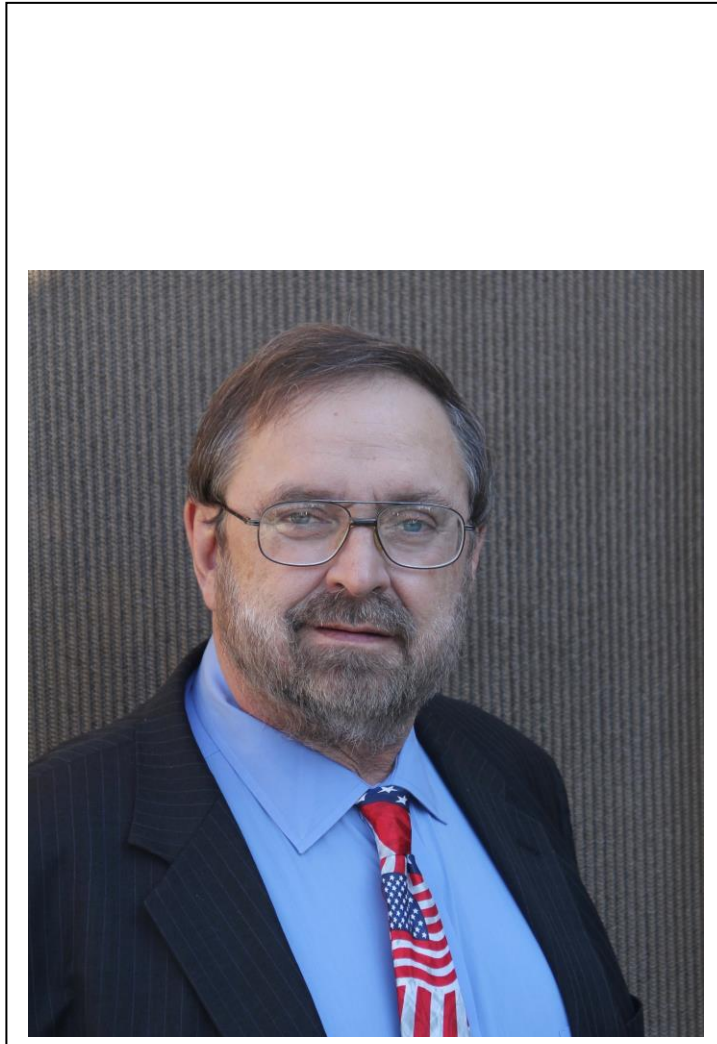


COMMISSION ON JUDICIAL SELECTION APPLICATION

SEVENTH JUDICIAL DISTRICT
DEPARTMENT 2



Personal Information

1.	Full Name	John W. Muije
2.	Have you ever used or been known by any other legal name (including a maiden name)? If so, state name and reason for the name change and years used.	NO
3.	How long have you been a continuous resident of Nevada?	45 YEARS
4.	City and county of residence	Elko County, 17 miles north of Wells
5.	Age	69

Employment History

6. Please start with your current employment or most recent employment, self-employment, and periods of unemployment for the last 20 years preceding the filing of this Application.

Current or Last Employer	John W Muije
Phone	775-934-6014
Physical Address & Website	3216 Lone Canyon Ct. North Las Vegas, NV 89031 Jmuije@muijelawoffice.com
Date(s) of Employment	Jan 1, 1983 through present
Supervisor's Name and Title	Self
Your Title	President / Sole Practitioner
Describe Your Key Duties	I am basically a long-term self-employed lawyer
Reason for Leaving	N/A

Previous Employer	N/A MORE THAN 40 YEARS AGO; FIRM NO LONGER EXISTS
Phone	
Address & Website	
Date(s) of Employment	
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	
Reason for Leaving	

Previous Employer	N/A MORE THAN 40 YEARS AGO; FIRM NO LONGER EXISTS
Phone	
Address & Website	
Date(s) of Employment	
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	
Reason for Leaving	

Previous Employer	N/A MORE THAN 40 YEARS AGO; FIRM NO LONGER EXISTS
Phone	
Address & Website	
Date(s) of Employment	
Supervisor's Name and Title	
Your Title	
Describe Your Key Duties	
Reason for Leaving	

<h3 style="text-align: center;">Educational Background</h3>

7. List names and addresses of high schools, colleges and graduate schools (other than law school) attended; dates of attendance; certificates or degrees awarded; reason for leaving.

A. Altavista High School (grades 8-12)
 904 Bedford Ave.
 Altavista, VA 24517 Valedictorian -- graduated and went to college

- B. Michigan State University
East Lansing, Michigan 48823 (Sept, 1973 – June, 1976)

Alumni Distinguished Scholarship
Honors College
Junior Year Abroad

Graduated summa cum Laude with a BA in Economics

Went Straight to Business School

- C. Michigan State University
East Lansing, Michigan 48823 (Sept, 1976 – June, 1977)

Valedictorian (class size about 1,000)

Graduated with a MBA with focus in Finance.

Went Straight to Law School

8. Describe significant high school and college activities including extracurricular activities, positions of leadership, special projects that contributed to the learning experience.

High School:

Basketball; skiing; National Science Foundation Grant (1971) to study computer science during the summer at the University of Utah. Virginia State Debate and extemporaneous Speaking Championships (1971, 1972, and 1973). National Honor Society.

College: Intramural Basketball and Skiing;

Alumni Distinguished Scholarship
Honors College
Junior Year Abroad

Was almost always working part-time during College and Business School in order to earn money and get by.

9. List names and addresses of law schools attended; degree and date awarded; your rank in your graduating class; if more than one law school attended, explain reason for change.

University of Chicago Law School (Sept, 1977 through June, 1980)
1111 E 60th Street
Chicago, IL 60637

Graduated: Doctor of Law June, 1980

I never received or was told an official class ranking.

On information and belief, based on my discussion with the dean and other faculty, my impression was that I maintained and ultimately graduated somewhere between the 20th and 40th percentile of students in a class of 180.

A Law School Transcript is available on request.

10. Indicate whether you were employed during law school, whether the employment was full-time or part-time, the nature of your employment, the name(s) of your employer(s), and dates of employment.

I did not work during the academic year until my third year of law school. I did do numerous full-time clerkships as follows:

A Grand Rapids, MI Summer of 1978

The firm I worked for at the time was the largest law firm in Grand Rapids with about 50 lawyers. I no longer remember the name, nor can I find it through Google. I therefore believe it likely disbanded.

B. Foster, Pepper and Rivera Summer of 1979 (June and early July – about 6 weeks)
1111 3rd Ave Suite 3000
Seattle, WA 98101

I received an offer of full-time employment upon graduation.

C. Calkins, Cramer, Grimshaw & Harring Summer of 1979 (Late July – August)
1700 Lincoln St #3800 (about 6 weeks)
Denver, CO 80203

I received an offer of full-time employment upon graduation.

D. Jones, Jones, Bell, Close and Brown January – June, 1980
300 South Fourth Steet, # 700
Las Vegas, NV 89101

Law clerk in Las Vegas during my 3d year of law school, with the permission of my Law School dean, given Nevada's then existing six-month Residency requirement.

The Law firm subsequently merged and became Jones Vargas in 1997,

11. Describe significant law school activities including offices held, other leadership positions, clinics participated in, and extracurricular activities.

I chose to focus on my studies during the academic year, and I did not participate in clinics and extracurricular activities at that time.

Law Practice

12. State the year you were admitted to the Nevada Bar.

1980

13. Name states (other than Nevada) where you are or were admitted to practice law and your year of admission.

None

14. Have you ever been suspended, disbarred, or voluntarily resigned from the practice of law in Nevada or any other state? If so, describe the circumstance, dates, and locations.

No

15. Estimate what percentage of your work over the last five years has involved litigation matters, distinguishing between trial and appellate courts. For judges, answer questions 15-19 for the five years directly preceding your appointment or election to the bench.

Legal Discipline	Percentage of Practice
Domestic/family	
Juvenile matters	
Trial court civil	50
Appellate civil	15
Trial court criminal	
Appellate criminal	
Administrative litigation	15
Other: Please describe: Collection Law and post-judgment remedies	20

16. In the past five years, what percentage of your litigation matters involved cases set for jury trials vs. non-jury trials?

N/A

17. Give the approximate number of jury cases tried to a conclusion during the past five years with you as lead counsel. Give the approximate number of non-jury cases tried to a decision in the same period.

Zero Jury Trials. One Case went to a contested bench trial (I obtained an approximate \$20,000,000 Judgment for my clients). Most of my other cases in the last five years resolved through settlement, mediation, or summary disposition.

18. List courts and counties in any state where you have practiced in the past five years.

During the last five years, I have practiced exclusively in NV:

Clark County: District and Justice Court; also, the U. S. District Court and the federal Bankruptcy Court

Elko County: District and Justice Court

Washoe County: District Court

The Nevada Supreme Court

The 9th Circuit Court of Appeals

Petition for Cert. to the US Supreme Court - denied

19. List by case name and date the five cases of most significance to you (not including cases pending in which you have been involved), complete the following tables:

Case 1
Case name and date: Nype, et al vs Mitchell, et al Judgment 01-16-2020
Court and presiding judge and all counsel: Eighth Judicial District Court – Dept 11, The Honorable Elizabeth Gonzales presiding. Garry Hayes – original lead defense counsel. Harry Marquis – original lead counsel for co-Defendant Barnett Lieberman

Brian Boschee – Trial counsel for 305 East Charleston, LLC

H. Stan Johnson --- subsequent lead counsel at trial and post-trial proceedings for the “Mitchell” Defendants.

E Brent Bryson --- Lead Appeal counsel for the Mitchell Defendants.

Elliot S. Blut --- subsequent trial counsel for Lieberman defendants

Lenard Schwartzer – Original Plaintiff Co-counsel for bankruptcy matters

Matt Johnson --- current bankruptcy co-counsel for Nype

Jacob Houmand – counsel for LVLP Bankruptcy Trustee

Importance of the case to you and the case’s impact on you:

This was my largest case ever. After a six-day bench trial against numerous defendants, Judge Gonzales awarded my clients, the prevailing plaintiffs, almost \$20 Million .

I was retained in May, 2015, after a \$2.5 Million dollar judgment, in the underlying case which had been ongoing since 2007, to help enforce the 2015 judgement and collect the monies owed to the plaintiffs.

The Plaintiffs have remained loyal clients for almost a decade. Although modified on appeal, we have pending motions and scheduled hearings, whereby I believe the plaintiff will receive an additional \$8,000,000 (bringing the aggregate total to \$8.6 Million by early March, 2025. It is my hope that the residual components of the Plaintiffs’ claims, against two remaining defendants, may ultimately result in the recovery of approximately one million more, give or take.

The importance of the case was both economic as well as an extraordinary academic challenge. *Inter Alia*, I also prevailed in discovery motions, obtaining a discovery sanction against a primary defendant of \$160,000.

The client has become a friend. By time and volume alone, this has been the most significant case of my Career Emotionally, the impact of prevailing after years of hotly contested and frustrating litigation has also been truly gratifying.

Your role in the case:

Lead Plaintiffs’ litigation and Appellate counsel since 2015.

Case 2
<p>Case name and date:</p> <p>Te-Moak tribal members and Officers adv Biers. Decided August, 2023, via a Judgment of dismissal, issued in response to a Motion to dismiss authored and prosecuted by myself.</p>
<p>Court and presiding judge and all counsel:</p> <p>Fourth Judicial District Court, Department 1: The Honorable Kristen N. Hill presiding</p> <p>Samuel Biers, in proper person, Plaintiff</p> <p>Douglas J Rand, Esq, deputy Attorney General, representing State of NV, defendants</p>
<p>Importance of the case to you and the case's impact on you:</p> <p>This was my first significant venture into "Native American Law", and representing an Indian Tribe and its members, in hotly contested litigation. In doing so, I learned a great deal about the federal law and regulations applicable to Indian Tribes, and the extent to which federal and State Law recognize such tribes as independent sovereign entities.</p> <p>It was truly an interesting and unusual academic challenge, broadening my perspectives and teaching me a great deal about a legal area in which I had previously only had a modest amount of knowledge and experience.</p>
<p>Your role in the case:</p> <p>Prevailing Counsel for Individual Te-Moak Tribal Officers and members, who were named defendants.</p>

Case 3
<p>Case name and date:</p> <p>Peregoy vs A North Las Vegas Cab, decided ca. August 1986.</p>
<p>Court and presiding judge and all counsel:</p> <p>Eighth Judicial District Court, Department 9: The Honorable Stephen Huffaker presiding</p> <p>Frank Dudenhefer, Associate counsel from New Orleans, acting as co-counsel for Plaintiff</p> <p>Bruce Alverson, Lead counsel for the Defendant</p>
<p>Importance of the case to you and the case's impact on you:</p>

This was my first Jury Trial, and it was a case with what we felt were significant injuries and damages. The Plaintiff was difficult and obstinate, but we managed to prevail on Liability. Unfortunately, Plaintiff was a poor witness with a complex medical history, and the jury felt that much of her claimed damages derived from sources other than the Motor Vehicle accident caused by defendant's driving, and therefore awarded very modest damages, significantly less than the defendant had offered us shortly before trial.

One thing I learned was to carefully and objectively evaluate your own client. The fact that Ms. Peregoy had been through four separate attorneys prior to me should definitely have been considered more carefully as a cautionary factor prior to my taking the case.

Additionally, the Case was invaluable as a learning experience, since I was only a few years out of law school. The case was not only my first jury trial, but also my first Nevada Supreme Court Appeal, thus providing even more experience and hands-on learning during the early part of my career. The Supreme Court decision is reported at *Muije vs A North Las Vegas Cab*, 106 Nev. 664, 799 P.2d 559 (Nev 1990).

Your role in the case:

I was the originating primary counsel for Plaintiff, retained about a year prior to trial, and I felt that given my relative lack of experience, coupled with what I believed to be six-figure damages, it would be prudent to associate with experienced personal injury counsel with numerous large verdict cases under his belt in order to maximize the odds and value of the case for our client.

Case 4

Case name and date:

In re the MGM Fire Litigation, MDL 453, settled in approximately mid-1984

For more detail on the underlying case, please see:

570 F. Supp. 913

In re MGM GRAND HOTEL FIRE LITIGATION.

MDL No. 453.

United States District Court, D. Nevada.

July 12, 1983.

As Amended August 12, 1983.

Court and presiding judge and all counsel:

U. S. District Court, multi-district complex litigation,

U.S. District Court for Nevada (southern), the Honorable Bechtel, federal district Judge from Pennsylvania, presiding.

The Honorable Philip Pro, at the time a U.S Magistrate, handling various discovery and pretrial hearings and matters as a federal Magistrate.

The Honorable Michael Cherry, at the time appointed as a Special Master in Charge of overseeing discovery in this large complex case.

John J. Cummings, III, New Orleans, La., Stanley M. Chesley, Cincinnati, Ohio, Wendell H. Gauthier, Kenner, La., Melvin M. Belli, San Francisco, Cal., Toxey H. Smith, Los Angeles, Cal., Will S. Kemp, Las Vegas, Nev., Joseph W. Cotchett, San Mateo, Cal., Leonard M. Ring, Chicago, Ill., J. Bruce Alverson, Las Vegas, Nev., Joseph Weiner, Philadelphia, Pa., for plaintiffs.

Allan B. Goldman, Los Angeles, Cal., Stephen L. Morris, James Olson, Las Vegas, Nev., for MGM.

Leland Eugene Backus, A. William Maupin, Las Vegas, Nev., for Taylor Const. Co.

Rex Jemison, Corby Arnold, Las Vegas, Nev., for Martin Stern, Jr., AIA Architect d/b/a Martin J. Stern Architect and Associates.

G. Edward Fitzgerald, Richard McKnight, Los Angeles, Cal., for Cal. Elec. Const. Co.

Samuel A. Harding, Las Vegas, Nev., for Continental Mechanical Corp.

Nicholas W. Hornberger, Los Angeles, Cal., for Otis Elevator.

James F. Pico, Las Vegas, Nev., for Clark County Departments and Political Subdivisions.

John F. O'Reilly, Las Vegas, Nev., for W.J. Thompson, Inc.

Duane Tewell, Seattle, Wash., for Simpson Timber Co.

Samuel T. Rees, Beverly Hills, Cal., for Cadillac Plastic & Chemical Co.

Tom H. Foulds, Seattle, Wash., for American Protection Ins. Co., Lumbermens Mut. Cas. Co., Kemper Corp., American Motorist Ins. Co., American Manufacturers Mut. Ins. Co., and American Protection Ins. Co.

And many dozens of additional counsel, representing literally hundreds of plaintiffs and dozens of Contractors and other defendants.

Importance of the case to you and the case's impact on you:

After leaving my prior full-time employment with Jones, Jones, Bell Close and Brown, I began working for the law firm of Semenza and Lutfy in 1981. From the inception, approximately 50 - 70% of my available work hours with that firm centered on my role as

the assigned Associate doing most of the leg work and routine handling of our firm's defense of one of the MGM Hotel's primary Mechanical Contractors (HVAC), Schneider Mechanical.

As such much of my work was involved in handling ongoing discovery, including numerous depositions, as well as the weekly hearings held by Judge Pro, on behalf of our client. In that capacity, given the major role played by our client, and my significant ongoing and active work on the discovery aspects of the case, during most of 1982 I acted as one of about a dozen defense counsel regularly appearing and participating in Judge Pro's weekly hearings.

When I left the Semenza and Lutfy firm on January 1, 1983, my friend and colleague, The Honorable Mark Gibbons (then in private civil practice) reached out to me to inquire if I would be willing to represent several MGM tenants (in the shopping arcade), given my substantial experience and knowledge regarding the case.

After obtaining appropriate conflict waivers from Schneider Mechanical, and the Insurance Carrier (Fireman's Fund), I was retained by those referred clients to represent their affirmative claims against the MGM and numerous contractors, successfully achieving several substantial settlements on their behalf.

At the conclusion of the case, the Honorable Phillip Pro awarded me the "Benedict Arnold" Award (one of about a dozen "awards" made by Judge Pro), in light of my active role, and the fact that I had originally represented a major defendant, but changed over and successfully represented numerous plaintiffs during the latter portion of the case.

The importance to my career was profound: As a "newbie" lawyer, barely one year out of law school, I became actively involved in dealing with a major client and its nationally renowned insurance carrier, actively participating in overwhelming discovery efforts (there were over 36,000 photographs maintained in Judge Cherry's document depository) and successfully represented my clients throughout the case, first as defense counsel, and subsequently as counsel for several prevailing plaintiffs.

To say that I saw and participated in almost every aspect of complex civil litigation during the approximate three years I worked on the case would likely be an understatement.

Your role in the case:

Originally, I served as primary day-to-day counsel for one of the larger defendants in the case, Schneider Mechanical. Subsequently, as noted above, I successfully represented, as sole litigation counsel, several commercial enterprises that had operated shops and businesses on the MGM premises, prior to the fire.

Case 5
<p>Case name and date:</p> <p>Western Surety Company vs S3H, Inc, et al. filed 12-09-2014; Stipulated Order of Mutual Dismissal, 09-22-2016</p>
<p>Court and presiding judge and all counsel:</p> <p>U. S. District Court, Nevada; The Honorable James C. Mahan, presiding</p> <p>The Honorable Peggy A. Leen, U.S. Magistrate, handling various discovery and Pretrial hearings and matters as the assigned federal Magistrate.</p> <p>Kurt C. Faux and Leland K. Faux, counsel for Plaintiff Western Surety</p>
<p>Importance of the case to you and the case's impact on you:</p> <p>I was retained to handle this litigation on behalf of a prominent local Contractor, who later became a major client and had me handling numerous other unrelated litigation and business matters.</p> <p>The importance of this case is that it was one of the larger cases I had handled up until that time, and it was also an intense case lodged in Federal Court.</p> <p>Given the magnitude of the claims (Approximately \$1,000,000 claimed by Western Surety, and approximately \$10,000,000 asserted by my clients as their counterclaim), and the vigorous contest throughout, discovery was extensive and involved proceedings in three different states. The Nevada Federal Case was handled by myself, and it derived from a California Commercial Arbitration (handled by California) in which our mutual Contractor Client was awarded About \$10,000,000 against the general contractor, substantially prevailing on all of the Construction Contract Claims.</p> <p>In the Nevada Federal Case, The parties attended a settlement conference with Magistrate Leen, which did not succeed. Ultimately, about nine months later, after the close of discovery, and after I defeated the Plaintiff's Motion for Summary Judgment, the parties settled with a mutual walk-away, each party to bear its own attorneys' fees and costs.</p> <p>The case consumed a significant amount of my professional time during the almost two years that it was active and pending and emphasized for me and enhanced my careful focus on rules, procedure, and the technical nuances of the Law.</p>
<p>Your role in the case:</p> <p>Lead Counsel for the Defendants</p>

--

20. Do you now serve, or have you previously served as a mediator, an arbitrator, a part-time or full-time judicial officer, or a quasi-judicial officer? To the extent possible, explain each experience.

No

21. Describe any pro bono or public interest work as an attorney.

I have provided legal counsel and advice, without fee or compensation, for almost a decade, to the Benevolent and Protective Order of the Elks, Great Basin Lodge # 1472.

22. List all bar associations and professional societies of which you are or have been a member. Give titles and dates of offices held. List chairs or committees in such groups you believe to be of significance. Exclude information regarding your political affiliation.

The Nevada State Bar Association --- 1980 through present

The Clark County Bar Association --- 1980 (I believe) through the present.

The Commercial Law League of America --- 1983 through approximately 2018.

23. List all courses, seminars, or institutes you have attended relating to continuing legal education during the past five years. Are you in compliance with the continuing legal education requirements applicable to you as a lawyer or judge?

Yes, I am in compliance.

Please see attached Exhibit "1", transcripts for the last five year of CLE.

24. Do you have Professional Liability Insurance or do you work for a governmental agency?

YES

Business & Occupational Experience

25. Have you ever been engaged in any occupation, business, or profession other than a judicial officer or the practice of law? If yes, please list, including the dates of your involvement with the occupation, business, or profession.

Not since I passed the bar exam in 1980.

26. Do you currently serve or have you in the past served as a manager, officer, or director of any business enterprise, including a law practice? If so, please provide details as to:
- the nature of the business
 - the nature of your duties
 - the extent of your involvement in the administration or management of the business
 - the terms of your service
 - the percentage of your ownership

YES, BUT ONLY AS TO MY OWN LAW FIRM.

JOHN W MUIJE & ASSOCIATES, a Nevada Professional Corporation

- Law Practice
- Owner and President and CEO; alternately stated – Chief Cook and Bottle Washer.
- Total; I supervised all employees and made all executive decisions.
- Continuously from January 1983, through the present.
- Presently, 94%.

27. List experience as an executor, trustee, or in any other fiduciary capacity. Give name, address, position title, nature of your duties, terms of service and, if any, the percentage of your ownership.

NONE

Civic Professional & Community Involvement
--

28. Have you ever held an elective or appointive public office in this or any other state?
No

29. Have you been a candidate for such an office?
Yes

If so, give details, including the offices involved, whether initially appointed or elected, and the length of service. Exclude political affiliation.

In 2020, I ran for the newly established Fourth Judicial District Court Judgeship. Dept 3.

Although I was blessed to receive a good number of votes, I lost the election to my esteemed opponent, the Honorable Mason Simon.

30. State significant activities in which you have taken part, giving dates and offices or leadership positions.

I have been a member of the BPOE, Great Basin Lodge No. 1472 for ten years.

During that time I have served as the Presiding Justice, a member of the Scholarship Committee, and the Esteemed Lecturing Knight.

31. Describe any courses taught at law schools or continuing education programs. Describe any lectures delivered at bar association conferences.

I have taught approximately a dozen CLE courses focusing primarily on Collection Law, and post-judgment remedies, although I no longer have records as to the dates and exact subject matter.

32. List educational, military service, service to your country, charitable, fraternal and church activities you deem significant. Indicate leadership positions.

Please see my answer to Question 30 above.

33. List honors, prizes, awards, or other forms of recognition.

NTLA: Recognized as one of Nevada's top 100 Trial Lawyers

34. Have you at any time in the last 12 months belonged to, or do you currently belong to, any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, creed, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices, and whether you intend to continue as a member if you are selected for this.

NO

35. List books, articles, speeches and public statements published, or examples of opinions rendered, with citations and dates.

NONE

36. During the past ten years, have you been registered to vote?

Yes

37. Have you voted in the general elections held in those years?

Yes

38. List avocational interests and hobbies.

Hunting, Skiing, and Golf. Military History and simulation gaming.

Conduct

39. Have you read the Nevada Code of Judicial Conduct and are you able to comply if appointed?

Yes

40. Have you ever been convicted of or formally found to be in violation of federal, state or local law, ordinance or regulation? Provide details of circumstances, charges, and dispositions.

No

41. Have you ever been sanctioned, disciplined, reprimanded, found to have breached an ethics rule or to have acted unprofessionally by any judicial or bar association discipline commission, other professional organization or administrative body or military tribunal? If yes, explain. If the disciplinary action is confidential, please respond to the corresponding question in the confidential section.

No

42. Have you ever been dropped, suspended, disqualified, expelled, dismissed from, or placed on probation at any college, university, professional school or law school for any reason including scholastic, criminal, or moral? If yes, explain.

No

43. Have you ever been refused admission to or been released from any of the armed services for reasons other than honorable discharge? If yes, explain.

No

44. Has a lien ever been asserted against you or any property of yours that was not discharged within 30 days? If yes, explain.

No

45. Has any Bankruptcy Court in a case where you are or were the debtor, entered an order providing a creditor automatic relief from the bankruptcy stay (providing in rem relief) in any present or future bankruptcy case, related to property in which you have an interest?

No

46. Are you aware of anything that may require you to recuse or disqualify yourself from hearing a case if you are appointed to serve as a member of the judiciary? If so, please describe the circumstances where you may be required to recuse or disqualify yourself.

NO

Other

47. If you have previously submitted a questionnaire or Application to this or any other judicial nominating commission, please provide the name of the commission, the approximate date(s) of submission, and the result.

NOT APPLICABLE

48. In no more than three pages (double spaced), attached to this Application (**as Exhibit "2"**), provide a statement describing what you believe sets you apart from your peers, and explains what education, experience, personality or character traits you possess, or have acquired, that you feel qualify you as a District Judge. In so doing, address appellate, civil (including family law matters), and criminal processes (including criminal sentencing).

Please see my Personal Statement, contained as Exhibit “2” in my simultaneously submitted Exhibit package.

49. Detail any further information relative to your judicial candidacy that you desire to call to the attention of the members of the Commission on Judicial Selection.

NONE: This application is very thorough and comprehensive.

50. Attach a sample of no more than ten pages of your original writing in the form of a decision, “points and authorities,” or appellate brief generated within the past five years, which demonstrates your ability to write in a logical, cohesive, concise, organized, and persuasive fashion.

Please see Exhibit “3” in my simultaneously submitted Exhibit package.

EXHIBIT "1"

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
John Muije		2419
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Monday January 01, 2024	Tuesday December 31, 2024	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Clark County Bar Association	Mental Health Awareness for Professionals: Substance Abuse & Suicide Prevention	1/31/2024	0.00	0.00	1.00
Clark County Bar Association	New Small Business Reorganization Act	2/7/2024	1.00	0.00	0.00
Clark County Bar Association	Key Changes to the NV Rules Governing ADR	2/29/2024	1.50	0.00	0.00
Clark County Bar Association	Protecting Your Law Firm Against Financial Crime	3/20/2024	1.00	0.00	0.00
Ben Gaumond Law Firm, PLLC	CIVIL TRAFFIC INFRACTION PRACTICE IN RURAL NEVADA	4/4/2024	1.00	0.00	0.00
Clark County Bar Association	Nevada's Business Judgment Rule Post-Guzman	4/11/2024	1.00	0.00	0.00
Washoe County Bar Association	Cross-Court Seminar of Washoe & Clark Counties	4/17/2024	1.00	0.00	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Clark County Bar Association	Probate for the Non-Probate Attorney: Navigating Probate in PI & Wrongful Death Claims	5/8/2024	1.00	0.00	0.00
Clark County Bar Association	A Bird's-Eye View of Immigration Law	5/14/2024	1.00	0.00	0.00
State Bar of Nevada	Safeguarding Justice: Protective Measures for Lawyers Facing Aggression	7/12/2024	0.00	1.00	1.00
State Bar of Nevada	Ninth Circuit Practice Pointers with the Honorable Judge Rawlinson	7/18/2024	1.00	0.00	0.00
Clark County Bar Association	Short Trial Program - Tips from the Judges and the Commissioners	10/23/2024	1.00	0.00	0.00
Clark County Bar Association	Recognizing and Responding to Microaggressions	11/14/2024	0.00	1.00	0.00
2024 Total			10.50	2.00	2.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits Earned Towards 2024 Compliance		10.00	2.00	1.00
	Credits carrying forward to 2025*		0.50	0.00	1.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
John Muije		2419
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Sunday January 01, 2023	Sunday December 31, 2023	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits carried forward to 2023 from 2022		0.00	0.00	2.00
Clark Co. Bar Association	Product Liability Cases & IP	3/15/2023	1.00	0.00	0.00
Clark Co. Bar Association	Improve Your Public Speaking: Be Calm, Confident & Compelling	6/21/2023	1.00	0.00	0.00
Clark Co. Bar Association	The 5-Star Reputation: Build Success through Ethical Marketing and Civility	7/19/2023	0.00	2.00	0.00
Elko County Bar Association	New Civil Laws Passed by the 2023 Nevada Legislature	9/7/2023	0.50	0.00	0.00
Clark Co. Bar Association	Bankruptcy for the Non-bankruptcy Practitioner	12/6/2023	1.00	0.00	0.00
CLE-4460-2301-6	Nevada Supreme Court Update	12/27/2023	1.50	0.00	0.00
CLE-4460-2323	Deposition Fundamentals	12/28/2023	3.00	0.00	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
CLE-4460- 2301-3	Winning the Appeal at Trial	12/29/2023	1.00	0.00	0.00
	Total Credits Earned		9.00	2.00	2.00
	Ethics and AAMH credits applying to general requirement		1.00	0.00	-1.00
	Revised Total		10.00	2.00	1.00
	Credits Earned Towards 2023 Compliance		10.00	2.00	1.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
John Muije		2419
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Saturday January 01, 2022	Saturday December 31, 2022	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Credits carried forward to 2022 from 2021		0.00	0.00	0.50
Clark County Bar Assoc-CLE Committee	Five Procedures to Keep You Bar Compliant and Client Happy	1/19/2022	0.00	1.00	0.00
National Business Institute, incorporated	The Impaired Lawyer: Substance Abuse Detection, Intervention, Recove	2/17/2022	0.00	0.00	1.00
Elko County Bar Association	Criminal Legal Update by DA Imgram	3/3/2022	1.00	0.00	0.00
Clark County Bar Assoc-CLE Committee	Taking Tips to Improve Your Mental Health	4/27/2022	0.00	0.00	1.00
State Bar of Nevada	Ignorance of the Law is No Excuse: the 2019 Rules of Civil Procedure and Competent, Ethical Practice	5/23/2022	1.00	0.50	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Clark County Bar Assoc- CLE Committee	Preparing Witnesses with Documents: Risks and Rewards	5/26/2022	0.00	1.00	0.00
Clark Co. Bar Association	Someone Subpoenas Your Client Files - What Do You Do Next?	6/30/2022	0.00	1.00	0.00
Clark Co. Bar Association	Working with Your Experts	7/20/2022	1.00	0.00	0.00
Elko County Bar Association	Homestead Law and Procedure	8/4/2022	1.00	0.00	0.00
Nat	FREE COURSE - Judge Pet Peeves Every Litigator Should Know 95178	8/19/2022	1.00	0.00	0.00
Clark Co. Bar Association	Deposition Conduct Rules - Do's & Don'ts	8/31/2022	1.00	0.00	0.00
State Bar of Nevada	Ethics Year in Review 2022	12/7/2022	0.00	2.00	1.00
Total Credits Earned			6.00	5.50	3.50

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	Ethics and AAMH credits applying to general requirement		4.00	-3.50	-0.50
	Revised Total		10.00	2.00	3.00
	Credits Earned Towards 2022 Compliance		10.00	2.00	1.00
	Credits carried forward from 2022 to 2023*		0.00	0.00	2.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
John Muije		2419
Certification		Status
Mandatory Continuing Legal Education		Credit Compliant
Start Date	End Date	Exempt Reason
Friday January 01, 2021	Friday December 31, 2021	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
State Bar of Nevada	Professional Responsibility Pitfalls: Often But Not Always Apparen	2/28/2021	0.00	1.00	0.00
State Bar of Nevada	Big Picture Approach to Family Law Appeals	2/28/2021	1.00	0.00	0.00
State Bar of Nevada	Navigating Ethical Minefields in Personal Injury Litigation	2/28/2021	0.00	1.00	0.00
State Bar of Nevada	Eight Predictions Regarding the Impact of the Coronavirus in The Ban	2/28/2021	1.00	0.00	0.00
State Bar of Nevada	Aftermath of the Nevada Eviction Moratorium	2/28/2021	1.00	0.00	0.00
Clark County Bar Assoc-CLE Committee	Ethical Landmines in Today's World & How to Avoid Them	6/17/2021	0.00	1.00	0.00
National Business Institute, incorporated	Attorney Substance Abuse: Preventing and Detecting (89898)	6/24/2021	0.00	0.00	0.50

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Clark County Bar Assoc- CLE Committee	The Unauthorized Practice of Law - A Trap for the Unwary	7/15/2021	0.00	1.00	0.00
Clark County Bar Assoc- CLE Committee	Corporations & Partnerships: A Lawyer's Road Map to Business Litigat	8/19/2021	1.00	0.00	0.00
Clark County Bar Assoc- CLE Committee	Real Estate Finance 101: Deed of Trust Litigation	9/23/2021	1.00	0.00	0.00
Clark County Bar Assoc- CLE Committee	ADR: What do you Need to Know?	10/5/2021	1.00	0.00	0.00
Elko County Bar Association	Substance Abuse	10/7/2021	0.00	0.00	1.00
Clark County Bar Assoc- CLE Committee	Hot Topics in Family Court Discovery	10/12/2021	1.00	0.00	0.00
Clark County Bar Assoc- CLE Committee	Legislative Update: Looking In & Out	11/9/2021	2.00	0.00	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
National Business Institute, incorporated	The Judges' View: Nevada Civil Litigation Do's and Don'ts (90754)	12/31/2021	3.00	0.00	0.00
National Business Institute, incorporated	How to Collect Debt After Death (91423)	12/31/2021	1.00	0.00	0.00
	2021 Total		13.00	4.00	1.50
	Credits Earned Towards 2021 Compliance		10.00	2.00	1.00
	2021 Credits Applied to 2020 Deficiency		3.00	2.00	0.00
	Credits carried forward from 2021 to 2022*		0.00	0.00	0.50

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

STATE BAR OF NEVADA

Certification Summary

Name		Bar #
John Muije		2419
Certification		Status
Mandatory Continuing Legal Education		Compliant After Comp Year End Date
Start Date	End Date	Exempt Reason
Wednesday January 01, 2020	Thursday December 31, 2020	
General Credits Required	Ethics Credits Required	AAMH Credits Required
10.00	2.00	1.00
General Credits Earned	Ethics Credits Earned	AAMH Credits Earned
10.00	2.00	1.00

Certification Details

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
	2021 Credits Applied to 2020 Deficiency		3.00	2.00	0.00
State Bar of Nevada	Bankruptcy Issues in Non Bankruptcy Cases (December NV Lawyer)	2/9/2020	1.00	0.00	0.00
State Bar of Nevada	Use of LLCs in an Estate Plan	2/9/2020	1.00	0.00	0.00
State Bar of Nevada	Is Buying Legal Malpractice Insurance Always a Good Business Decisio	2/9/2020	0.50	0.50	0.00
State Bar of Nevada	Chronic Stress & the Practice of Law	2/10/2020	0.00	0.00	1.00
National Business Institute, incorporated	Debt Collection Boot Camp (86461)	9/29/2020	4.00	1.00	0.00
Elko County Bar Association	Administrative Orders & Trial Procedure - Judge Kacin	10/1/2020	1.00	0.00	0.00
Elko County Bar Association	Criminal Law Update	10/15/2020	1.00	0.00	0.00

Provider	Course/Description	Course Taken Date	General	Ethics	AAMH
Elko County Bar Association	Navigating the Practice of Law & a Pandemic While Maintaining Well-B	11/19/2020	0.00	0.00	1.00
	Total Credits Earned		11.50	3.50	2.00
	Ethics and AAMH credits applying to general requirement		1.00	-1.00	0.00
	Revised Total		12.50	2.50	2.00
	Credits Earned Towards 2020 Compliance		10.00	2.00	1.00
	2020 Credits Applied to 2019 Deficiency		2.50	0.50	1.00

**Subject to the carry forward provisions of SCR 210(2)(b) and SCR 210(2)(c)*

EXHIBIT "2"

LAW OFFICES

JOHN W. MUIJE & ASSOCIATES

A Professional Corporation
Post Office Box 306
Wells, Nevada 89835
E-mail: jmuje@mujeoffice.com

TELEPHONE
AREA CODE
775-934-6014

JOHN W. MUIJE

February 7, 2025

**PERSONAL STATEMENT OF JOHN W
MUIJE**

Having had an active successful law practice for over four decades, I think it is time to give back, especially to the good people that live in rural Nevada. My wife and I sold our home in Las Vegas and moved to Elko County almost four years ago largely because we enjoyed the rural lifestyle, and we very much enjoy the ranchers, miners, and townspeople that live around us and with whom we associate.

Being appointed to the Seventh Judicial District Court Judgeship for which I am applying would allow me to serve the country people we enjoy most, while giving back a measure of my skill and experience to the profession and communities which made me the successful legal professional which I have become.

Let me briefly describe a couple of points that I think will allow the Judicial Selection Committee to have better insight into my background, qualifications, and abilities.

With the benefit of age and retrospective, I believe that two overriding activities from my elementary and high school years were significant factors in making me the person whom I have become.

First, I was a voracious reader, absorbing and remembering most of what I read. This continued to a somewhat lesser extent in adulthood, where a skilled and experienced lawyer early in my career (prior to starting my own practice) advised me to review all of the Nevada Supreme Court advance opinions promptly when issued. I continue that habit to this day, which I feel gives me a substantial leg up on most other lawyers, especially when it comes to a broad and comprehensive understanding of the evolving law of the state of Nevada.

The second factor was my family's love for outdoor recreation, in which we indulged on an almost weekly basis. Growing up in rural Virginia, we availed ourselves of virtually every opportunity to get out for hiking, boating, fishing, etc. Those experiences gave me a love of the outdoors, a respect for nature, and camaraderie with various other youth, friends of my father, and property owners in the surrounding area.

My study abroad during my junior year of college, coupled with clerkships in Seattle, Denver, and Grand Rapids, Michigan, further exposed me to a variety of people and environments, with different perspectives on life. Those also convinced me that my early decision not to seek employment in a major city, but instead to seek and find a more vibrant growing mid-sized town, such as Las Vegas (in the early 1980's), was the right way to go.

My initial employment with the Jones Vargas' predecessor firm, gave me a broad introduction to high-end corporate and transactional law. Following that, working on the MGM fire litigation matter for the Semenza and Lutfy firm, gave me a wealth of experience and substantial insight into the nuances and intricacies of complex civil litigation.

Then, starting my own law practice in early 1983, I initially accepted a variety of cases, including some small criminal matters, some domestic cases, and licensing and estate planning and trust matters. Relatively quickly, however, being a relatively young lawyer out on my own, I began to focus on collection law and post-judgment remedies, areas where there were and apparently still are a wealth and variety of business available. Despite that focus, however, I never gave up on learning about new and interesting areas of the law, feeling it important that I understand and be exposed to as many areas of law as reasonably practical.

That focus, however, lead to a practice which entailed almost daily court appearances, on the many dozens of small and midsize collection cases we handled. Also, at that time in the mid-1980s and 1990s,

The District Court in Clark County still regularly maintained combined law and motion calendars, with criminal and domestic matters often leading off the daily calendars.

Up until approximately 2010, it is fair to say that the nature of my practice took me to court on as many as a dozen hearings a week on average, appearing before virtually every Clark County District Court Judge and Justice of the Peace. Years of such routine exposed me to broad-brush experiences in the law, learning how various judges handled their calendars, dealt with cases, etc. I think few other Nevada attorneys likely ever appeared as often or in front of so many different judges as myself.

Since approximately 2010, my routine collection practice tapered off as I began taking larger and more complex civil litigation matters and files. Additionally, and in part because of the economic recession starting in approximately 2008, I began accepting and representing defendants in civil matters. That activity proved the lesson taught by one of my Law School professors that a good lawyer should be able to represent either side of dispute equally well. Plus, the larger and more complex cases deepened my knowledge and understanding of the law, and helped enhance my reputation as one of the more successful and effective civil lawyers in southern Nevada.

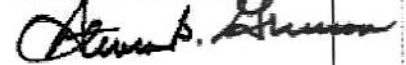
Along the way, I also had an opportunity to handle numerous appellate matters, not only within the Nevada Judicial System, but also several Federal appellate matters as well.

I feel my personal experiences while growing up (E.G. reading and outdoor recreation), coupled with the evolution of my practice from big firm to solo practitioner to experienced and seasoned counsel handling more complex matters, has given me a broad overview of the law, and a perspective to better understand the individuals and companies likely to come before the court.

Finally, should I receive the appointment, I very much look forward to the opportunity to apply my knowledge and experience to evaluating and resolving contested legal matters, instead of being limited to the role of an advocate for only one party or the other.

Most Sincerely
John W. Muja

EXHIBIT "3"



1 **OPPS**

2 **JOHN W. MUIJE & ASSOCIATES**

3 **JOHN W. MUIJE, ESQ.**

4 Nevada Bar No: 2419

5 1840 E. Sahara Ave #106

6 Las Vegas, NV 89104

7 Phone No: (702) 386-7002

8 Fax No: (702) 386-9135

9 Email: jmuije@muijelawoffice.com

10 Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

11 **RUSSELL L. NYPE AND REVENUS PLUS,**
12 **LLC,**

13 Plaintiffs,

14 vs.

15 **DAVID J. MITCHELL; BARNET LIBERMAN; LAS**
16 **VEGAS LAND PARTNERS, LLC; MEYER**
17 **PROPERTY, LTD.; ZOE PROPERTY, LLC; LEAH**
18 **PROPERTY, LLC; WINK ONE, LLC; LIVE WORK,**
19 **LLC; LIVE WORK MANAGER, LLC; AQUARIUS**
20 **OWNER, LLC; LVLP HOLDINGS, LLC;**
21 **MITCHELL HOLDINGS, LLC; LIBERMAN**
22 **HOLDINGS, LLC; 305 LAS VEGAS, LLC; LIVE**
23 **WORKS TIC SUCCESSOR, LLC; CASINO**
24 **COOLIDGE LLC; DOES I through III, and ROE**
25 **CORPORATIONS I through III, inclusive,**

26 Mitchell Defendants.

CASE NO: A-16-740689-B

DEPT NO: XI

Date of Hearing: February 10, 2020

Time of Hearing: 9:00 a.m.

23 **OPPOSITON TO MOTION TO STRIKE AND SET ASIDE**
24 **RECORDED JUDGMENT**

25 COMES NOW Plaintiffs, RUSSELL L. NYPE AND REVENUE PLUS, LLC (hereinafter
26 collectively "Nype") and hereby oppose the motion filed by Casino Coolidge, on Order
27 Shortening Time, on February 5, 2020, seeking to strike and set aside Plaintiffs' recording of
28

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1 their judgment herein. This Opposition is based upon the Points and Authorities that follow, the
2 exhibits attached hereto, and all of the pleadings and documents on file herein.

3 DATED this 7th day of February, 2020

4 JOHN W. MUIJE & ASSOCIATES

5
6
7 By: 

8 JOHN W. MUIJE, ESQ.

9 Nevada Bar No: 2419

10 1840 E. Sahara Ave #106

11 Las Vegas, NV 89104

12 Phone No: (702) 386-7002

13 Fax No: (702) 386-9135

14 Email: jmuije@muijelawoffice.com

15 Attorneys for Plaintiffs

16 **POINTS AND AUTHORITIES**

17 Defendant Casino Coolidge has moved to strike the abstract of judgment recorded by
18 Nype on January 16, 2020, arguing that NRCP 62(a) prohibits any proceeding to enforce a
19 judgment for thirty (30) days.

20 Interestingly enough, the motion is predicated upon the assertion that the language in the
21 rules is plain and ambiguous. Nevertheless, Casino Coolidge, who has been joined by the
22 Mitchell Defendants in seeking to strike the recorded judgment lien, cites no specific case law or
23 precedent interpreting or applying the NRCP 62 thirty-day stay. It should be noted that NRCP
24 62, as quoted by Casino Coolidge, is only a partial quote. Perhaps the Court should consider the
25 full statute as follows:

26 Rule 62. Stay of Proceedings to Enforce a Judgment

27 a. Automatic Stay; Exceptions for Injunctions and Receiverships.

28 (1) In General. Except as stated in this rule, **no execution may issue on a judgment, nor may proceedings be taken to enforce it**, until 30 days have passed after service of written notice of its entry, unless the court orders otherwise.

(2) Exceptions for Injunctions and Receiverships. An interlocutory or final judgment in an action for an injunction or a receivership is not automatically stayed, unless the court orders otherwise.

(b) Stay Pending the Disposition of Certain Post-judgment Motions. On appropriate terms for the opposing party's security, the court may stay execution on a judgment— or any proceedings to enforce it—pending disposition of any of the following motions:

- (1) under Rule 50, for judgment as a matter of law;
- (2) under Rule 52(b), to amend the findings or for additional findings;
- (3) under Rule 59, for a new trial or to alter or amend a judgment; or
- (4) under Rule 60, for relief from a judgment or order.

Emphasis supplied.

To its credit, Casino Coolidge does reference the Court to the Nevada Judgment lien statute, NRS 17.150, but once again only cites a portion of the relevant statute. 17.150 also reads as follows:

NRS 17.150 Docketing of judgments of state and federal courts; recording of transcripts, abstracts and copies of judgments; liens on real property; duration of liens; affidavit required of judgment creditor who records judgment or decree....

2. A transcript of the original docket or an abstract or copy of any judgment or decree of a district court of the State of Nevada or the District Court or other court of the United States in and for the District of Nevada, the enforcement of which has not been stayed on appeal, certified by the clerk of the court where the judgment or decree was rendered, may be recorded in the office of the county recorder in any county, and when so recorded it becomes a lien upon all the real property of the judgment debtor not exempt from execution in that county, owned by the judgment debtor at the time, or which the judgment debtor may afterward acquire, until the lien expires. The lien continues for 6 years after the date the judgment or decree was docketed, and is continued each time the judgment or decree is renewed, unless:

(a) The enforcement of the judgment or decree is stayed on appeal by the execution of a sufficient undertaking as provided in the Nevada Rules of Appellate Procedure

Emphasis supplied.

Parenthetically, it is worth noting that NRCP 62 did not contain any form of stay prior to January 1, 2005, when it was amended to include a ten-day stay. The rule, as it existed in 2004 and prior thereto read as follows:

1 NRCP 62(a) stay upon the entry of judgment. Execution or other proceedings to
2 enforce a judgment may issue immediately upon the entry of judgment, unless the
3 court in its discretion and on such conditions for the security of the adverse party as are
4 proper, otherwise directs.

5
6 *Emphasis supplied.* 2004 version of NRCP 62(a)

7 NRCP 62 as currently modified derives from the evolutionary process in the Federal
8 Rules of Civil Procedure, and tracks almost verbatim FRCP 62. As such, the Nevada Supreme
9 Court has provided guidance as to the interpretation of Nevada Court Rules that mirror their
10 federal counterparts:

11 “Federal cases interpreting the Federal Rules of Civil
12 Procedure ‘are strong persuasive authority, because the
13 Nevada Rules of Civil Procedure are based in large part
14 upon their federal counterparts.’”

15 *Executive Management Ltd vs. Ticor Title Insurance Company*, 118 Nev. 46 at 53,
16 38 P.3d 872 at 876 (2002)

17 Had Casino Coolidge perhaps looked a little further, they would have found relative
18 uniformity in decisions of Federal Courts and numerous State Courts applying FRCP 62 (and/or
19 its state law counterpart) to the recording of judgment liens prior to Rule 62 is putative short-term
20 stay of enforcement. Perhaps the best analysis of the same is contained in a California Federal
21 Court decision entitled *In Re Vanden Bossche*, a decision by the U.S. District Court on appeal
22 from the Bankruptcy Court. A true and correct copy of the *In Re Vanden Bossche* decision is
23 attached hereto as Exhibit “1” and by this reference incorporated herein. Further, attached hereto
24 as Exhibit “2” and by this reference incorporated herein are six subsequent cases interpreting and
25 applying the same rule and same standard as found *In Re Vanden Bossche*. Quoting very simply
26 from *In Re Vanden Bossche*:

27 Rule 62(a) of the Federal Rules of Civil Procedure provides, in pertinent part, that
28 “no execution shall issue upon a judgment nor shall proceedings be taken for its

1 enforcement until the expiration of 10 days after its entry." The question then is
2 whether recording an abstract of judgment is a proceeding taken to enforce a judgment.

3 Hartford contends that it is not, while the Vanden Bossches contend, and the bankruptcy
4 court found, that it is. This Court, however, agrees with Hartford and finds
5 that recording an abstract of judgment is not a proceeding to enforce a judgment.
6 HN3 The view that Rule 62(a) does not prohibit the recordation of an abstract of
7 judgment during the ten days after its entry has received both judicial and academic
8 acceptance. In Yusov v. Yusuf, 892 F.2d 784, 785 (9th Cir. 1989), [**5] the court noted
9 that "recording a judgment is generally not held to be prohibited by Fed. R. Civ. P. 62(a)."
10 Additionally, Professor Moore states in his treatise on federal practice that
11 "the stay prevents execution but does not prevent recording of the judgment for purposes
12 of preserving a lien. . . ." J. Moore & J. Lucas, 7 Moore's Federal Practice para. 62.03, at
13 62-12 n. 6 (2d ed. 1987) (emphasis added). This view makes sense when viewed in light
14 of the underlying purpose of the automatic stay.

15 In re Vanden Bossche, 125 B.R. 571, 573 (N.D. Cal. 1991)

16 *Emphasis supplied.*

17 But in addition to the conclusion reached by the Court, the analysis and review as to why
18 that result should obtain is explained further by the Court *In Re Vanden Bossche*. As stated:

19 "The purpose of the stay provision is to give a party time
20 to prepare for an appeal or to determine what other course
21 of action to take, while at the same time prohibiting the
22 victorious party from racing out and executing the judgment.
23 on property owned by the loser. See id. Paragraph 62.03. As
24 Hartford correctly points out, a judgment lien does not deprive
25 the judgment debtor of his property, it only establishes a
26 priority of rights in the property subject to the lien.
27 Only after execution or foreclosure proceedings does
28 the property change hands. Therefore, because the act of
29 recording a judgment does not have the effect of transferring
30 any interest in property, allowing a party to record an abstract
31 would be consistent with the purpose of Rule 62(a).

32 *Emphasis supplied.* In *Re Vanden Bossche*, supra, 125 Bankrupt Reporter at 573-574

33 "The Vanden Bossches also argue that because the act of
34 creating a judgment lien is an important vehicle to enforcing
35 a judgment, it should be considered a proceeding taken to
36 enforce a judgment as proscribed by Rule 62(a). While neither
37 party provides any authority as to what constitutes a proceeding to enforce
38 a judgment, the Court views the term as encompassing more than merely
39 creating a lien on property. Rather, the Court interprets the term as
40 involving affirmative action taken to convert the judgment into money.

1 such as commencing foreclosure proceedings or seeking a judicial writ of
2 attachment. Therefore, the Court, adopting the view taken by Professor
3 Moore and the Court in Yusov, finds that Rule 62(a) does not prohibit the
4 filing of an abstract of judgment during the period in which the automatic
5 stay is in effect.

6 *Emphasis supplied.* In *Re Vanden Bossche*, supra, 125 Bankrupt Reporter at 573-574

7 Indeed, a similar conclusion would appear harmonious with Nevada law. For example,
8 Casino Coolidge has in fact filed a motion under NRCPC 52 and 59, as contemplated under Rule
9 NRCPC 62(b). As noted in the Rule, the Court has the inherent authority to enter a stay when such
10 motion is pending "on appropriate terms for the opposing party's security, the court may stay
11 execution on a judgment. . . ." Turning to the actual recording statute, the recording statute itself
12 contemplates a potential stay referencing a judgment "which has not been stayed on appeal", and
13 provides that:

14 "The enforcement of the judgment or decree is stayed on
15 appeal by the execution of a sufficient undertaking as
16 provided in the Nevada Rules of Appellate Procedure or
17 by the Statutes of the United States, in which case the
18 lien of the judgment or decree and any lien by virtue of
19 an attachment that has been issued and levied in the action
20 ceases."

21 *Emphasis supplied.* NRS 17.150(2)(a)

22 Very simply, as noted in *Re Vanden Bossche*, the judgment lien recorded by Nype does
23 not deprive Casino Coolidge of its property, it merely establishes a priority of rights in the
24 property subject to the lien. Indeed, the recording does not effectuate the transferring of any
25 interest in the property and it would appear wholly consistent with the purposes of NRCPC 62(a),
26 i.e. to preserve the status quo pending an ultimate determination of the parties' rights.

27 CONCLUSION

28 Reported case law considering the proposition stated by Casino Coolidge almost
uniformly holds that the recording of an abstract of judgment as a lien against the judgment

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1 debtors property does **NOT** implicate or violate the procedural stay afforded under NRCP 62.
2 The purpose of that stay, as noted, *In Re Vanden Bossche*, is to afford a party time to prepare for
3 an appeal and preserve the status quo for a reasonable time pending a decision about whether or
4 not to appeal and/or the initiation of said appeal.
5

6 The recording of the judgment lien does not deprive the judgment debtor of property. It
7 merely perfects the judgment creditor's rights, and preserves a status quo.

8 Consistent with the decisions of the various courts that have decided this, and the
9 authority set forth hereinabove, the Court can and summarily should deny the motion of Casino
10 Coolidge to strike, and ratify Nype's recording of the judgment lien against the defendants' real
11 property interests in Clark County, Nevada.
12

13 DATED this 7th day of February, 2020

14 JOHN W. MUIJE & ASSOCIATES

15
16
17 By: 

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25 Attorneys for Plaintiffs
26
27
28