

e.g."

"APPENDIX A"

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

1 ORDR

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA CASE NO.: A-22-855737-C
5 DEPT. NO. 56 PLEASE TAKE NOTICE that Gina M. Mushmeche, Esq.,
78 ALICIA L. LAMES
9 Service Manager10 2797 E Tropicana
11 Las Vegas, NV. 89121
12 (702) 458-4191
13 Fax: (702) 215-6990
14 Midastropicana@gmail.com15 visit our website at www.midas.com

16 MIKE VIGIL,

17 Plaintiff,

18 vs.

19 MIDAS INTERNATIONAL
20 CORPORATION; OCEAN
21 AUTOMOTIVE, LLC,

22 Defendants

23 Defendants. MIDAS INTERNATIONAL 1-800-621-8545;
24 NOTE! Service Manager Alicia L. Lames
25 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, /2226 **ORDER GRANTING DEFENDANTS' AMENDED MOTION TO QUASH
27 SERVICE, GRANTING DEFENDANTS' AMENDED MOTION TO
28 DISMISS AND/OR IN THE ALTERNATIVE, MOTION FOR MORE
DEFINITE STATEMENT AND/OR MOTION TO STRIKE, AND
DENYING PLAINTIFF'S MOTION TO STRIKE [SIC]**29
30 The Court notes that Defendants Midas International, LLC (erroneously named
31 as Midas International Corporation) and Owens Holdings, LLC – Midas 1 Series'
32 (erroneously named as Ocean Automotive, LLC) ("Defendants") Amended Motion to
33 Quash Service (docket #15) is set for a hearing on December 1, 2022. Defendants'
34 Amended Motion to Dismiss and/or in the Alternative, Motion for More Definite
35 Statement and/or Motion to Strike (docket #16) is set for a hearing on December 636 A Felony Intentional FRAUD QUASH SERVICE and Order to AMEND FELONY
37 Pltf.'s Complaint. (2) Qualified Experts Read 65 Pg. Complaint
38 NO Defects Chief Justice Clark County July 21, 2022, Attorney
39 Donald Green AUTHOR of Several Books on the Subject of the LAW.
40 NO DEFECTS in the Complaint. May 26, 2022, Court Rejected Open
41 Court Testimony
42 Dept. 5

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

Think MIDAS INTERNATIONAL CORPORATION IS A GOVERMENT AGENCY.

1 2022. Plaintiff Mike Vigil's ("Plaintiff") "Motion to Strick [sic] Pursuant to
2 Default. By its derivation, a failure. Meadows v. Con-
3 tinental Assur. Co., C.C.A.Tex., 89 F.2d 256. An
4 Fed.R.Civil P. 12(F) Insufficient Defense Answer Filed 76 Days. ✓ Gvt. Agencies
5 limited to 45 Days.) Fraudulent Declarations are criminal Offenses. Motion to Quash
6 Pvt. Citizens 20 Days Dead Line Ans.
7 and Motion to Dismiss Pltf.'s Complaint filed July 19, 2022. District [Court Judge]
8 Jerry Wiese Ruled NO DEFECTS July 22, 2022. Appellate Courts have Ruled on
9 Mandated Deadlines. October 26, 2022 Filed 2 Motions. Defense [sic]" (docket #20)
10 is set for a hearing on January 3, 2023. After a review of the pleadings, and good
11 cause shown, pursuant to EDCR 2.23, the Court FINDS, CONCLUDES and
12 ORDERS as follows:
13
14

15 **Findings of Fact and Conclusions of Law**

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

17 The Court FINDS and CONCLUDES that under EDCR 2.20(e), Plaintiff has 14
18 days from the service of the motions to file and serve a written notice of
19 nonopposition or opposition thereto, together with a memorandum of points and
20 authorities and supporting affidavits, if any, stating facts showing why the motions
21 should be denied. Here, the amended motions were filed and served on October 26,
22 2022. However, no opposition has been filed. Even if the Court is to construe
23 Plaintiff's motion to strick [sic] as an opposition, it was untimely filed on November
24 21, 2022. Thus, Plaintiff's failure is construed as an admission that the motions are
25 meritorious and a consent to granting the same.
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15 Intentionally Employer Steve Owens easily Could have obtained
16 Alicia LIamis Declaration for the Court Record Title was Only
17 an Employee. Only Record to PROVE Possition is Alicia LIamis
18 Business Card Service Manager to Quailfy to Receive Service
19 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 redundant
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.
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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.

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 ~~Alicia L Llames Behind the Counter Only one in Office~~
18 actual person served is not listed. Under NRCP 4(e), the summons and complaint
19 must be served upon Defendants within 120 days after the complaint is filed. If the
20 summons and complaint is not timely served, the case may be dismissed without
21 prejudice. *Id.* However, upon a showing of good cause and excusable neglect, the
22 service deadline may be extended. *Id.* Under NRCP 4.2(c), to properly serve an
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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 Llames,
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 The Court FINDS and CONCLUDES that as to Plaintiff's motion to strick [sic],
15 it is without merit. First, he relies on Federal Rules of Civil Procedure, but the
16 applicable rules are the Nevada Rules of Civil Procedure. Second, the motion was
17 untimely filed. Plaintiff is seeking to strike Defendants' motions filed on October 26,
18 2022, but Plaintiff's motion was not filed until November 21, 2022 – almost a month
19 later. No explanation for the delay was provided. Third, as the Court is quashing the
20 service, the deadline to file a responsive pleading under NRCP 12(a)(1) is not in
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1 effect. Lastly, Plaintiff appears to be confused about the extent of the Chief Judge
2 Wiese's Order Granting In Forma Pauperis (docket #4). Chief Judge Wiese did not
3 review the validity or even the substance of the complaint. Rather, he merely ruled on
4 whether waiver of court costs and service fees is appropriate. Overall, Plaintiff failed
5 to provide a showing of an insufficient defense or any redundant, immaterial,
6 impertinent or scandalous matter. Thus, Plaintiff's motion to strike under NRCP 12(f)
7 District Judge

8 cannot be granted. Veronica M. Barisich Dept. 5 Can Not by LAW
9 Testify for Chief Justice Jerry A. Wiese in OPEN Court unless
She heard those words personally Would be Perjury Model Penal Code §241.1

10 Orders **Hearsay.** A statement, other than one made by the
11 declarant while testifying at the trial or hearing of-
12 fered in evidence to prove the truth of the matter
13 asserted. Fed.R.Evid. 801(c). "Hearsay evidence" is
14 The Court ORDERS that Amended Motion to Quash Service shall be

15 GRANTED. Defendant's Amended Motion to Dismiss shall be DENIED, Motion to
16 Strike shall be DENIED, but the Motion for More Definite Statement shall be
17 GRANTED. Plaintiff's Motion to Strick [sic] shall be DENIED.

18 "The Court further ORDERS that Defendants' counsel shall file a notice of entry
19 of this order. Plaintiff shall have until December 27, 2022 to file an Amended
20

21 Complaint. PETITIONER NEVER AMENDED COMPLAINT
22 ADVISED BY EXPERTS

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

25 District Court Judge has Never Allowed Pltf an Open Court
26 Hearing to Subpoena Witnesses or intro duce Evidence Cross
27 Examine Defendants. Court Reporter Transcripts or Video
28 Proceedings were Prohibited Violation of the U.S. Constitution

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

Dated this 29th day of November, 2022

Brinich

**27B BCF AA12 A89B
Veronica M. Barisich
District Court Judge**

e.g.,

"APPENDIX B"

SUPREME COURT NEVADA ORDER DENYING REHEARING FEB. 27, 2023 pgs. 1

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
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Deputy Clerk*
DEPUTY CLERK

ORDER DENYING REHEARING

Rehearing denied. NRAP 40(c).

It is so ORDERED.

Cadish, J.

Cadish

Pickering, J.

Pickering

Bell, J.

Bell

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

e.g.,

"APPENDIX C"

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 NRCP4,2(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. Default. By its derivation, a failure. Meadows v. Continental Assur. Co., C.C.A.Tex., 89 F.2d 256. An Government Agencies 45 Days Deadline.

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIKE VIGIL,

No. 85960

Appellant,

FILED

vs.

FEB 03 2023

MIDAS INTERNATIONAL
CORPORATION; OCEAN
AUTOMOTIVE, LLC,
Respondents.

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 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

Criminal Offenses
Perjury, Corruption

ORDER this appeal DISMISSED.

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

J.

VISIT APPENDIX A

SUPREME COURT
OF
NEVADA

(O) 1947A

Pickering

Cadish

J.
Bell

Pg. 6-line 20.
Case Dismissed
Dec. 27, 2022

23-03384

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

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

10 MIKE VIGIL,

11 Plaintiff(s),

12 vs.

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

17 Defendant(s),

18 Case No: A-22-855737-C

19 Dept No: V

20 CASE APPEAL STATEMENT

21 1. Appellant(s): Mike Vigil

22 2. Judge: Veronica Barisich

23 3. Appellant(s): Mike Vigil

24 Counsel:

25 Mike Vigil
26 4990 Topaz St., Apt. 34
27 Las Vegas, NV 89120

28 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

RECEIVED
A-22-855737-C
FEB 09 2023
SHERIFF'S OFFICE
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 BeingAppealed: 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 Ungerma

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 Pg. .
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
------	------------------------------	-------

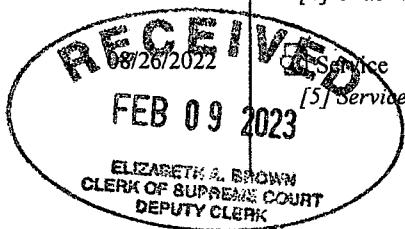
EVENTS

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



EIGHTH JUDICIAL DISTRICT COURT
CASE SUMMARY
CASE NO. A-22-855737-C

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08/26/2022	<p><input checked="" type="checkbox"/> Affidavit of Service [6] <i>Affidavit of Service</i></p>	<p>Default. By its derivation, a failure. <i>Meadows v. Continental Assur. Co., C.C.A.Tex., 89 F.2d 256.</i> 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.</p>
08/26/2022	<p><input checked="" type="checkbox"/> Affidavit of Service [7] <i>Affidavit of Service</i></p>	
09/01/2022	<p><input checked="" type="checkbox"/> Request Filed by: Plaintiff Vigil, Mike [8] <i>Plaintiff's Request Defendants Default and Plaintiff's Application for Default</i></p>	
09/21/2022	<p><input checked="" type="checkbox"/> Motion Filed By: Plaintiff Vigil, Mike [9] <i>Motion for Writ of Execution. A Writ to Put in Force the Judgment of a Court</i></p>	
10/05/2022	<p><input checked="" type="checkbox"/> Notice of Appearance Party: Defendant Midas International Corporation; Defendant Ocean Automotive LLC [10] <i>Notice of Appearance</i></p>	
10/11/2022	<p><input checked="" type="checkbox"/> Order [11] <i>Order Denying Plaintiff's Motion</i></p>	
10/26/2022	<p><input checked="" type="checkbox"/> Initial Appearance Fee Disclosure Filed By: Defendant Midas International Corporation [12] <i>Defendants Initial Appearance Fee Disclosure</i></p>	
10/26/2022	<p><input checked="" type="checkbox"/> Motion to Quash Filed By: Defendant Midas International Corporation [13] <i>Defendants Motion to Quash Service</i></p>	
10/26/2022	<p><input checked="" type="checkbox"/> Motion to Dismiss Filed By: Defendant Midas International Corporation [14] <i>Defendants Motion to Dismiss and/or in the Alternative, Motion for More Definite Statement and/or Motion to Strike</i></p>	
10/26/2022	<p><input checked="" type="checkbox"/> Motion to Quash Filed By: Defendant Midas International Corporation [15] <i>Defendants Amended Motion to Quash Service</i></p>	
10/26/2022	<p><input checked="" type="checkbox"/> Motion to Dismiss Filed By: Defendant Midas International Corporation [16] <i>Defendants Amended Motion to Dismiss and/or in the Alternative, Motion for More Definite Statement and/or Motion to Strike</i></p>	
10/30/2022	<p><input checked="" type="checkbox"/> Clerk's Notice of Hearing Party: Defendant Midas International Corporation [17] <i>Notice of Hearing</i></p>	
10/30/2022	<p><input checked="" type="checkbox"/> Clerk's Notice of Hearing Party: Defendant Midas International Corporation [18] <i>Notice of Hearing</i></p>	
11/01/2022	<p><input checked="" type="checkbox"/> Notice of Appearance [26] <i>Notice of Appearance</i></p>	

EIGHTH JUDICIAL DISTRICT COURT
CASE SUMMARY
CASE NO. A-22-855737-C

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11/21/2022	<p> Notice of Removal Filed By: Plaintiff Vigil, Mike [19] Notice of Removal of the Anderson & Broyles Law Firm From the Above Case</p>
11/21/2022	<p> Motion Filed By: Plaintiff Vigil, Mike [20] Pltf's Motion to Strick Pursuant Fed.R.Civ.P. 12 (F) Insufficient Defense Answer Filed 76 Days. (Gvt. 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</p>
11/21/2022	<p> Request Filed by: Plaintiff Vigil, Mike [21] Plaintiff Request all Hearings Court Reporter Present Fair Hearing U.S. Constitution 7th Amendment</p>
11/21/2022	<p> Initial Appearance Fee Disclosure Filed By: Plaintiff Vigil, Mike [22] Plaintiff's Initial Appearance Fee Disclosure</p>
11/29/2022	<p> Order [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</p>
11/29/2022	<p> Notice of Entry of Order Filed By: Defendant Midas International Corporation; Defendant Ocean Automotive LLC [24] Notice of Entry of Order</p>
12/09/2022	<p> Motion Filed By: Plaintiff Vigil, Mike [25] 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. Deft.'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)</p>
12/19/2022	<p> Order [27] Order Denying Plaintiff's Motion to Strick [sic]</p>
12/19/2022	<p> Notice of Entry of Order Filed By: Defendant Midas International Corporation; Defendant Ocean Automotive LLC [28] Notice of Entry of Order</p>
01/11/2023	<p> Notice of Appeal Filed By: Plaintiff Vigil, Mike [29] Notice of Appeal</p>
01/12/2023	<p> Document Filed [30] Docketing Statement Civil Appeals (Supreme Court Document)</p>
01/13/2023	<p> Case Appeal Statement [32] Case Appeal Statement</p>

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. (Gvt. Agencies Limited 45 Days) Fraudulent Declarations are Criminal Offenses.</i> <i>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. Deft. '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

" APPENDIX F "

e.g.,

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

12/10/2021

2021

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:

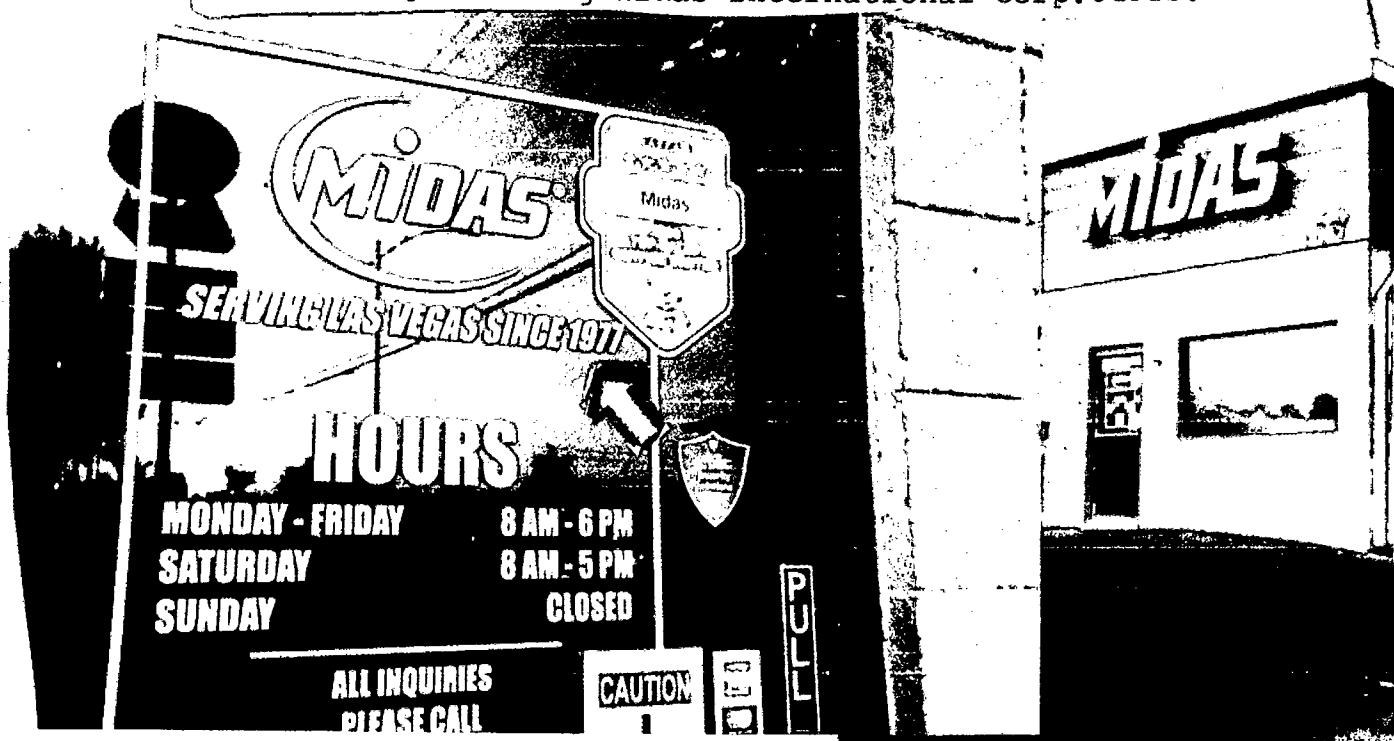
Midas International Corporation issues written limited lifetime warranties on certain mufflers, shock absorbers, strut assemblies, strut cartridges, brake shoes and pads.* All other products and services are warranted from defect for ninety (90) days from the date of installation. The complete written 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*

Dec 10, 2021

Date:

Law Firm Representing Midas International Corp. DEFTS.



e.g.,

APPENDIX "G"

DECLARATION STEVE OWENS Franchise/MIDAS CORP Int. PGs 3

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

1 DECL
2 GINA M. MUSHMECHE, ESQ.
3 Nevada Bar No. 10411
4 KRAVITZ SCHNITZER
5 JOHNSON & WATSON, CHTD.
6 8985 S. Eastern Avenue, Suite 200
7 Las Vegas, Nevada 89123
8 Tel: (702) 362-6666
9 Fax: (702) 992-1000
10 gmushmeche@ksjattorneys.com
11 *Attorneys for Defendants Midas
12 International, LLC erroneously named
13 as Midas International Corporation and
14 Owens Holdings, LLC - Midas 1 Series,
15 erroneously named as Ocean Automotive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

12 MIKE VIGIL, Plaintiff,
13 vs.
14
15 MIDAS INTERNATIONAL CORPORATION
16 CUSTOMER RELATIONS PALM BEACH
17 GARDENS, 4300 TBC WAY, FLORIDA
18 33410. - OCEAN AUTOMOTIVE LLC
19 OWNERS MIDAS MUFFLERS 2797 E.
20 "TROPICANA AVE. LAS VEGAS NV. 89121.
21 #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

21 I, STEVEN OWENS, do hereby declare:

- 22 1. I am over 18 years of age and of sound mind.
- 23 2. I am one of the owners/members of Owens Holdings LLC - Midas 1 Series.
- 24 3. At all times relevant to Plaintiff's Complaint, Owens Holdings LLC - Midas 1
25 Series owned and operated the Midas Muffler Shop located at 2797 East Tropicana Ave. Las
26 Vegas, NV 89121.

27 Defendants Midas Corporation Customer Relations Florida Records
28 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

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

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

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

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

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

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

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

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

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

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

25 12. Alicia Llames is not authorized to accent service for Owens Holdings LLC. Midas
 26 International, LLC or Ocean Automotive LLC.

27 ///

28 //

ALICIA L. LAMES

Service Manager

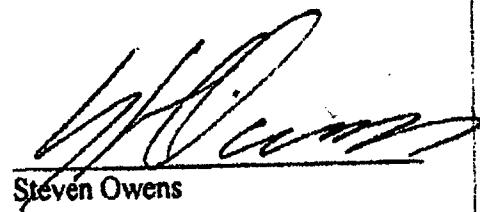


2797 E Tropicana
 Las Vegas, NV. 89121
 (702) 458-4191
 Fax: (702) 215-6990
 Midastropicana@gmail.com

1 13. The undersigned nor any employee or agent of Owens Holdings LLC has had any
2 contact, either directly or indirectly, with any person or entity associated with Ocean Automotive
3 LLC since the Summons and Complaint was left at Owens Holdings LLC's Office on August 10,
4 2022.

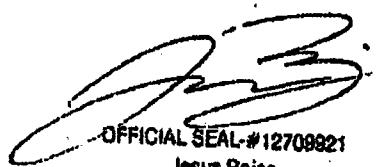
5 I declare under the penalty of perjury for the laws of the State of Nevada that the foregoing
6 is true and correct.

7 DATED this 26th day of October, 2022



Steven Owens

11 State of Arkansas, County of Benton. On this the
12 26th day of Oct. 2022 before me, Jesus Rojas
13 the undersigned notary, personally appeared Steven
14 Owens, satisfactorily proven to be the
15 person whose name(s) is/are subscribed to the
16 within instrument and acknowledged that he/she/
17 they executed the same for the purposes therein
18 contained. In witness whereof I hereunto set my
19 hand and official seal.



OFFICIAL SEAL #12709921
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

FILED

OFFICE OF THE SHERIFF
 CLARK COUNTY DETENTION
 CIVIL PROCESS SECTION

AUG 26 2022

CLERK OF COURT

MIKE VIGIL

PLAINTIFF

MIDAS INTERNATIONAL CORP

DEFENDANT

STATE OF NEVADA

COUNTY OF CLARK

CASE No. A-22-855-737-C
 SHERIFF CIVIL NO.: 22004894AFFIDAVIT OF SERVICE

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 Ruesch1. Alicia L. Lames Possession Office Keys By: 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



2797 E Tropicana

Las Vegas, NV. 89121

(702) 458-4191

Fax: (702) 215-6990

Midastropicana@gmail.com

FILED

AUG 26 2022

CLERK OF COURT

OFFICE OF THE SHERIFF
CLARK COUNTY DETENTION
CIVIL PROCESS SECTION

MIKE VIGIL

PLAINTIFF

Vs

MIDAS OCEAN AUTOMOTIVE LLC

DEFENDANT

STATE OF NEVADA

COUNTY OF CLARK

CASE No. A-22-855737-C
SHERIFF CIVIL NO.: 22004895AFFIDAVIT OF SERVICE

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 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.

1. Alicia L. Lames Possession Office Keys By: Mark Ruesch
OPENS OFFICE 8/10/22 8:00 a.m. Sheriff MARK RUESCH P#15504
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)

1. Pay out for car Part on Order
2. Rec. Payments for Services and labor
3. Signs for packages U.P.S.
4. Signs for Fed. Ex. Packages.
5. Make Estimates for Cars. Repairs.
6. 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

e.g., **"APPENDIX" I**

PETITIONER Evid Proff Disabled Veteran Page 1



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:

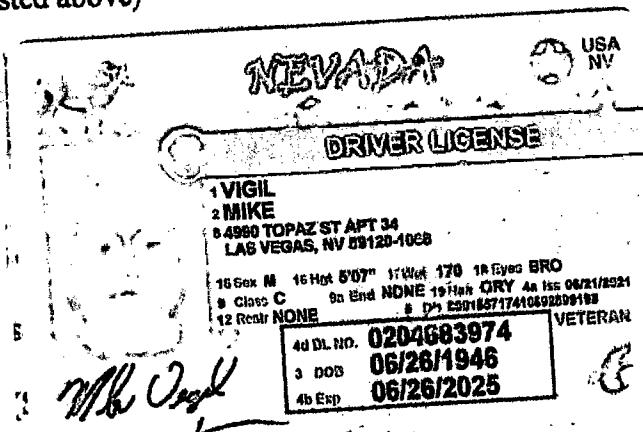
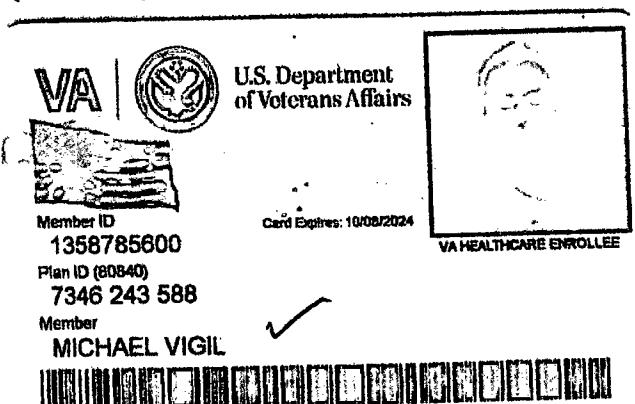
Personal Claim Information

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)



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/statedvah.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

5 Plaintiff- In Pro se

(702)435-6766

CLARK COUNTY, NEVADA

6 MIKE VIGIL Plaintiff,

7 vs.

8 MIDAS INTERNATIONAL CORPORATION
9 CUSTOMER RELATIONS PALM BEACH
10 GARDENS, 4300 TBC WAY, FLORIDA
11 33410.- OCEAN AUTOMOTIVE LLC
12 OWNERS MIDAS MUFFLERS 2797 E.
13 TROPICANA AVE. LAS VEGAS NV.
14 89121. #7202 ET, AL.

Defendant

Midas International Corp.

CASE NO. A-22-855737-C

DEPT. NO. Dept 5

DEFENDANTS.

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, 20 22; 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 IN THE SUPREME COURT OF THE UNITED STATES

23 Submitted By: Plaintiff Mike Vigil

24 Mike Vigil October 24, 2022
25 Date

26 RECEIVED

27 OCT 24 2022

28 Page 1 of 3

CLERK OF THE COURT

D's default entered by
clerk (NRCP 55)

✓ Electronically Filed
09/01/2022

Howard S. Glavin
CLERK OF THE COURT

1. Mike Vigil Disabled American Veteran
2. 4990 Topaz St. Apt. 34
3. Las Vegas, NV 89120
4. Landphone (702) 435-6766
5. Plaintiff Rec. V.A. Disability
6. Can't Afford Internet Service
NO E-Mail address

7. EIGHTH JUDICIAL DISTRICT COURT

8. 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.

Mike Vigil
Plaintiff in Pro Se

25. *Disabled American Veteran*

Dated: September 1, 2022