Electronically Filed
11/17/2023
CLERK OF THE COURT

Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of a District Court

No. A-22-860784-C

Dept. No. 31

Electronically Filed
Nov 29 2023 11:52 AM
Elizabeth A. Brown
Clerk of Supreme Court

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF .....

A. B., Plaintiff } SENAIT HABTE
v. }
C. D., Defendant } All State Home Insurance CHRISTOPER M. KELLER, ESQ Attorney and prsenting Defndat Lisa Lucill chenowth

NOTICE OF APPEAL

Notice is hereby given that C. D., defendant above named, hereby appeals to the Supreme Court of Nevada (from the final judgment) (from the order (describing it)) entered in this action on the ...11..... day of .....14....., 20 .....

/s/ CHRISTOPER M. KELLER ESQ
Attorney for C.D. All STATE HOME Insurance
prsenting Lisa Lucill chenowth
Address Defndant

Senait Habte

11-17-2023

Electronically Filed
11/21/2023 1:37 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA

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

SENAIT HABTE,

Plaintiff(s),

vs.

LISA LUCILLE CHENOWETH FAMILY TRUST,

Defendant(s),

Case No: A-22-860784-C

Dept No: XXXI

CASE APPEAL STATEMENT

1. Appellant(s): Senait Habte

2. Judge: Joanna S. Kishner

3. Appellant(s): Senait Habte

Counsel:

Senait Habte
2615 S. Durango Dr., #101
Las Vegas, NV 89117

4. Respondent (s): Lisa Lucielle Chenoweth Family Trust

Counsel:

Christopher M. Keller, Esq.
1645 Village Center Cir., Ste. 160
Las Vegas, NV 89134

Case Number: A-22-860784-C

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, November 7, 2022
***Expires 1 year from date filed* Expired
Appellant Filed Application to Proceed in Forma Pauperis: Yes,
Date Application(s) filed: November 17, 2023

9. Date Commenced in District Court: November 3, 2022

10. Brief Description of the Nature of the Action: NEGLIGENCE - Other

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 21 day of November 2023.

Steven D. Grierson, Clerk of the Court

/s/ Cierra Borum
Cierra Borum, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Senait Habte

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-22-860784-C

Senait Habte, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna S.**
Lisa Chenoweth, Defendant(s)	§	Filed on:	**11/03/2022**
	§	Cross-Reference Case Number:	**A860784**

CASE INFORMATION

Case Type: **Negligence - Other Negligence**

Case Status: **11/03/2022 Open**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-22-860784-C
Court	Department 31
Date Assigned	11/03/2022
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Habte, Senait**	**Pro Se** 909-264-5457(H)
Defendant	**Chenoweth, Lisa**	**Keller, Christopher M.** *Retained* 702-318-8800(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

EVENTS

11/03/2022 Complaint
Filed By: Plaintiff Habte, Senait
[1] Complaint

11/03/2022 Application to Proceed in Forma Pauperis
Filed By: Plaintiff Habte, Senait
[2] Application to Proceed in Forma Pauperis

11/03/2022 Summons Issued
[3] Summons

11/03/2022 Document Filed
Filed by: Plaintiff Habte, Senait
[4] Supportive Complain Document

11/07/2022 Order to Proceed In Forma Pauperis
Granted for: Plaintiff Habte, Senait
[5] Order to Proceed In Forma Pauperis

11/10/2022 Motion
Filed By: Plaintiff Habte, Senait
[6] Motion Premises Liability

11/30/2022	Memorandum *[7] Court's Memo RE: Emergency Continuance of Hearing Set for December 1, 2022, to December 6, 2022, With Remote Appearance Information **PLEASE READ MEMO IN ITS ENTIRETY***
12/02/2022	Memorandum *[8] Court's Memo RE: Remote Appearance Information for DECEMBER 6, 2022, Hearing **PLEASE REVIEW IN ITS ENTIRETY***
01/18/2023	Affidavit of Service Filed By: Plaintiff Habte, Senait *[9]*
01/25/2023	Motion Filed By: Plaintiff Habte, Senait *[10] Motion for Cover Sheet to Switched From Other Negligence to Premises Liability*
01/25/2023	Motion to Dismiss Filed By: Defendant Chenoweth, Lisa *[11] Defendant's Motion to Dismiss*
01/25/2023	Initial Appearance Fee Disclosure Filed By: Defendant Chenoweth, Lisa *[12] Defendant's Initial Appearance Fee Disclosure*
01/27/2023	Clerk's Notice of Hearing *[13] Notice of Hearing*
02/24/2023	Non Opposition Filed By: Defendant Chenoweth, Lisa *[14] Defendant's Response to Motion to Edit Coversheet to Complaint and Notice of Non - Opposition to Defendant's Motion*
02/24/2023	Audiovisual Transmission Equipment Appearance Request Party: Defendant Chenoweth, Lisa *[15] Defendant's Notice of Intent to Appear by Simultaneous Audiovisual Transmission*
02/24/2023	Memorandum *[16] Court's Memo RE: Remote Appearance Information for FEBRUARY 28, 2023, Hearing **PLEASE REVIEW IN ITS ENTIRETY***
02/27/2023	Opposition to Motion to Dismiss Filed By: Plaintiff Habte, Senait *[17] Opposition to Motion to Dismiss Should be Granted Pursuant to EDCR 2.20*
03/14/2023	Order Granting Motion Filed By: Defendant Chenoweth, Lisa *[18] Order Granting Defendant's Motion to Dismiss*
03/14/2023	Notice of Entry of Order Filed By: Defendant Chenoweth, Lisa *[19] Notice of Entry of Order Granting Defendant's Motion to Dismiss*

03/30/2023	Temporary Seal Pending Court Approval Filed By: Plaintiff Habte, Senait *[20] Documents Filed in Support of Rewrite the Complaint*
05/04/2023	Motion to Dismiss Filed By: Defendant Chenoweth, Lisa *[22] Defendant's Motion to Dismiss/Motion to Strike*
05/05/2023	Clerk's Notice of Hearing *[23] Notice of Hearing*
05/18/2023	Filed Under Seal Filed By: Plaintiff Habte, Senait *[24] SEALED PER MINUTE ORDER 6/6/23 [24] Opposition to Defendant's Motion to Dismiss / Motion to Strike*
05/25/2023	Notice of Change of Hearing *[25] Notice of Change of Hearing*
06/02/2023	Audiovisual Transmission Equipment Appearance Request Party: Defendant Chenoweth, Lisa *[27] Defendant's Notice of Intent to Appear by Simultaneous Audiovisual Transmission*
06/05/2023	Memorandum *[28] Court's Memo RE: Remote Appearance Information for JUNE 6, 2023, Hearing **PLEASE READ MEMO IN ITS ENTIRETY*****
06/20/2023	Second Amended Complaint Filed By: Plaintiff Habte, Senait *[29] Second Amended Complaint*
06/20/2023	Certificate of Electronic Service Filed By: Plaintiff Habte, Senait *[30] Certificate of Electronic Service*
07/07/2023	Motion Filed By: Plaintiff Habte, Senait *[31] Motion Second Amended Conplaint Done Within Two Week as Court Ordered*
07/07/2023	Change of Address Filed By: Plaintiff Habte, Senait *[32] Change of the Address*
08/04/2023	Memorandum *[33] Court's Memo RE: Remote Appearance Information for AUGUST 8, 2023, Hearing **PLEASE REVIEW IN ITS ENTIRETY***
08/07/2023	Audiovisual Transmission Equipment Appearance Request Party: Defendant Chenoweth, Lisa *[34] Defendant's Notice of Intent to Appear Remotely for Mandatory Rule 16 Conference*
08/08/2023	Answer Filed By: Defendant Chenoweth, Lisa *[35] Defendant's Answer to Plaintiff's Second Amended Complaint*

08/10/2023	Order *[36] Order Granting Defendant's Motion to Dismiss/Motion to Strike, in Part and Denying Motion in Part*
08/10/2023	Notice of Entry of Order Filed By: Defendant Chenoweth, Lisa *[37] Notice of Entry of Order Granting Motion to Dismiss/Motion to Strike in Part and Denying in Part*
08/14/2023	Opposition Filed By: Plaintiff Habte, Senait *[38] Oppositon to Defendant's Answer to Second Amended Complaint*
09/05/2023	Notice of Early Arbitration Conference Filed By: Plaintiff Habte, Senait *[39] Notice of Early Case Conference Request*
09/14/2023	Request for Exemption From Arbitration Filed by: Plaintiff Habte, Senait *[40] Requst for Exwpemption*
09/19/2023	Opposition to Request for Exemption Filed by: Defendant Chenoweth, Lisa *[41] Defendant's Opposition to Request for Exemption from Arbitration*
09/29/2023	Notice to Appear for Arb Conference on Request for Exemption *[42] Notice to Appear to Submit Additional Facts Regarding Exemption from Arbitration*
10/04/2023	Reply to Opposition to Request for Exemption Filed by: Plaintiff Habte, Senait *[43] Reply to Opposition to Request for Exemption*
10/18/2023	Reply Filed by: Plaintiff Habte, Senait *[44] Reply/Response to (Request for Exemption Submition of Additional Facts) from Arbitration*
10/26/2023	Objection to Commissioner's Decision on Request for Exemptio Filed by: Plaintiff Habte, Senait *[45] Objection to Commissioner's Decision on Request for Exemptio*
11/01/2023	Commissioners Decision on Request for Exemption - Denied *[46] Commissioner's Decision on Request for Exemption - DENIED*
11/14/2023	Order on Objection to Commissioner's Decision *[47] Order on Objection to Commissioner's Decision Regarding Arbitration Exemption*
11/16/2023	Appointment of Arbitrator *[48] Appointment of Arbitrator*
11/17/2023	Notice of Appeal Filed By: Plaintiff Habte, Senait *[49] Notice of Appeal*

11/17/2023 Application to Proceed in Forma Pauperis
Filed By: Plaintiff Habte, Senait
[50] Application to Proceed in Forma Pauperis

11/21/2023 Case Appeal Statement
Case Appeal Statement

DISPOSITIONS

03/14/2023 **Order of Dismissal** (Judicial Officer: Kishner, Joanna S.)
Debtors: Senait Habte (Plaintiff)
Creditors: Lisa Chenoweth (Defendant)
Judgment: 03/14/2023, Docketed: 03/15/2023

HEARINGS

12/06/2022 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Motion Premises Liability
Denied Without Prejudice;
Journal Entry Details:
No parties present. Court NOTED it rescheduled the hearing date and received acknowledgment of such from Plaintiff. Court stated its Findings and ORDERED Motion Premises Liability DENIED WITHOUT PREJUDICE. Court NOTED the Motion did not contain Points and Authorities and it did not appear the summons/Complaint were served. The Motion was not proper and no one was present to address the basis for ruling.;

02/28/2023 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Motion for Cover Sheet to Switched From Other Negligence to Premises Liability
Matter Heard;

02/28/2023 **All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
PLAINTIFF'S MOTION FOR COVER SHEET TO SWITCHED FROM OTHER NEGLIGENCE TO PREMISES LIABILITY... DEFENDANT'S MOTION TO DISMISS Court inquired into the intention(s) of Pro Se Plaintiff. Ms. Habte stated Defendant filed a Motion to Dismiss after not being served, however, she tried to make changes before the Motion to Dismiss was filed. Mr. Keller stated a Notice of Non-Opposition was filed considering Plaintiff did not file an Opposition to the Motion to Dismiss. Court NOTED Plaintiff filed a document yesterday, February 27, 2023. Mr. Keller asserted he received Plaintiff's document yesterday, however, Plaintiff named the wrong defendant considering Lisa Chenoweth was not the owner individually and the property was held in a Trust. Mr. Keller noted nothing factually was alleged in the Complaint that would support the claims. Court stated its inclination and gave a tentative ruling. Following further arguments, Court turned its inclination into a ruling and ORDERED Defendant's Motion to Dismiss GRANTED WITH LEAVE TO AMEND. Court FURTHER ORDERED Amended Complaint DUE 21 days from the Notice of Entry of Order. Court NOTED the new Complaint needed to set forth enough notice as to the underlying issues and list the correct Defendant. COURT DIRECTED Mr. Keller to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.;

02/28/2023 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Events: 01/25/2023 Motion to Dismiss
Defendant's Motion to Dismiss
Granted in Part;

06/06/2023 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Events: 05/04/2023 Motion to Dismiss
Defendant's Motion to Dismiss/Motion to Strike
Granted in Part;

Journal Entry Details:
Court NOTED it would consider Pro Se Plaintiff's Opposition and Documents in Support. Upon Court's inquiry, Mr. Keller stated he felt the initial Opposition did not warrant a Reply, Court granted Defendant's Motion to Dismiss with leave for Plaintiff to amend the Complaint and Plaintiff filed a document in support instead of rewriting the Complaint. Mr. Keller argued Plaintiff's "Amended Complaint" alleged a single cause of action for negligence without identifying any factual basis for the claim and should be stricken considering it included a significant amount of medical records and personal information in the caption. Mr. Keller addressed the incident in question and statute of limitation issues. Colloquy regarding relief requested, a more definite statement and procedural issues. Ms. Habte stated she tried to express how she was injured and did not know the medical records attached were public record. Ms. Habte requested her records be sealed. Court stated its inclination and gave a tentative ruling. Colloquy regarding a settlement conference and Motion to Dismiss standards. Court stated its Findings and ORDERED Motion to Dismiss DENIED WITHOUT PREJUDICE and Motion to Strike GRANTED IN PART with leave to amend. Court FURTHER ORDERED Second Amended Complaint DUE two (2) weeks from Notice of Entry of Order. Colloquy regarding correcting the case caption and medical records. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing party, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders. Court ORDERED DOC 21 (Amended Complaint) STRICKEN with leave to amend to file Second Amended Complaint per ruling on DOC 22 (Motion to Dismiss), DOC 26 (Documents in Support) STRICKEN per Plaintiff's request considering they contained private medical information, DOC 24 (Opposition to Motion) SEALED per Supreme Court Rule 3 and DOC 20 (Documents in Support) temporarily sealed until the Court addressed them for they contained private medical information.;

08/08/2023 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Motion Second Amended Conplaint Done Within Two Week as Court Ordered
Matter Heard;
Journal Entry Details:
Court NOTED on June 6, 2023, following the hearing on Defendant's Motion to Dismiss/Motion to Strike, Defense Counsel was directed to prepare an Order with detailed Findings of Fact and Conclusions of Law and circulate to the opposing party yet one was not provided. The Court further required Plaintiff's Second Amended Complaint due within 14 days after the NEO. Plaintiff complied by filing her Second Amended Complaint despite an absent Order. Ms. Collins apologized for the oversight and confirmed a proposed Order would be filed tomorrow and circulated to Plaintiff. Court ORDERED the Order pertaining to the June 6, 2023 hearing DUE tomorrow and to include Plaintiff filed her Amended Complaint, which was the operative Complaint, considering she could not wait any longer during Defendant's non-compliance. Upon Court's inquiry, Ms. Collins confirmed Defendant would file an Answer to the Amended Complaint and was not seeking a dismissal. Colloquy regarding Early Case Conference Report requirements.;

10/20/2023 **Arbitration Conference** (9:00 AM) (Judicial Officer: Ganz, Adam)
Request for Exemption via BLUEJEANS
Denied Without Prejudice;
Journal Entry Details:
Commissioner noted the moving party must prove a probable value of $50,000.00 or more, and after reading Plaintiff's Request It did not know what it is Plaintiff was arguing nor what the damages were or how Plaintiff would argue those damages. Upon Commissioner's inquiry, Plaintiff stated she has insurance bills totaling $40,000.00 related to the incident at issue. Upon Commissioner's further inquiry, Mr. Keller noted he received an un-dated printout that shows Plaintiff paid a list of bills. Argument by Mr. Keller. COMMISSIONER RECOMMENDED, Plaintiff's Request for Exemption from Arbitration DENIED WITHOUT PREJUDICE as Plaintiff did not meet their burden to prove the probable value of $50,000.00 or more. COMMISSIONER FURTHER RECOMMENDED, Plaintiff, ISSUED a fine of $150.00 to be paid to the Legal Aide Center of Southern Nevada due to the Request's untimely filing. Commissioner's office will issue the Decision.;

DATE	FINANCIAL INFORMATION	
	Defendant Chenoweth, Lisa	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 11/21/2023	**0.00**

Plaintiff Habte, Senait	
Total Charges	294.00
Total Payments and Credits	270.00
Balance Due as of 11/21/2023	**24.00**

DISTRICT COURT CIVIL COVER SHEET

A-22-860784-C
Dept: XXXI

County, Nevada

Case No.
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Senait Habte	Lisa Chenowth
7572 KALMALII AVE	8640 Castle Ridge AVE
(909)2645457	Las Vegas NV 89117
	(702) 525-6864
Attorney (name/address/phone):	Attorney (name/address/phone):

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property	Torts	
Landlord/Tenant	**Negligence**	**Other Torts**
☐ Unlawful Detainer	☐ Auto	☐ Product Liability
☐ Other Landlord/Tenant	☐ Premises Liability	☐ Intentional Misconduct
Title to Property	■ Other Negligence	☐ Employment Tort
☐ Judicial Foreclosure	**Malpractice**	☐ Insurance Tort
☐ Other Title to Property	☐ Medical/Dental	☐ Other Tort
Other Real Property	☐ Legal	
☐ Condemnation/Eminent Domain	☐ Accounting	
☐ Other Real Property	☐ Other Malpractice	

Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate *(select case type and estate value)*	**Construction Defect**	**Judicial Review**
☐ Summary Administration	☐ Chapter 40	☐ Foreclosure Mediation Case
☐ General Administration	☐ Other Construction Defect	☐ Petition to Seal Records
☐ Special Administration	**Contract Case**	☐ Mental Competency
☐ Set Aside	☐ Uniform Commercial Code	**Nevada State Agency Appeal**
☐ Trust/Conservatorship	☐ Building and Construction	☐ Department of Motor Vehicle
☐ Other Probate	☐ Insurance Carrier	☐ Worker's Compensation
Estate Value	☐ Commercial Instrument	☐ Other Nevada State Agency
☐ Over $200,000	☐ Collection of Accounts	**Appeal Other**
☐ Between $100,000 and $200,000	☐ Employment Contract	☐ Appeal from Lower Court
■ Under $100,000 or Unknown	☐ Other Contract	☐ Other Judicial Review/Appeal
☐ Under $2,500		

Civil Writ		Other Civil Filing
Civil Writ		**Other Civil Filing**
☐ Writ of Habeas Corpus	☐ Writ of Prohibition	☐ Compromise of Minor's Claim
☐ Writ of Mandamus	☐ Other Civil Writ	☐ Foreign Judgment
☐ Writ of Quo Warrant		■ Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

11-3-2022
Date

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
11/14/2023 12:50 PM
CLERK OF THE COURT

OOCD

DISTRICT COURT

CLARK COUNTY, NEVADA

Senait Habte, Plaintiff(s) vs. Lisa Lucille Chenowith Family Trust, Defendant(s)	CASE NO: A-22-860784-C DEPT. NO: XXXI

ORDER ON OBJECTION TO COMMISSIONER'S DECISION REGARDING ARBITRATION EXEMPTION

The Court, having reviewed the Commissioner's Decision concerning Exemption from Arbitration and having received the objections thereto and the written arguments in support of said objections, and good cause appearing,

IT IS HEREBY ORDERED the Commissioner's Decision is:

_X_ affirmed and adopted.

_____ reversed.

_____ set for hearing on _____, 2023, at _____ A.M.

DATED this _____ day of _____, 2023.

Dated this 14th day of November, 2023

Joanna S Kishner

DISTRICT JUDGE

376 E75 C0DD 8248
Joanna S. Kishner
District Court Judge

ADR
COMMISSIONER
EIGHTH JUDICIAL
DISTRICT COURT

CSERV

DISTRICT COURT
CLARK COUNTY, NEVADA

Senait Habte, Plaintiff(s)	CASE NO: A-22-860784-C
vs.	DEPT. NO. Department 31
Lisa Chenoweth, Defendant(s)	

AUTOMATED CERTIFICATE OF SERVICE

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order on Objection to Commissioner's Decision was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 11/14/2023

Donna Simpson	dsimpson@hawkinsmelendrez.com
Thresa Lloyd	tlloyd@hawkinsmelendrez.com
Christopher Keller	ckeller@hawkinsmelendrez.com
Senait Habte	senaitd3010@yahoo.com

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Other Negligence **COURT MINUTES** **December 06, 2022**

A-22-860784-C Senait Habte, Plaintiff(s)
vs.
Lisa Chenoweth, Defendant(s)

December 06, 2022 9:00 AM Motion

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- No parties present. Court NOTED it rescheduled the hearing date and received acknowledgment of such from Plaintiff. Court stated its Findings and ORDERED Motion Premises Liability DENIED WITHOUT PREJUDICE. Court NOTED the Motion did not contain Points and Authorities and it did not appear the summons/Complaint were served. The Motion was not proper and no one was present to address the basis for ruling.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Other Negligence **COURT MINUTES** **February 28, 2023**

A-22-860784-C Senait Habte, Plaintiff(s)
vs.
Lisa Chenoweth, Defendant(s)

February 28, 2023 **9:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES PRESENT:

Habte, Senait	Plaintiff
Keller, Christopher M.	Attorney

JOURNAL ENTRIES

- PLAINTIFF'S MOTION FOR COVER SHEET TO SWITCHED FROM OTHER NEGLIGENCE TO PREMISES LIABILITY... DEFENDANT'S MOTION TO DISMISS

Court inquired into the intention(s) of Pro Se Plaintiff. Ms. Habte stated Defendant filed a Motion to Dismiss after not being served, however, she tried to make changes before the Motion to Dismiss was filed. Mr. Keller stated a Notice of Non-Opposition was filed considering Plaintiff did not file an Opposition to the Motion to Dismiss. Court NOTED Plaintiff filed a document yesterday, February 27, 2023. Mr. Keller asserted he received Plaintiff's document yesterday, however, Plaintiff named the wrong defendant considering Lisa Chenoweth was not the owner individually and the property was held in a Trust. Mr. Keller noted nothing factually was alleged in the Complaint that would support the claims. Court stated its inclination and gave a tentative ruling. Following further arguments, Court turned its inclination into a ruling and ORDERED Defendant's Motion to Dismiss GRANTED WITH LEAVE TO AMEND. Court FURTHER ORDERED Amended Complaint DUE 21 days from the Notice of Entry of Order. Court NOTED the new Complaint needed to set forth enough notice as to the underlying issues and list the correct Defendant. COURT DIRECTED Mr. Keller to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing counsel, and submit to the Court pursuant to EDCR 7.21 and the current Administrative

Orders.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Other Negligence **COURT MINUTES** **June 06, 2023**

A-22-860784-C Senait Habte, Plaintiff(s)
vs.
Lisa Chenoweth, Defendant(s)

June 06, 2023 **9:30 AM** **Motion to Dismiss**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES PRESENT:

Habte, Senait	Plaintiff
Keller, Christopher M.	Attorney

JOURNAL ENTRIES

- Court NOTED it would consider Pro Se Plaintiff's Opposition and Documents in Support. Upon Court's inquiry, Mr. Keller stated he felt the initial Opposition did not warrant a Reply, Court granted Defendant's Motion to Dismiss with leave for Plaintiff to amend the Complaint and Plaintiff filed a document in support instead of rewriting the Complaint. Mr. Keller argued Plaintiff's "Amended Complaint" alleged a single cause of action for negligence without identifying any factual basis for the claim and should be stricken considering it included a significant amount of medical records and personal information in the caption. Mr. Keller addressed the incident in question and statute of limitation issues. Colloquy regarding relief requested, a more definite statement and procedural issues. Ms. Habte stated she tried to express how she was injured and did not know the medical records attached were public record. Ms. Habte requested her records be sealed. Court stated its inclination and gave a tentative ruling. Colloquy regarding a settlement conference and Motion to Dismiss standards. Court stated its Findings and ORDERED Motion to Dismiss DENIED WITHOUT PREJUDICE and Motion to Strike GRANTED IN PART with leave to amend. Court FURTHER ORDERED Second Amended Complaint DUE two (2) weeks from Notice of Entry of Order. Colloquy regarding correcting the case caption and medical records. COURT DIRECTED Defense to prepare the Order with detailed Findings of Fact and Conclusions of Law, circulate to opposing

party, and submit to the Court pursuant to EDCR 7.21 and the current Administrative Orders.

Court ORDERED DOC 21 (Amended Complaint) STRICKEN with leave to amend to file Second Amended Complaint per ruling on DOC 22 (Motion to Dismiss), DOC 26 (Documents in Support) STRICKEN per Plaintiff's request considering they contained private medical information, DOC 24 (Opposition to Motion) SEALED per Supreme Court Rule 3 and DOC 20 (Documents in Support) temporarily sealed until the Court addressed them for they contained private medical information.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Other Negligence **COURT MINUTES** **August 08, 2023**

A-22-860784-C Senait Habte, Plaintiff(s)
vs.
Lisa Chenoweth, Defendant(s)

August 08, 2023 **9:00 AM** **Motion**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 16B

COURT CLERK: Stephanie Rapel

RECORDER: Lara Corcoran

REPORTER:

PARTIES PRESENT:

Collins, Britannica D'Aja	Attorney
Habte, Senait	Plaintiff

JOURNAL ENTRIES

- Court NOTED on June 6, 2023, following the hearing on Defendant's Motion to Dismiss/Motion to Strike, Defense Counsel was directed to prepare an Order with detailed Findings of Fact and Conclusions of Law and circulate to the opposing party yet one was not provided. The Court further required Plaintiff's Second Amended Complaint due within 14 days after the NEO. Plaintiff complied by filing her Second Amended Complaint despite an absent Order. Ms. Collins apologized for the oversight and confirmed a proposed Order would be filed tomorrow and circulated to Plaintiff. Court ORDERED the Order pertaining to the June 6, 2023 hearing DUE tomorrow and to include Plaintiff filed her Amended Complaint, which was the operative Complaint, considering she could not wait any longer during Defendant's non-compliance. Upon Court's inquiry, Ms. Collins confirmed Defendant would file an Answer to the Amended Complaint and was not seeking a dismissal. Colloquy regarding Early Case Conference Report requirements.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Other Negligence **COURT MINUTES** **October 20, 2023**

A-22-860784-C Senait Habte, Plaintiff(s)
vs.
Lisa Chenoweth, Defendant(s)

October 20, 2023 **9:00 AM** **Arbitration Conference**

HEARD BY: Ganz, Adam **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Briana Barrett

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

Habte, Senait		Plaintiff
Keller, Christopher	M.	Attorney

JOURNAL ENTRIES

- Commissioner noted the moving party must prove a probable value of $50,000.00 or more, and after reading Plaintiff's Request It did not know what it is Plaintiff was arguing nor what the damages were or how Plaintiff would argue those damages. Upon Commissioner's inquiry, Plaintiff stated she has insurance bills totaling $40,000.00 related to the incident at issue. Upon Commissioner's further inquiry, Mr. Keller noted he received an un-dated printout that shows Plaintiff paid a list of bills. Argument by Mr. Keller. COMMISSIONER RECOMMENDED, Plaintiff's Request for Exemption from Arbitration DENIED WITHOUT PREJUDICE as Plaintiff did not meet their burden to prove the probable value of $50,000.00 or more. COMMISSIONER FURTHER RECOMMENDED, Plaintiff, ISSUED a fine of $150.00 to be paid to the Legal Aide Center of Southern Nevada due to the Request's untimely filing. Commissioner's office will issue the Decision.

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

SENAIT HABTE
2615 S. DURANGO DR., #101
LAS VEGAS, NV 89117

DATE: November 21, 2023
CASE: A-22-860784-C

RE CASE: SENAIT HABTE vs. LISA LUCILLE CHENOWETH FAMILY TRUST

NOTICE OF APPEAL FILED: November 17, 2023

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☒ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases
- *Previously paid Bonds are not transferable between appeals without an order of the District Court.*

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☒ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada
County of Clark } **SS:**

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER ON OBJECTION TO COMMISSIONER'S DECISION REGARDING ARBITRATION EXEMPTION; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SENAIT HABTE,

Plaintiff(s),

vs.

LISA LUCILLE CHENOWETH FAMILY TRUST,

Defendant(s),

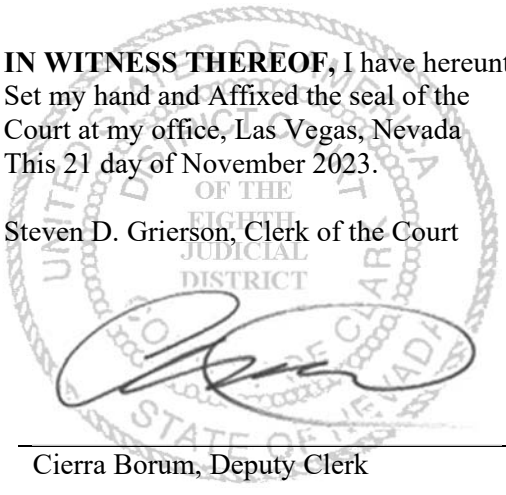
Case No: A-22-860784-C

Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 21 day of November 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk