MR. Darryl E. Gholson #1004281
[A.K.A. Sayles] P.C.C.
P.O. Box # 509
Pioche, Nevada
89043

FILED
OCT 05 2015
CLERK OF COURT

Original

Electronically Filed
Oct 08 2015 03:11 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

DISTRICT COURT
CLARK COUNTY, NEVADA

DARRYL E GHOLSON, AN individual
Plaintiff

-VS-

X-CELL COMMUNICATION,
A.K.A. CRICKET WIRELESS,
Defendant(s)

CASE NO.# A713861
DEPT. NO# XXXI

A-15-713861-C
NOASC
Notice of Appeal (criminal)
4491712

NOTICE OF APPEAL

TO, CLERK OF THE COURT, AND
SUPREME COURT, STATE OF NEVADA,

YOU WILL PLEASE TAKE NOTICE, THAT PLAINTIFF, DARRYL E. GHOLSON, IN PRO SE, HEREBY RE-FILES HIS NOTICE OF APPEAL TO THE NEVADA SUPREME COURT, ON ABOVE DEFENDANT'S MOTION TO DISMISS, AND MOTION FOR SANCTIONS THAT WAS GRANTED ON MAY 26TH 2015, IN DEPT. NO# 31, BY THE HON. JOANNA KISHNER, DISTRICT JUDGE,

DATED THIS 30 DAY OF SEPTEMBER 2015,

RESPECTFULLY SUBMITTED
DARRYL E. GHOLSON #1004281
IN PRO SE, P.C.C.
P.O. BOX # 509
PIOCHE, NEVADA 89043

RECEIVED
OCT 05 2015
CLERK OF THE COURT



Docket 68957 Document 2015-30649

# HISTORY OF CASE,

Plaintiff submits that on MAY 26th 2015, the Honorable Joanna Kishner Dismissed Plaintiff's Civil Complaint, Granting defendants motion to Dismiss, And Denying Plaintiff's motion for Sanctions, Plaintiff filed A Notice of Appeal on June 8, 2015, The order Granting Defendant's motion To Dismiss And Denying Plaintiff's motion For sanctions, was filed on June 19th 2015,
The Nevada Supreme Court Dismissed the Appeal, pursuant to the district Court had not entered A final, written order resolving All of the Claims, and issues below, July 1, 2015,
Plaintiff ask for that order to be reconsidered due to the fact that the order had been file, on June 19, 2015, And the Supreme Court did not issue their order dismissing until July 1, 2015
Thereafter, on September 25, 2015, the Supreme Court Denyed Plaintiff's request for rehearing, So Plaintiff now resubmits his Notice of Appeal,

Dated this 30 day of September 2015,

Respectfully Submitted
Darryl Ed Catalson #1004681

In Prose, P.C.C.
P.O. Box 509
Pioche, Nevada 89043

# CERTIFICATE OF SERVICE BY MAILING

I, Darryl E. Gholson, declair pursuant To NRCP. 5(b) That on the 30 day of September 2015, I sent my second Notice of Appeal to the following:

The Clerk of the Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada
89155

Snell and Wilmer, LLP
Attorneys at Law #1100
3883 Howard Hughes Parkway
Las Vegas, Nevada
89169-5958

Dated this 30 day of September 2015

Respectfully Submitted
Darryl E. Gholson #1004281
In Rose, P.C.C.
P.O. Box 509
Pioche, Nevada 89043

Affirmation Pursuant To NRS. 239B.030

The undersign hereby affirms that the inclose does not Contain the Social Security Number of any person.

Plaintiff

# EXHIBIT A

# EXHIBIT A

Darryl E. Gholson #1004281
[A.K.A. Sayler] S.D.C.C.
P.O. Box # 208
Indian Springs, Nevada
89070

FILED
JUN 08 2015
CLERK OF COURT

District Court
Clark County, Nevada

DARRYL E. GHOLSON, AN individual
Plaintiff

-Vs-

Case No. # A-15-713861-C
Dept. No. # XXX1

X-CELL COMMUNICATION
A.K.A. CRECKET WIRELESS
Defendant(s)

NOTICE OF APPEAL

PLEASE TAKE NOTICE, that a hearing was held on a motion to Dismiss on the 26th day of MAY 2015, in Department Number 31, of the district court. The court thereafter, GRANTED that motion, and Plaintiff Submits A Notice of Appeal To the Nevada Supreme Court.

Dated this 2 day of June 2015,

Respectfully Submitted
Darryl E. Gholson #1004281
In Prose, S.D.C.C.
P.O. Box # 208
Ind. Springs, Nev. 89070

RECEIVED
JUN 08 2015
CLERK OF THE COURT

# CERTIFICATE OF SERVICE

I, Darryl E. Gholson, do hereby declair pursuant To N.R.C.P. 5(b) that on the 2 day of June 2015, I sent my NOTICE OF APPEAL To the following:

The Clerk of the Court
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada
89155,

Robin E. Perkins, Esq
Attorney For Defendant(s) 11100
3883 Howard Hughes, Parkway
Las Vegas, Nevada
89169

Dated this 2 day of June 2015,

Submitted #1004281
Darryl E. Gholson
In Pro Se, S.D.C.C.
P.O. Box# 208
Indian Springs, Nevada
89020

AFFIRMATION PURSUANT TO NRS. 239B.030

The undersign hereby affirms that the inclosed does not contain the social security Number of any person.

Plaintiff

**ORDR**

Amy F. Sorenson, Esq.
Nevada Bar No. 12495
Robin E. Perkins, Esq.
Nevada Bar No. 9891
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
asorenson@swlaw.com
rperkins@swlaw.com

*Attorneys for Defendant Cricket Communications, LLC, Incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

Electronically Filed
06/19/2015 12:58:25 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| DARRYL E. GHOLSON, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>X-CELL COMMUNICATION A.K.A. CRICKET WIRELESS,<br><br>Defendant. | CASE NO. A-15-713861-C<br>DEPT. XXXI<br><br>**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS**<br><br>**-AND-**<br><br>**DENYING PLAINTIFF'S MOTION FOR SANCTIONS** |

Defendant Cricket Communications LLC's ("Cricket") Motion to Dismiss and Plaintiff Darryl E. Gholson's Motion for Sanctions came on for hearing on May 26, 2015 at 9:30 a.m., before the Honorable Judge Kishner in Department 31 of the above-entitled Court. Robin E. Perkins, Esq. of Snell & Wilmer L.L.P. appeared on behalf of Cricket. Plaintiff Darryl E. Gholson, who upon information and belief is currently incarcerated, did not appear and did not request a telephonic appearance. Having read the moving papers, and having heard the arguments of Defendant's counsel, and good cause appearing,

///

☐ Voluntary Dismissal
☐ Involuntary Dismissal
☒ Stipulated Dismissal
☐ Motion to Dismiss by Deft(s)
☐ Summary Judgment
☒ Stipulated Judgment
☐ Default Judgment
☐ Judgment of Arbitration

Judgment Entered In
TC31

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Cricket's Motion to Dismiss is GRANTED. The Court finds that dismissal is required as a matter of law as the doctrine of claims preclusion applies here (*see Gholson v. Cricket Wireless Corporation*, Case No. A-11-651049, Eighth Judicial District Court, Clark County, Nevada), because the parties are the same, there was a prior final and valid judgment, and this action asserts identical claims as the prior action. Accordingly, the doctrine of claim preclusion prohibits these claims from being brought a second time. Additionally, dismissal is further required as a matter of law because the applicable statute of limitations has expired.

**IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that no basis for Plaintiff's Motion for Sanctions exists, and Plaintiff's Motion for Sanctions is therefore DENIED.

Dated this 17 day of June, 2015.

JOANNA S. KISHNER

DISTRICT COURT JUDGE

Respectfully submitted:

SNELL & WILMER L.L.P.

By: Robin E. Perkins

Amy F. Sorenson, Esq.
Robin E. Perkins, Esq.
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Defendant Cricket Communications, LLC, incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

Approved as to form and content:

DARRYL E. GHOLSON

By: received no response

Darryl E. Gholson
Southern Desert Correctional Center
P.O. Box #208
Indian Springs, NV 89070
*Plaintiff Pro Se*

21727437.1

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL E. GHOLSON, A/K/A DARRYL E. SAYLES,
Appellant,
vs.
X-CELL COMMUNICATION, A/K/A CRICKET WIRELESS,
Respondent.

No. 68205

FILED

JUL 01 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from an order granting respondent's motion to dismiss. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

This appeal is assigned to this court's pilot program for civil litigants proceeding in pro se. Our review of the documents before this court reveals a jurisdictional defect. Specifically, it appears that the district court has not entered a final written judgment, and the notice of appeal is premature. Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000). Once the district court has entered a final, written order resolving all of the claims and issues below, any aggrieved party may appeal. Accordingly, we

ORDER this appeal DISMISSED.

Parraguirre, J.

Douglas, J.

Cherry, J.

cc: Hon. Joanna Kishner, District Judge
Darryl E. Gholson
Snell & Wilmer LLP/Salt Lake City
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARRYL E. GHOLSON, A/K/A DARRYL E. SAYLES,
Appellant,
vs.
X-CELL COMMUNICATION, A/K/A CRICKET WIRELESS,
Respondent.

No. 68205

FILED

SEP 25 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING REHEARING*

Rehearing denied. NRAP 40(c).

It is so ORDERED.

Parraguirre, J.

Douglas, J.

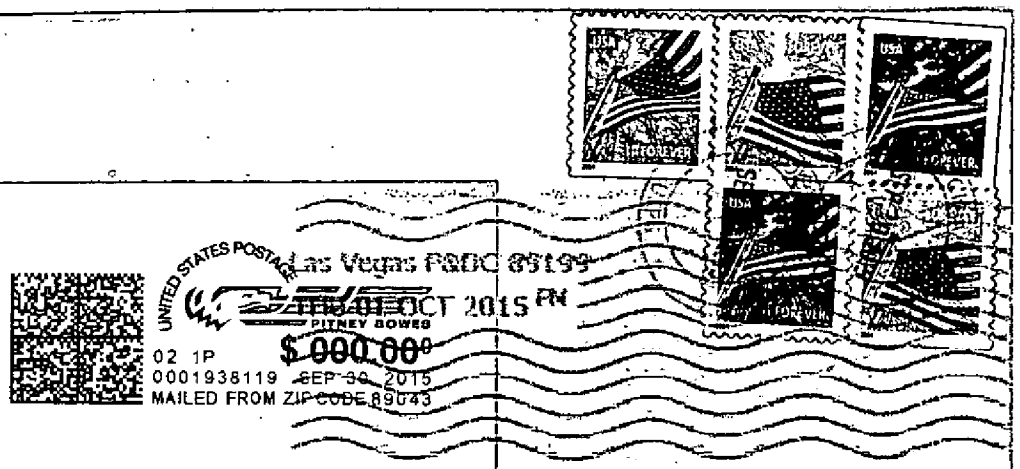
Cherry, J.

cc: Hon. Joanna Kishner, District Judge
Darryl E. Gholson
Snell & Wilmer LLP/Salt Lake City
Eighth District Court Clerk



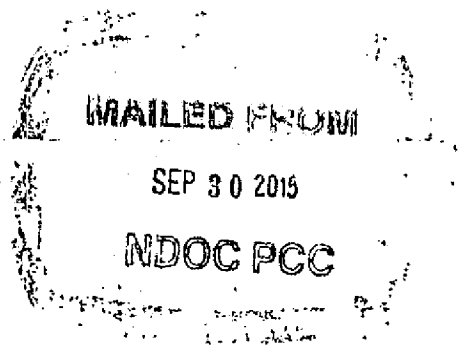
15-29129

MR. DARRYL F. GIBSON #1004281
[SAYLES] PIOCHE CONSERVATION CAMP
P.O. BOX# 509
PIOCHE, NEVADA
89043




[RETURN SERVICE REQUESTED]

TO, THE CLERK OF THE COURT
REGIONAL JUSTICE CENTER
200 LEWIS AVENUE
LAS VEGAS, NEVADA
89155


MAILED FROM
SEP 30 2015
NDOC PCC

Electronically Filed
10/06/2015 09:26:59 AM

ASTA

CLERK OF THE COURT

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

DARRYL E. GHOLSON aka DARRYL SAYLES,

Plaintiff(s),

vs.

X-CELL COMMUNICATION aka CRICKET WIRELESS,

Defendant(s),

Case No: A-15-713861-C

Dept No: XXXI

# CASE APPEAL STATEMENT

1. Appellant(s): Darryl E. Gholson

2. Judge: Joanna S. Kishner

3. Appellant(s): Darryl E. Gholson

Counsel:

Darryl E. Gholson #1004281
P.O. Box 509
Pioche, NV 89043

4. Respondent (s): X-Cell Communication aka Cricket Wireless

Counsel:

Amy F. Sorenson, Esq.
3883 Howard Hughes Pkwy., Suite 1100

Las Vegas, NV 89169

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. Appellant 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, February 12, 2015
   ***Expires 1 year from date filed*
   Appellant Filed Application to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: February 12, 2015

10. Brief Description of the Nature of the Action: Unknown

    Type of Judgment or Order Being Appealed: Dismissal

11. Previous Appeal: Yes

    Supreme Court Docket Number(s): 68205

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 6 day of October 2015.

Steven D. Grierson, Clerk of the Court

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

cc: Darryl E. Gholson

DEPARTMENT 31

# CASE SUMMARY

## CASE NO. A-15-713861-C

| | | | |
|---|---|---|---|
| **Darryl Gholson, Plaintiff(s)** | § | Location: | **Department 31** |
| **vs.** | § | Judicial Officer: | **Kishner, Joanna S.** |
| **X-Cell Communication, Defendant(s)** | § | Filed on: | **02/12/2015** |
| | § | Case Number History: | |
| | § | Cross-Reference Case Number: | **A713861** |
| | § | Supreme Court No.: | **68205** |

### CASE INFORMATION

**Statistical Closures**
06/19/2015 Motion to Dismiss (By Defendant)

Case Type: **Other Civil Matters**

Case Flags: **Appealed to Supreme Court**
**Jury Demand Filed**
**In Forma Pauperis Granted**
*Granted for Darryl Gholson 2/12/2015*

### DATE — CASE ASSIGNMENT

**Current Case Assignment**

| | |
|---|---|
| Case Number | A-15-713861-C |
| Court | Department 31 |
| Date Assigned | 04/24/2015 |
| Judicial Officer | Kishner, Joanna S. |

### PARTY INFORMATION

| | | *Lead Attorneys* |
|---|---|---|
| **Plaintiff** | **Gholson, Darryl E** | **Pro Se**<br>702-802-8561(H) |
| **Defendant** | **X-Cell Communication** | **Sorenson, Amy F.**<br>*Retained*<br>702-784-5200(W) |

| DATE | EVENTS & ORDERS OF THE COURT | INDEX |
|---|---|---|
| 02/12/2015 | Application to Proceed in Forma Pauperis<br>Filed By: Plaintiff Gholson, Darryl E<br>*Application to Proceed in Forma Pauperis* | |
| 02/12/2015 | Order to Proceed In Forma Pauperis<br>Granted for: Plaintiff Gholson, Darryl E<br>*Order to Proceed In Forma Pauperis* | |
| 02/12/2015 | Complaint<br>Filed By: Plaintiff Gholson, Darryl E | |
| 04/10/2015 | Affidavit of Service<br>Filed By: Plaintiff Gholson, Darryl E | |
| 04/21/2015 | Motion for Sanctions<br>Filed By: Plaintiff Gholson, Darryl E | |
| 04/21/2015 | Notice of Motion<br>Filed By: Plaintiff Gholson, Darryl E<br>*Notice of Motion for Motion for Sanctions* | |

# CASE SUMMARY

## CASE NO. A-15-713861-C

| | |
|---|---|
| 04/21/2015 | Demand for Jury Trial<br>Filed By: Plaintiff Gholson, Darryl E |
| 04/23/2015 | Initial Appearance Fee Disclosure<br>Filed By: Defendant X-Cell Communication<br>*Initial Appearance Fee Disclosure (NRS Chapter 19)* |
| 04/23/2015 | Motion to Dismiss<br>Filed By: Defendant X-Cell Communication<br>*Motion to Dismiss* |
| 04/23/2015 | Request for Judicial Notice<br>Filed By: Defendant X-Cell Communication<br>*Defendant Cricket Communications, LLC's Request for Judicial Notice* |
| 04/23/2015 | Peremptory Challenge<br>Filed by: Defendant X-Cell Communication<br>*Peremptory Challenge of Judge* |
| 04/24/2015 | Notice of Department Reassignment<br>Party: Defendant X-Cell Communication<br>*Notice of Department Reassignment* |
| 04/30/2015 | Opposition to Motion<br>Filed By: Defendant X-Cell Communication<br>*Opposition to Plaintiff's Motion for Sanctions* |
| 05/13/2015 | Opposition<br>Filed By: Plaintiff Gholson, Darryl E<br>*Opposition to Defendant's Motion to Dismiss* |
| 05/13/2015 | Notice of Motion<br>Filed By: Plaintiff Gholson, Darryl E |
| 05/18/2015 | Reply to Opposition<br>Filed by: Plaintiff Gholson, Darryl E<br>*Response to Defendants Opposition to Plaintiff's Motion for Sanctions* |
| 05/18/2015 | Notice of Motion<br>Filed By: Plaintiff Gholson, Darryl E<br>*Notice of Motion on Response to Defendants Opposition to Plaintiff's Motion for Sanctions* |
| 05/19/2015 | Reply in Support<br>Filed By: Defendant X-Cell Communication<br>*Reply in Support of Motion to Dismiss* |
| 05/26/2015 | **Motion for Sanctions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>Events: 04/21/2015 Notice of Motion<br>*Plaintiff's Motion for Sanctions* |
| 05/26/2015 | **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>*Defendant Cricket Communications LLC's (incorrectly named as X-Cell Communication) Motion to Dismiss* |

# CASE SUMMARY

## CASE NO. A-15-713861-C

| | |
|---|---|
| 05/26/2015 | **Motion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>Events: 05/13/2015 Notice of Motion<br>*Opposition to Defendant's Motion to Dismiss* |
| 05/26/2015 | **Response and Countermotion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)<br>Events: 05/18/2015 Notice of Motion<br>*Notice of Motion on Response to Defendants Opposition to Plaintiff's Motion for Sanctions* |
| 05/26/2015 | **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) |
| 06/08/2015 | Notice of Appeal |
| 06/10/2015 | Case Appeal Statement<br>Filed By: Plaintiff Gholson, Darryl E<br>*Case Appeal Statement* |
| 06/19/2015 | Order<br>Filed By: Defendant X-Cell Communication<br>*Order Granting Defendant's Motion to Dismiss and Denying Plaintiff's Motion for Sanctions* |
| 06/22/2015 | Notice of Entry of Order<br>Filed By: Defendant X-Cell Communication<br>*Notice of Entry of Order Granting Defendant's Motion to Dismiss and Denying Plaintiff's Motion for Sanctions* |
| 06/26/2015 | *CANCELED* **Status Check** (3:00 AM) **(Judicial Officer: Kishner, Joanna S.)**<br>*Vacated - Case Closed*<br>*Status Check: Order 5/26/15* |
| 10/05/2015 | Notice of Appeal (criminal)<br>*Notice of Appeal* |
| 10/06/2015 | Case Appeal Statement<br>Filed By: Plaintiff Gholson, Darryl E<br>*Case Appeal Statement* |

| DATE | FINANCIAL INFORMATION | |
|---|---|---|
| | **Defendant** X-Cell Communication | |
| | Total Charges | 228.50 |
| | Total Payments and Credits | 228.50 |
| | **Balance Due as of 10/6/2015** | **0.00** |

# DISTRICT COURT CIVIL COVER SHEET

..... County, Nevada

Case No. .....
*(Assigned by Clerk's Office)*

A-15-713861-C
XXVIII

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

| Plaintiff(s) (name/address/phone): | Defendant(s) (name/address/phone): |
|---|---|
| Darryl Gholson<br>PO Box 208<br>Indian Springs, NV 89070 | X-Cell Communication |
| 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**

**Landlord/Tenant**
- ☐ Unlawful Detainer
- ☐ Other Landlord/Tenant

**Title to Property**
- ☐ Judicial Foreclosure
- ☐ Other Title to Property

**Other Real Property**
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property

**Torts**

**Negligence**
- ☐ Auto
- ☐ Premises Liability
- ☐ Other Negligence

**Malpractice**
- ☐ Medical/Dental
- ☐ Legal
- ☐ Accounting
- ☐ Other Malpractice

**Other Torts**
- ☐ Product Liability
- ☐ Intentional Misconduct
- ☐ Employment Tort
- ☐ Insurance Tort
- ☐ Other Tort

A-15-713861-C
CCS
Civil Cover Sheet
4432909



**Probate**

**Probate** *(select case type and estate value)*
- ☐ Summary Administration
- ☐ General Administration
- ☐ Special Administration
- ☐ Set Aside
- ☐ Trust/Conservatorship
- ☐ Other Probate

**Estate Value**
- ☐ Over $200,000
- ☐ Between $100,000 and $200,000
- ☐ Under $100,000 or Unknown
- ☐ Under $2,500

**Construction Defect & Contract**

**Construction Defect**
- ☐ Chapter 40
- ☐ Other Construction Defect

**Contract Case**
- ☐ Uniform Commercial Code
- ☐ Building and Construction
- ☐ Insurance Carrier
- ☐ Commercial Instrument
- ☐ Collection of Accounts
- ☐ Employment Contract
- ☐ Other Contract

**Judicial Review/Appeal**

**Judicial Review**
- ☐ Foreclosure Mediation Case
- ☐ Petition to Seal Records
- ☐ Mental Competency

**Nevada State Agency Appeal**
- ☐ Department of Motor Vehicle
- ☐ Worker's Compensation
- ☐ Other Nevada State Agency

**Appeal Other**
- ☐ Appeal from Lower Court
- ☐ Other Judicial Review/Appeal

**Civil Writ**

**Civil Writ**
- ☐ Writ of Habeas Corpus
- ☐ Writ of Mandamus
- ☐ Writ of Quo Warrant
- ☐ Writ of Prohibition
- ☐ Other Civil Writ

**Other Civil Filing**

**Other Civil Filing**
- ☐ Compromise of Minor's Claim
- ☐ Foreign Judgment
- ☒ Other Civil Matters

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

FEB 11 2015
Date

Signature of initiating party or representative

*See other side for family-related case filings.*

**ORDR**
Amy F. Sorenson, Esq.
Nevada Bar No. 12495
Robin E. Perkins, Esq.
Nevada Bar No. 9891
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
asorenson@swlaw.com
rperkins@swlaw.com

*Attorneys for Defendant Cricket Communications, LLC, Incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

Electronically Filed
06/19/2015 12:58:25 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

| | |
|---|---|
| DARRYL E. GHOLSON, an individual,<br><br>Plaintiff,<br><br>vs.<br><br>X-CELL COMMUNICATION A.K.A. CRICKET WIRELESS,<br><br>Defendant. | CASE NO. A-15-713861-C<br>DEPT. XXXI<br><br>**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS**<br><br>**-AND-**<br><br>**DENYING PLAINTIFF'S MOTION FOR SANCTIONS** |

Defendant Cricket Communications LLC's ("Cricket") Motion to Dismiss and Plaintiff Darryl E. Gholson's Motion for Sanctions came on for hearing on May 26, 2015 at 9:30 a.m., before the Honorable Judge Kishner in Department 31 of the above-entitled Court. Robin E. Perkins, Esq. of Snell & Wilmer L.L.P. appeared on behalf of Cricket. Plaintiff Darryl E. Gholson, who upon information and belief is currently incarcerated, did not appear and did not request a telephonic appearance. Having read the moving papers, and having heard the arguments of Defendant's counsel, and good cause appearing,

///

☐ Voluntary Dismissal
☐ Involuntary Dismissal
☐ Stipulated Dismissal
☒ Motion to Dismiss by Deft(s)
☐ Summary Judgment
☒ Stipulated Judgment
☐ Default Judgment
☐ Judgment of Arbitration

06-16-15 A09:14 IN

103

Snell & Wilmer
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
(702) 784-5200

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Cricket's Motion to Dismiss is GRANTED. The Court finds that dismissal is required as a matter of law as the doctrine of claims preclusion applies here (*see Gholson v. Cricket Wireless Corporation*, Case No. A-11-651049, Eighth Judicial District Court, Clark County, Nevada), because the parties are the same, there was a prior final and valid judgment, and this action asserts identical claims as the prior action. Accordingly, the doctrine of claim preclusion prohibits these claims from being brought a second time. Additionally, dismissal is further required as a matter of law because the applicable statute of limitations has expired.

**IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that no basis for Plaintiff's Motion for Sanctions exists, and Plaintiff's Motion for Sanctions is therefore DENIED.

Dated this 17 day of June, 2015.

JOANNA S. KISHNER

DISTRICT COURT JUDGE

Respectfully submitted:

SNELL & WILMER L.L.P.

By: Robin E. Perkins

Amy F. Sorenson, Esq.
Robin E. Perkins, Esq.
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Defendant Cricket Communications, LLC, incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

Approved as to form and content:

DARRYL E. GHOLSON

By: received no response

Darryl E. Gholson
Southern Desert Correctional Center
P.O. Box #208
Indian Springs, NV 89070
*Plaintiff Pro Se*

21727437.1

Electronically Filed
06/22/2015 09:41:10 AM

CLERK OF THE COURT

**NEOJ**

Amy F. Sorenson, Esq.
Nevada Bar No. 12495
Robin E. Perkins, Esq.
Nevada Bar No. 9891
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200
Facsimile: (702) 784-5252
asorenson@swlaw.com
rperkins@swlaw.com

*Attorneys for Defendant Cricket Communications, LLC, incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

DISTRICT COURT

CLARK COUNTY, NEVADA

DARRYL E. GHOLSON, an individual,

Plaintiff,

vs.

X-CELL COMMUNICATION A.K.A. CRICKET WIRELESS,

Defendant.

CASE NO. A-15-713861-C
DEPT. XXXI

**NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS AND DENYING PLAINTIFF'S MOTION FOR SANCTIONS**

PLEASE TAKE NOTICE that an Order Granting Defendant's Motion to Dismiss and Denying Plaintiff's Motion for Sanctions was entered in the above-captioned matter on June 17, 2015. A copy of said Order is attached hereto as Exhibit A.

Dated: June 22, 2015

SNELL & WILMER L.L.P.

By: */s/ Robin E. Perkins*
Amy F. Sorenson, Esq.
Robin E. Perkins, Esq.
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Defendant Cricket Communications, LLC, incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

Snell & Wilmer L.L.P.
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS AND DENYING PLAINTIFF'S MOTION FOR SANCTIONS** by the method indicated:

| | |
|---|---|
| X | U.S. Mail |
| | U.S. Certified Mail |
| | Facsimile Transmission |
| | Overnight Mail |
| | Federal Express |
| | Hand Delivery |
| | Electronic Filing |

and addressed to the following:

Darryl E. Gholson #1004281
aka Darryl E. Sayles
Southern Desert Correctional Center
P.O. Box #208
Indian Springs, NV 89070
*Plaintiff Pro Se*

DATED June 22, 2015

*/s/ Maricris Williams*
An Employee of Snell & Wilmer L.L.P.

21909191.1

Snell & Wilmer L.L.P.
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3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200

# EXHIBIT A

# EXHIBIT A

ORDR
Amy F. Sorenson, Esq.
Nevada Bar No. 12495
Robin E. Perkins, Esq.
Nevada Bar No. 9891
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*Attorneys for Defendant Cricket Communications, LLC, Incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

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06/19/2015 12:58:25 PM

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

DARRYL E. GHOLSON, an individual,

Plaintiff,

vs.

X-CELL COMMUNICATION A.K.A. CRICKET WIRELESS,

Defendant.

CASE NO. A-15-713861-C
DEPT. XXXI

**ORDER GRANTING DEFENDANT'S MOTION TO DISMISS**

**-AND-**

**DENYING PLAINTIFF'S MOTION FOR SANCTIONS**

Defendant Cricket Communications LLC's ("Cricket") Motion to Dismiss and Plaintiff Darryl E. Gholson's Motion for Sanctions came on for hearing on May 26, 2015 at 9:30 a.m., before the Honorable Judge Kishner in Department 31 of the above-entitled Court. Robin E. Perkins, Esq. of Snell & Wilmer L.L.P. appeared on behalf of Cricket. Plaintiff Darryl E. Gholson, who upon information and belief is currently incarcerated, did not appear and did not request a telephonic appearance. Having read the moving papers, and having heard the arguments of Defendant's counsel, and good cause appearing,

///

☐ Voluntary Dismissal
☐ Involuntary Dismissal
☐ Stipulated Dismissal
☒ Motion to Dismiss by Deft(s)
☐ Summary Judgment
☐ Stipulated Judgment
☐ Default Judgment
☐ Judgment of Arbitration

06-16-15 A03114 IN

703

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Cricket's Motion to Dismiss is GRANTED. The Court finds that dismissal is required as a matter of law as the doctrine of claims preclusion applies here (*see Gholson v. Cricket Wireless Corporation*, Case No. A-11-651049, Eighth Judicial District Court, Clark County, Nevada), because the parties are the same, there was a prior final and valid judgment, and this action asserts identical claims as the prior action. Accordingly, the doctrine of claim preclusion prohibits these claims from being brought a second time. Additionally, dismissal is further required as a matter of law because the applicable statute of limitations has expired.

**IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that no basis for Plaintiff's Motion for Sanctions exists, and Plaintiff's Motion for Sanctions is therefore DENIED.

Dated this 17 day of June, 2015.

JOANNA S. KISHNER

DISTRICT COURT JUDGE

Respectfully submitted:

SNELL & WILMER L.L.P.

By: Robin E. Perkins

Amy F. Sorenson, Esq.
Robin E. Perkins, Esq.
3883 Howard Hughes Parkway
Suite 1100
Las Vegas, Nevada 89169
*Attorneys for Defendant Cricket Communications, LLC, incorrectly named as X-Cell Communication A.K.A. Cricket Wireless*

Approved as to form and content:

DARRYL E. GHOLSON

By: received no response

Darryl E. Gholson
Southern Desert Correctional Center
P.O. Box #208
Indian Springs, NV 89070
*Plaintiff Pro Se*

21727437.1

# DISTRICT COURT
# CLARK COUNTY, NEVADA

**Other Civil Matters** **COURT MINUTES** **May 26, 2015**

A-15-713861-C Darryl Gholson, Plaintiff(s)
vs.
X-Cell Communication, Defendant(s)

**May 26, 2015** **9:30 AM** **All Pending Motions**

**HEARD BY:** Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

**COURT CLERK:** Sandra Harrell

**RECORDER:** Rachelle Hamilton

**REPORTER:**

**PARTIES PRESENT:** Perkins, Robin E. Attorney

## JOURNAL ENTRIES

- DEFENDANT CRICKET COMMUNICATIONS LLC'S (INCORRECTLY NAMED AS X-CELL COMMUNICATION) MOTION TO DISMISS...OPPOSITION TO DEFENDANT'S MOTION TO DISMISS...PLAINTIFF'S MOTION FOR SANCTIONS...RESPONSE TO DEFENDANTS OPPOSITION TO PLAINTIFF'S MOTION FOR SANCTIONS

Plaintiff not present, currently incarcerated. Court noted it received no request for Plaintiff to appear in person or appear telephonically.

DEFENDANT CRICKET COMMUNICATIONS LLC'S (INCORRECTLY NAMED AS X-CELL COMMUNICATION) MOTION TO DISMISS:

Argument by Ms. Perkins. COURT ORDERED, motion GRANTED based on claim preclusion and statute of limitations; Court does not need to address the proper party argument because motion was granted on the other two bases.

PLAINTIFF'S MOTION FOR SANCTIONS:

Court finds no basis, and ORDERED, motion DENIED.

Ms. Perkins to prepare the Order, circulating to Plaintiff for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

6/26/15 STATUS CHECK: ORDER (CHAMBERS)

CLERK'S NOTE: The above minute order has been distributed via U.S. Mail to: Darryl E. Gholson #1004281 c/o Southern Desert Correctional Center, PO Box 208, Indian Springs, NV 89070.\sjh 6-5-15

# 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 GRANTING DEFENDANT'S MOTION TO DISMISS -AND- DENYING PLAINTIFF'S MOTION FOR SANCTIONS; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT'S MOTION TO DISMISS AND DENYING PLAINTIFF'S MOTION FOR SANCTIONS; DISTRICT COURT MINUTES

DARRYL E. GHOLSON aka DARRYL SAYLES,

Plaintiff(s),

vs.

X-CELL COMMUNICATION aka CRICKET WIRELESS,

Defendant(s),

Case No: A713861

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 6 day of October 2015.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk