE SUMMARY

CASE NO. A-22-855737-C

Mike Vigil, Plaintiff(s)

vs.

Midas International Corporation, Defendant(s)

§
§
§
§
§
§

Location: Department 5

Judicial Officer: Barisich, Veronica M.

Filed on: 07/21/2022

Cross-Reference Case A855737

Number:

Supreme Court No.: 85960

CASE INFORMATION

Case Type: Intentional Misconduct

Case Status: 07/21/2022 Open

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-22-855737-C
 Court Department 5
 Date Assigned 07/21/2022
 Judicial Officer Barisich, Veronica M.

PARTY INFORMATION


		Lead Attorneys
Plaintiff	Vigil, Mike	Pro Se 702-435-6766(H)
Defendant	Midas International Corporation	Mushmeche, Gina Retained 702-362-6666(W)
	Ocean Automotive LLC	Mushmeche, Gina Retained 702-362-6666(W)


DATE


EVENTS & ORDERS OF THE COURT


INDEX


EVENTS

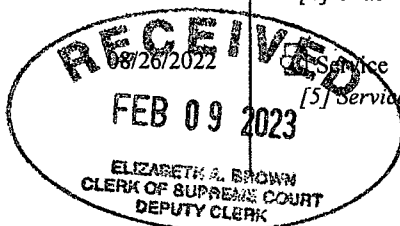
07/21/2022  Complaint
 Filed By: Plaintiff Vigil, Mike
 [1] Complaint

07/21/2022  Application to Proceed in Forma Pauperis
 Filed By: Plaintiff Vigil, Mike
 [2] Application to Proceed in Forma Pauperis

07/21/2022  Summons Issued
 [3] Summons

07/22/2022  Order to Proceed In Forma Pauperis
 [4] Order to Proceed In Forma Pauperis


08/26/2022  Service of Summons and Complaint
 [5] Service of Summons and Complaint



CASE SUMMARY

CASE NO. A-22-855737-C

08/26/2022

 Affidavit of Service*[6] Affidavit of Service*

08/26/2022

 Affidavit of Service*[7] Affidavit of Service*

09/01/2022

 Request

Filed by: Plaintiff Vigil, Mike

[8] Plaintiff's Request Defendants Default and Plaintiff's Application for Default


09/21/2022

 Motion

Filed By: Plaintiff Vigil, Mike

[9] Motion for Writ of Execution. A Writ to Put in Force the Judgment of a Court

10/05/2022

 Notice of Appearance

Party: Defendant Midas International Corporation; Defendant Ocean Automotive LLC

[10] Notice of Appearance

10/11/2022

 Order*[11] Order Denying Plaintiff's Motion*


10/26/2022

 Initial Appearance Fee Disclosure

Filed By: Defendant Midas International Corporation

[12] Defendants Initial Appearance Fee Disclosure


10/26/2022

 Motion to Quash

Filed By: Defendant Midas International Corporation

[13] Defendants Motion to Quash Service


10/26/2022

 Motion to Dismiss

Filed By: Defendant Midas International Corporation

[14] Defendants Motion to Dismiss and/or in the Alternative, Motion for More Definite Statement and/or Motion to Strike


10/26/2022

 Motion to Quash

Filed By: Defendant Midas International Corporation

[15] Defendants Amended Motion to Quash Service

10/26/2022

 Motion to Dismiss

Filed By: Defendant Midas International Corporation

[16] Defendants Amended Motion to Dismiss and/or in the Alternative, Motion for More Definite Statement and/or Motion to Strike

10/30/2022

 Clerk's Notice of Hearing

Party: Defendant Midas International Corporation

[17] Notice of Hearing


10/30/2022

 Clerk's Notice of Hearing

Party: Defendant Midas International Corporation

[18] Notice of Hearing













11/01/2022

 Notice of Appearance*[26] Notice of Appearance*

Default. By its derivation, a failure. *Meadows v. Continental Assur. Co., C.C.A.Tex., 89 F.2d 256.* An **Default-judgment.** Under Rules of Civil Procedure, when a party against whom a judgment for affirmative relief is sought has failed to plead (i.e. answer) or otherwise defend, he is in default and a judgment by default may be entered either by the clerk or the court. **Rule 55. See also Judgment.**

CASE SUMMARY

CASE NO. A-22-855737-C

11/21/2022	 Notice of Removal Filed By: Plaintiff Vigil, Mike <i>[19] Notice of Removal of the Anderson & Broyles Law Firm From the Above Case</i>
11/21/2022	 Motion Filed By: Plaintiff Vigil, Mike <i>[20] Plt's Motion to Strick Pursuant Fed.R.Civil P. 12 (F) Insufficient Defense Answer Filed 76 Days. (Govt. Agencies Limited 45 Days) Fraudulent Declarations are Criminal Offenses. Motion to Quash and Motion to Dismiss Plt's Complaint Filed July 19, 2022. District Jerry Wiese Ruled NO DEFECTS July 22, 2022. Appellate Courts Have Ruled on Mandated Deadlines. October 26, 2022 Filed 2 Motions. Defense</i>
11/21/2022	 Request Filed by: Plaintiff Vigil, Mike <i>[21] Plaintiff Request all Hearings Court Reporter Present Fair Hearing U.S. Constitution 7th Amendment</i>
11/21/2022	 Initial Appearance Fee Disclosure Filed By: Plaintiff Vigil, Mike <i>[22] Plaintiff's Initial Appearance Fee Disclosure</i>
11/29/2022	 Order <i>[23] Order Granting Defendant's Amended Motion to Quash Service, Granting Defendant's Amended Motion to Dismiss and/or in the Alternative, Motion for More Definite Statement and/or Motion to Strike, and Denying Plaintiff's Motion to Strick</i>
11/29/2022	 Notice of Entry of Order Filed By: Defendant Midas International Corporation; Defendant Ocean Automotive LLC <i>[24] Notice of Entry of Order</i>
12/09/2022	 Motion Filed By: Plaintiff Vigil, Mike <i>[25] Plt's Motion for Open Hearing to Strick All Orders 11/29/2022 by the Court Pursuant Fed. R.C.P. 12 (f). Defendants Failure to File a Separate Action Mandated by the U.S. Constitution Prohibits Any Property, Rights or Relief to be Taken From Plt's Visit pg.2 W/Out a Cross Complaint. Def't's Ans. is Now 183 Days Not Valid Pvt. Citizens 20 Days Deadline, GVT. Agencies 45 Days Deadline. District Judge Mandatory Sign 2 Default Judgments Rec. Oct. 24, 2022 Stamped Dated Clerk Sign Writ of Execution Judgment. Honor Oath Follow Rule of Law (Attached)</i>
12/19/2022	 Order <i>[27] Order Denying Plaintiff's Motion to Strick [sic]</i>
12/19/2022	 Notice of Entry of Order Filed By: Defendant Midas International Corporation; Defendant Ocean Automotive LLC <i>[28] Notice of Entry of Order</i>
01/11/2023	 Notice of Appeal Filed By: Plaintiff Vigil, Mike <i>[29] Notice of Appeal</i>
01/12/2023	 Document Filed <i>[30] Docketing Statement Civil Appeals (Supreme Court Document)</i>
01/13/2023	 Case Appeal Statement <i>[32] Case Appeal Statement</i>

CASE SUMMARY**CASE NO. A-22-855737-C****HEARINGS**

10/27/2022	CANCELED Motion (9:00 AM) (Judicial Officer: Barisich, Veronica M.) <i>Vacated - per Order</i> <i>Plaintiff's Motion for Writ of Execution. A Writ to Put in Force the Judgment of a Court</i>
12/01/2022	CANCELED Motion to Quash Service (9:00 AM) (Judicial Officer: Barisich, Veronica M.) <i>Vacated - per Order</i> <i>Defendants Motion to Quash Service</i>
12/06/2022	CANCELED Motion to Dismiss (9:30 AM) (Judicial Officer: Barisich, Veronica M.) <i>Vacated - per Order</i> <i>Defendants Motion to Dismiss and/or in the Alternative, Motion for More Definite Statement and/or Motion to Strike</i>
01/03/2023	CANCELED Motion (9:00 AM) (Judicial Officer: Barisich, Veronica M.) <i>Vacated - per Order</i> <i>Pltf's Motion to Strick Pursuant Fed.R.Civil P. 12 (F) Insufficient Defense Answer Filed 76 Days. (Govt. Agencies Limited 45 Days) Fraudulent Declarations are Criminal Offenses. Motion to Quash and Motion to Dismiss Pltf's Complaint Filed July 19, 2022. District Jerry Wiese Ruled NO DEFECTS July 22, 2022. Appellate Courts Have Ruled on Mandated Deadlines. October 26, 2022 Filed 2 Motions. Defense</i>
01/10/2023	CANCELED Motion (9:30 AM) (Judicial Officer: Barisich, Veronica M.) <i>Vacated - per Order</i> <i>Pltf's Motion for Open Hearing to Strick All Orders 11/29/2022 by the Court Pursuant Fed. R.C.P. 12 (f). Defendants Failure to-File a Separate Action Mandated by the U.S. Constitution Prohibits Any Property, Rights or Relief to be Taken From Pltf. Visit pg.2 W/Out a Cross Complaint. Def't.'s Ans. is Now 183 Days Not Valid Pvt. Citizens 20 Days Deadline, GVT. Agencies 45 Days Deadline. District Judge Mandatory Sign 2 Default Judgments Rec. Oct. 24, 2022 Stamped Dated Clerk Sign Writ of Execution Judgment. Honor Oath Follow Rule of Law (Attached)</i>

DATE**FINANCIAL INFORMATION****Defendant Midas International Corporation**

Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 1/25/2023	0.00

Plaintiff Vigil, Mike

Total Charges	270.00
Total Payments and Credits	270.00
Balance Due as of 1/25/2023	0.00

e.g.,

" APPENDIX F "

Petitioner Mike Vigil Contract Agreement Signature DEC.10,2020
Pgs 1



Midas Auto Service and Tires

**2797 E Tropicana Ave
Las Vegas, NV 89121
702-458-4191**

Invoice #0056154

**12/10/2020
3:00 PM**

VIGIL, MIKE

**4890 TOPAZ ST APT 34
LAS VEGAS, NV 89120-
Phone 1:(702) 435-6766**

Your Service Writer Today is: HAILEY

Technician Service Description

Midas International Corporation issues written limited lifetime warranties on certain mufflers, shock absorbers, strut assemblies, strut cartridges, brake shoes and pads.* All other products and services are warranted from defect for ninety (90) days from the date of installation. The complete written limited warranty terms are stated on the Midas Limited Warranty Terms Document issued to you, together with this invoice, upon the purchase of the appropriate warranted product. The terms of all the warranties are also in the Midas Warranty Binder on display in each Midas location. There are no other warranties issued by Midas International Corporation. This warranty gives you specific legal rights. You may also have other rights which vary from State to State/jurisdiction to jurisdiction. Warranty work will be performed at any Midas location in the USA or Canada offering the warranted product or service. To locate a Midas location, please call: 1-800-621-8545; visit our website at www.midas.com; or contact Midas International Corporation, Customer Relations, 4300 TBC Way, Palm Beach Gardens, Florida 33410. *This is a summary of the Midas Limited Warranty Terms. For complete warranty terms, including the applicable limitations, exclusions, and restrictions, please consult the Midas Limited Warranty Terms Document issued to you or the Midas Warranty Binder on display in each Midas location. I hereby authorize you and/or your agents to contact me regarding the products and services, including any recall information, provided at Midas.

Customer Signature:

Mike Vigil

Date:

Dec 10, 2020

Law Firm Representing Midas International Corp. DEFTS.

MIDAS

SERVING LAS VEGAS SINCE 1977

HOURS

MONDAY - FRIDAY 8 AM - 6 PM

SATURDAY 8 AM - 5 PM

SUNDAY CLOSED

ALL INQUIRIES PLEASE CALL

CAUTION

WASH

MIDAS

e.g.,

"APPENDIX" "G"

Owens Holdings LLC in Franchise Partnership
W/ Midas International Corporation 1,000
Shops United States Includes Canada.

DECL
GINA M. MUSHMECHE, ESQ.
Nevada Bar No. 10411
KRAVITZ SCHNITZER
JOHNSON & WATSON, CHTD.
8985 S. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Tel: (702) 362-6666
Fax: (702) 992-1000
gmushmeche@ksjattorneys.com
*Attorneys for Defendants Midas
International, LLC erroneously named
as Midas International Corporation and
Owens Holdings, LLC - Midas 1 Series,
erroneously named as Ocean Automotive LLC*

DISTRICT COURT**CLARK COUNTY, NEVADA**

MIKE VIGIL,
Plaintiff,
vs.

MIDAS INTERNATIONAL CORPORATION
CUSTOMER RELATIONS PALM BEACH
GARDENS, 4300 TBC WAY, FLORIDA
33410. - OCEAN AUTOMOTIVE LLC
OWNERS MIDAS MUFFLERS 2797 E.
TROPICANA AVE. LAS VEGAS NV, 89121.
#7202, et al,
Defendants.

Case No.: Case No.: A-22-855737-C

Dept. No.: 5

**DECLARATION
OF STEVEN OWENS**

Petitioner- Pltf.
Steven Owens is Guilty
of Model Penal Code
§ 241.1 PERJURY
(2) Counts Felonies

I, STEVEN OWENS, do hereby declare:

1. I am over 18 years of age and of sound mind.

2. I am one of the owners/members of Owens Holdings LLC - Midas 1 Series.

3. At all times relevant to Plaintiff's Complaint, Owens Holdings LLC - Midas 1

Series owned and operated the Midas Muffler Shop located at 2797 East Tropicana Ave. Las
Vegas, NV 89121.

Defendants Midas Corporation Customer Relations Florida Records
Claim Ocean AUTOMOTIVE LLC Franchise Partnership Jan. 1, 2020
Thru Dec. 31, 2020. Dec. 10, 2020 Customer Pltf. MIKE VIGIL appear
Signature Customer Contract Agreement Visit Appendix

Intentionally Employer Steve Owens Could Have Obtained Alicia Llamis Declaration easily for the Court Record title was Only an Employee The Court Record to PROVE Possition is Alicia Llamis Business, Business Card Below Service Manager authorized to Rec.SERVICE.

4. Upon information and belief Ocean Automotive LLC was the previous management company that operated the Midas Muffler Shop located at 2797 East Tropicana Ave. Las Vegas, NV 89121.

5. Ocean Automotive LLC ceased to have any management responsibility or any other involvement in the operation of the Midas Muffler Shop located at 2797 East Tropicana Ave. Las Vegas, NV 89121 prior to January 28, 2020.

6. Ocean Automotive LLC would not have had any involvement in the ownership, management or any other dealings involving the Midas Muffler Shop located at 2797 East Tropicana Ave. Las Vegas, NV 89121 at all times relevant to the events and incidents alleged in Plaintiff's Complaint.

7. Owens Holdings LLC - Midas 1 Series and Ocean Automotive LLC have no contractual relationship, financial relationship or any other business relationships at the times and dates alleged in Plaintiff's Complaint. The Two entities have never had any business dealings or relationship at any time.

8. Owens Holdings LLC nor its employees are authorized by Ocean Automotive LLC to accept service of Summons and Complaint on its behalf.

9. Alicia Llamis is the person that was present and served with the Summons and Complaint by Mark Ruesch, Deputy Constable for the Clark County Sheriff's Department. Alicia Llamis was an employee of Owens Holdings, LLC.

10. Alicia Llamis is not the registered agent, officer or director, or managing or general agent of Owens Holdings LLC as defined under NRCP4.2 (c)(1)(A).

11. No registered agent, officer or director, or managing or general agent of either Owens Holdings LLC or Ocean Automotive LLC have been served with Summons or Complaint in this case.

12. Alicia Llamis is not authorized to accept service for Owens Holdings LLC, Midas International, LLC or Ocean Automotive LLC.

///

..

ALICIA L. IAMES

Service Manager

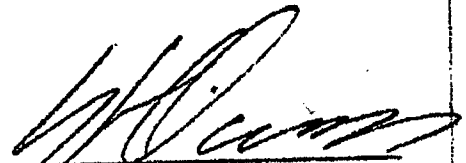


2797 E Tropicana
Las Vegas, NV. 89121
(702) 458-4191
Fax: (702) 215-6990
Midastropicana@gmail.com

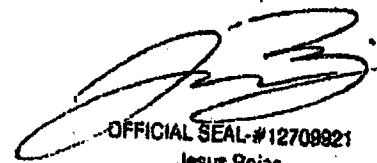
13. The undersigned nor any employee or agent of Owens Holdings LLC has had any contact, either directly or indirectly, with any person or entity associated with Ocean Automotive LLC since the Summons and Complaint was left at Owens Holdings LLC's Office on August 10, 2022.

I declare under the penalty of perjury for the laws of the State of Nevada that the foregoing is true and correct.

DATED this 26th day of October, 2022


Steven Owens

State of Arkansas, County of Benton. On this 26th day of Oct. 2022 before me, Jesus Rojas the undersigned notary, personally appeared Steven Owens, satisfactorily proven to be the person whose name(s) is/are subscribed to the within instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.


OFFICIAL SEAL #12708821
Jesus Rojas
NOTARY PUBLIC-ARKANSAS
BENTON COUNTY
MY COMMISSION EXPIRES 01-31-2030

KRAVITZ SCHNITZER JOHNSON & WATSON, CHTD.
8985 S. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
(702) 362-6666

" APPENDIX "

"H"

e.g.,

2 pgs.

Office of Sheriff Affidavit Service 8/10/2022

MIDAS INTERNATIONAL CORPORATION

Midas ocean Automotive LLC Business License Revoked 2021

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

FILED**AUG 26 2022**

Alanna A. Spivey
CLERK OF COURT

MIKE VIGIL

PLAINTIFF

Vs

MIDAS INTERNATIONAL CORP

DEFENDANT

CASE No. A-22-855-737-C

SHERIFF CIVIL NO.: 22004894

AFFIDAVIT OF SERVICE

STATE OF NEVADA

ss:

COUNTY OF CLARK

MARK RUESCH P#15504, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Constable in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 8/10/2022, at the hour of 8:15 AM. affiant as such Deputy Constable served a copy/copies of SUMMONS AND COMPLAINT issued in the above entitled action upon the defendant MIDAS INTERNATIONAL CORP named therein, by delivering to and leaving with said defendant MIDAS INTERNATIONAL CORP, personally, at 2797 E TROPICANA AVENUE LAS VEGAS, NV 89121 within the County of Clark, State of Nevada, copy/copies of SUMMONS AND COMPLAINT

I, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: August 11, 2022.

**Persons whose duties include
some form of managerial authority,**

Joseph M. Lombardo, Sheriff

8/10/22 REC. Summons & Complaint

PLAINTIFF MIKE VIGIL **Executive employees.**

By: *Mark Ruesch*
1. Alicia L. Lames Possession Office Keys MARK RUESCH P#15504
OPENS OFFICE 8/10/22 8:00 a.m. Sheriff Deputy Constable
Civil No: 22004894 Case NO: A-22-855-737-C
Deputy Arrives 8:15 Summons and Complaint.
Alicia L. Lames Title OFFICE SERVICE
MANAGER DUTIES as defined under NRCP4.2 (c)(1)(A).

2. Pay out for car Part on Order
- 3 Rec. Payments for Services and labor
4. Signs for packages U.P.S.
5. Signs for Fed. Ex. Packages.
6. Make Estimates for Cars Repairs.
7. Service Manager Conducts Employee Interviews

ALICIA L. LAMES

Service Manager

MIDAS

2797 E Tropicana
Las Vegas, NV. 89121
(702) 458-4191
Fax: (702) 215-6990
Midastropicana@gmail.com

**OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION**

FILED

AUG 26 2022

Sharon A. Spivey
CLERK OF COURT

MIKE VIGIL

PLAINTIFF

Vs

MIDAS OCEAN AUTOMOTIVE LLC

DEFENDANT

CASE No. A-22-855737-C

SHERIFF CIVIL NO.: 22004895

AFFIDAVIT OF SERVICE

STATE OF NEVADA }

COUNTY OF CLARK }

ss:

MARK RUESCH P#15504, being first duly sworn, deposes and says: That he/she is, and was at all times hereinafter mentioned, a duly appointed, qualified and acting Deputy Sheriff in and for the County of Clark, State of Nevada, a citizen of the United States, over the age of twenty-one years and not a party to, nor interested in, the above entitled action; that on 8/10/2022, at the hour of 8:15 AM. affiant as such Deputy Constable served a copy/copies of SUMMONS AND COMPLAINT issued in the above entitled action upon the defendant MIDAS OCEAN AUTOMOTIVE LLC named therein, by delivering to and leaving with said defendant MIDAS OCEAN AUTOMOTIVE LLC, personally, at 2797 E TROPICANA AVENUE LAS VEGAS, NV 89121 within the County of Clark, State of Nevada, copy/copies of SUMMONS AND COMPLAINT

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE ON NEVADA THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: August 11, 2022.

**Persons whose duties include
some form of managerial authority,**

Joseph M. Lombardo, Sheriff

8/10/22 Rec Summons & Complaint
PLAINTIFF MIKE VIGIL **Executive employees.**

1. Alicia L. Lames Possession Office Keys By: *Mark Ruesch*
OPENS OFFICE 8/10/22 8:00 a.m. Sheriff MARK RUESCH P#15504
Civil No: 22004894 Case NO: A-22-855-737-C Deputy Constable
Deputy Arrives 8:15 Summons and Complaint.
Alicia L. Lames Title OFFICE SERVICE
MANAGER DUTIES as defined under NRCP4.2 (c)(1)(A).

2. Pay out for car Part on Order
- 3 Rec. Payments for Services and labor
4. Signs for packages U.P.S.
5. Signs for Fed. Ex. Packages.
6. Make Estimates for Cars Repairs.
7. Service Manager Conducts Employee Interview

ALICIA L. IAMES

Service Manager

MIDAS

2797 E Tropicana
Las Vegas, NV. 89121
(702) 458-4191
Fax: (702) 215-6990
Midastropicana@gmail.com

e.g.,

"APPENDIX"

I



Department Of Veterans Affairs
550 Foothill Drive
PO Box 581900
Salt Lake City, UT 84158-1900

Page 32 of 35

October 15, 2014

MICHAEL VIGIL
4990 TOPAZ ST APT 34
LAS VEGAS NV 89120

In Reply Refer To: 341/NCC/NCF
C 26 958 347
VIGIL M

Dear Michael Vigil,

This letter is a summary of benefits you currently receive from the Department of Veterans Affairs (VA). We are providing this letter to disabled Veterans to use in applying for benefits such as state or local property or vehicle tax relief, civil service preference, to obtain housing entitlements, free or reduced state park annual memberships, or any other program or entitlement in which verification of VA benefits is required. Please safeguard this important document. This letter is considered an official record of your VA entitlement.

Our records contain the following information:

Personal Claim Information

Your VA claim number is: 26 958 347
You are the Veteran.

Military Information

The character(s) of discharge and service date(s) of the veteran include:
Honorable, Army, 05/21/1969-06/11/1971
(There may be additional periods of service not listed above)



U.S. Department
of Veterans Affairs



VA HEALTHCARE ENROLLEE

Member ID
1358785600
Plan ID (80840)
7346 243 588
Member
MICHAEL VIGIL

Card Expires: 10/08/2024



NEVADA

USA
NV

DRIVER LICENSE

1 VIGIL
2 MIKE

4990 TOPAZ ST APT 34
LAS VEGAS, NV 89120-1008

16 Sex M 16 Hgt 5'07" 17 Wgt 170 18 Eyes BRO
9 Class C 9a End NONE 19 Hair GRY 4a Iss 06/21/2021
12 Restr NONE 8 ID# 25016571741039259183

4d DL NO. 0204683974
3 DOB 06/26/1946
4b Exp 06/26/2025

VETERAN

You should contact your state or local office of veterans' affairs for information on any tax, license, or fee-related benefits for which you may be eligible. State offices of veterans' affairs are available at <http://www.va.gov/statedva.htm>.

Pages 33,34 and 35 of 35

Petitioner REQUEST JUSTICES SIGNATURES

On DEFAULT DOCUMENTS DEFTS. 240 Days in DEFAULT

"
e.g.,

APPENDIX

"
J

Review DEFAULT JUDGMENT PGS. 3

1 DFLT

Default judgment entered
against D (NRCP 55.58,
EDCR 2.70)

2 Mike Vigil ~~Disabled American Veteran~~

3 4990 Topaz St. Apt. 34

4 Las Vegas, NV 89120

DISTRICT COURT

Plaintiff- In Pro se

(702)435-6766

CLARK COUNTY, NEVADA

6 MIKE VIGIL Plaintiff,
7 vs.

Defendant

Midas International Corp.

8 MIDAS INTERNATIONAL CORPORATION

9 CUSTOMER RELATIONS PALM BEACH

GARDENS, 4300 TBC WAY, FLORIDA

33410.- OCEAN AUTOMOTIVE LLC

10 OWNERS MIDAS MUFFLERS 2797 E.

11 TROPICANA AVE. LAS VEGAS NV.

12 89121. #7202 ET, AL. _____

DEFENDANTS.

CASE NO. A-22-855737-C

DEPT. NO. Dept 5

13 DEFAULT

14 It appearing from the files and records in the above entitled action that _____
15 Defendant(s) herein, being duly served with a copy of the Summons and Complaint on,
16 the 8 day of 10, 2022; that more than 20 days, exclusive of the day of
17 service, having expired since service upon the Defendant(s); that no answer or other
18 appearance having been filed and no further time having been granted, the default of
19 the above-named Defendant(s) for failing to answer or otherwise plead to Plaintiff's
20 Complaint is hereby entered.

21 DATED: _____

22
23 IN THE SUPREME COURT OF THE UNITED STATES

24
25 Submitted By: Plaintiff Mike Vigil

26 Mike Vigil October 24, 2022
27 Date

28 RECEIVED

OCT 24 2022

Page 1 of 3

Default.doc/4/20/2018

CLERK OF THE COURT

1. D's default entered by
clerk (NRCP 55)

Electronically Filed
09/01/2022

Heaven & Son
CLERK OF THE COURT

2. Mike Vigil Disabled American Veteran

3. 4990 Topaz St. Apt. 34

4. Las Vegas, NV 89120

5. Landphone (702) 435-6766

6. Plaintiff Rec. V.A. Disability

7. Can't Afford Internet Service

8. NO E-Mail address

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

9. MIKE VIGIL

10. Plaintiff,

11. vs.

12. MIDAS INTERNATIONAL CORPORATION

13. CUSTOMER RELATIONS PALM BEACH

14. GARDENS, 4300 TBC WAY, FLORIDA

15. 33410.- OCEAN AUTOMOTIVE LLC

16. OWNERS MIDAS MUFFLERS 2797 E.

17. TROPICANA AVE. LAS VEGAS NV.

18. 89121. #7202 ET, AL.

19. DEFENDANTS.

CASE NO: A-22-855737-C

DEPT. NO: Dept 6

Plaintiff's Request Defendants

DEFAULT

And Plaintiff's Application

For Default

20. ATT. Clerk

21. If you fail to respond, the Plaintiff can request your default. The court can then enter judgment
22. against you for the relief demanded by the Plaintiff in the complaint, which could result in money or
23. property being taken from you or some other relief requested in Plaintiff's complaint.

24. If you intend to seek an attorney's advice, do it quickly so that your response can be filed on time.

25. *Mike Vigil*
Plaintiff In Pro Se

Disabled American Veteran

Dated: September 1, 2022