IN THE SUPREME COURT OF THE STATE OF NEVADA

GINA FIORE, Petitioner, CHARLES J. HOSKIN EIGHTH JUDICIAL DISTRICT COURT JUDGE, Respondent. DOUGLAS BROFMAN Real Party of Interest	**Supreme Court Case No:** District Court Case No. D-19-600841-C

Electronically Filed
Jan 22 2021 01:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

PETITIONER'S APPENDIX VOLUME 1

RICHARD A. SCHONFELD, ESQ.
Nevada Bar No. 6815
CHESNOFF & SCHONFELD
520 S. Fourth Street
Las Vegas, Nevada 89101
(702) 384-5563
rschonfeld@cslawoffice.net

Counsel for Petitioner

DOUGLAS BROFMAN
In Proper Person
168 Hickory Heights Avenue
Las Vegas, Nevada 89148
(216) 410-3507
Douglasbrofmanpersonal@yahoo.com

Real Party of Interest

CHRONOLOGICAL INDEX TO PETITIONER'S APPENDIX

Date:	Document	Bates Range
1/6/21	Peremptory Challenge of Judge Amy M. Mastin	1-3
1/7/21	Notice of Department Reassignment	4-5
1/13/21	Notice of Department Reassignment	6-7
1/13/21	Court Minutes	8
1/19/21	Peremptory Challenge of Judge Dawn R. Throne	9-11
1/20/21	Notice of Department Reassignment	12-13
1/21/21	Notice of Entry of Order and Order Remanding Case Back to Department U	14-17

AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that Petitioners' Appendix Volume 1 does not contain the social security number of any person.

Dated this 22nd day of January, 2021.

Respectfully submitted:

CHESNOFF & SCHONFELD

RICHARD A. SCHONFELD, ESQ.
Nevada Bar #6815
CHESNOFF & SCHONFELD
520 S. Fourth Street
Las Vegas, Nevada 89101
Attorney for Gina Fiore

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 22nd day of January 2021, I mailed a true and correct copy of the foregoing Petition for Writ of Mandamus or, in the Alternative, Prohibition Regarding Order Remanding Case Back to Department U and a copy of Petitioner's Appendix addressed to:

The Honorable Charles J. Hoskin
District Court Judge, Family Division
Department E
601 N. Pecos Road
Las Vegas, Nevada 89101

Mr. Douglas Brofman
168 Hickory Heights Avenue
Las Vegas, Nevada 89148

Rosemary Reyes
An Employee of Chesnoff & Schonfeld

Electronically Filed
1/6/2021 12:22 PM
Steven D. Grierson
CLERK OF THE COURT

RICHARD A. SCHONFELD, ESQ.
Nevada Bar # 6815
CHESNOFF & SCHONFELD
520 South Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
Telephone No.: (702) 384-5563
Facsimile No.: (702) 598-1425
Email: Rschonfeld@cslawoffice.net

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION, CLARK COUNTY, NEVADA
* * * * * *

GINA FIORE,

Plaintiff,

vs.

DOUGLAS BROFMAN,

Defendant.

CASE NO. D-19-600841-C
DEPT. M

PEREMPTORY CHALLENGE OF JUDGE AMY M. MASTIN

TO: DOUGLAS BROFMAN:

PLEASE TAKE NOTICE that the Plaintiff Gina Fiore, by and through her attorney, RICHARD A. SCHONFELD, ESQ., of the law firm of Chesnoff & Schonfeld, exercises her right to change the Judge to whom this matter has been assigned. The $450 fee required for filing a Peremptory Challenge was electronically collected concurrent with this filing.

IT IS RESPECTFULLY REQUESTED that the Honorable Judge Amy M. Mastin, Department M, pursuant to Supreme Court Rule 48.1, be preempted from the above-entitled matter. The Plaintiff further requests the court administrator to

randomly reassign this case to another Judge of the Eighth Judicial District Court.

Dated this 6th day of January, 2021.

Respectfully submitted:

CHESNOFF & SCHONFELD

RICHARD A. SCHONFELD, ESQ.
Nevada Bar #6815
CHESNOFF & SCHONFELD
520 S. Fourth Street
Las Vegas, Nevada 89101
Attorney for Gina Fiore

CERTIFICATE OF ELECTRONIC SERVICE

Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D), and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court" on the 6th day of January, 2021, I served the PEREMPTORY CHALLENGE OF JUDGE AMY M. MASTIN via the electronic filing system, as follows:

douglasbrofmanpersonal@yahoo.com

/s/ Rosemary Reyes
Rosemary Reyes
Employee of Chesnoff & Schonfeld

Electronically Filed
01/07/2021

DISTRICT COURT
CLARK COUNTY, NEVADA
****

CLERK OF THE COURT

GINA FIORE, PLAINTIFF. VS. DOUGLAS BROFMAN, DEFENDANT.	CASE NO.: D-19-600841-C DEPARTMENT W

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been randomly reassigned to Judge Stacy M. Rocheleau.

☒ This reassignment follows the filing of Peremptory Challenge of Judge AMY M MASTIN.

☐ This reassignment is due to the recusal of Judge STACY M. ROCHELEAU. See minutes in file.

☐ This reassignment is due to: .

ANY TRIAL DATE IS VACATED AND WILL BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

Motion and Opposition have been rescheduled to

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Pamela Woolery
Deputy Clerk of the Court

CERTIFICATE OF MAILING

I hereby certify that: on this the 7th day of January, 2021

☐ I mailed, via first-class mail, postage fully prepaid, the foregoing Clerk's Notice Department of Reassignment to:

☐ I placed/emailed a copy of the foregoing Clerk's Notice of Department Reassignment in the appropriate attorney folder located in the Clerk of the Court's Office:

Richard A. Schonfeld
Douglas Brofman

/s/ Pamela Woolery
Deputy Clerk of the Court

Electronically Filed
01/13/2021

CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

GINA FIORE, PLAINTIFF. VS. DOUGLAS BROFMAN, DEFENDANT.	CASE NO.: D-19-600841-C DEPARTMENT U

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been randomly reassigned to Judge Dawn R. Throne.

☐ This reassignment follows the filing of Peremptory Challenge of Judge

☒ This reassignment is due to the recusal of Judge STACY ROCHELEAU. See minutes in file.

☐ This reassignment is due to: .

ANY TRIAL DATE IS VACATED AND WILL BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

Motion; Opposition & Countermotion have been rescheduled to February 17, 2021, at 10:30 AM. You will be notified from the department when the Non-Jury Trial and Order to Show Cause Hearings have been rescheduled.

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Pamela Woolery
Deputy Clerk of the Court

CERTIFICATE OF MAILING

I hereby certify that: on this the 13th day of January, 2021

☐ I mailed, via first-class mail, postage fully prepaid, the foregoing Clerk's Notice Department of Reassignment to:

☒ I placed/emailed a copy of the foregoing Clerk's Notice of Department Reassignment in the appropriate attorney folder located in the Clerk of the Court's Office:

Richard A. Schonfeld
Douglas Brofman

/s/ Pamela Woolery
Deputy Clerk of the Court

D-19-600841-C Gina Fiore, Plaintiff.
vs.
Douglas Brofman, Defendant.

January 13, 2021 **11:00 AM** **Minute Order**

HEARD BY: Rocheleau, Stacy M. **COURTROOM:** Chambers

COURT CLERK: Schmidt, Tiffany

PARTIES PRESENT:

Gina Fiore, Counter Defendant, Plaintiff, Not Present **Richard A. Schonfeld, Attorney, Not Present**

Douglas Brofman, Counter Claimant, Defendant, Not Present **Pro Se**

Nicolas Neil Brofman, Subject Minor, Not Present

JOURNAL ENTRIES

MINUTE ORDER- NO HEARING HELD

Judge Rocheleau hereby recuses herself from this Case Number D-19-600841-C based on the following reasons. The Defendant obtained legal advice from an associate attorney in the same law firm with Judge Rocheleau, prior to taking the District Court Bench. Therefore, there will be, or there will be an appearance of bias, if she were to remain assigned to this case.

The Court's recusal is based on the Nevada Cost of Judicial Conduct Canon 2.11(A)(1).

The above-entitled action shall be randomly reassigned to a new Judge.

CLERK'S NOTE: This Minute Order was Amended to reflect the last line herein. (TS 1/13/21)

INTERIM CONDITIONS:

FUTURE HEARINGS:

Feb 17, 2021 10:30AM Motion
RJC Courtroom 14C Throne, Dawn R.

Feb 17, 2021 10:30AM Opposition
RJC Courtroom 14C Throne, Dawn R.

Notice: Journal Entries are prepared by the courtroom clerk and are not the official record of the Court.

Electronically Filed
1/19/2021 4:23 PM
Steven D. Grierson
CLERK OF THE COURT

RICHARD A. SCHONFELD, ESQ.
Nevada Bar # 6815
CHESNOFF & SCHONFELD
520 South Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
Telephone No.: (702) 384-5563
Facsimile No.: (702) 598-1425
Email: Rschonfeld@cslawoffice.net

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION, CLARK COUNTY, NEVADA
* * * * * *

GINA FIORE,

Plaintiff,

vs.

DOUGLAS BROFMAN,

Defendant.

CASE NO. D-19-600841-C
DEPT. U

PEREMPTORY CHALLENGE OF JUDGE DAWN R. THRONE

TO: DOUGLAS BROFMAN:

PLEASE TAKE NOTICE that the Plaintiff Gina Fiore, by and through her attorney, RICHARD A. SCHONFELD, ESQ., of the law firm of Chesnoff & Schonfeld, exercises her right to change the Judge to whom this matter has been assigned. The $450 fee required for filing a Peremptory Challenge was electronically collected concurrent with this filing.

IT IS RESPECTFULLY REQUESTED that the Honorable Judge Dawn R. Throne, Department U, pursuant to Supreme Court Rule 48.1, be preempted from the above-entitled matter. The Plaintiff further requests the court administrator to

randomly reassign this case to another Judge of the Eighth Judicial District Court.

Dated this 19th day of January, 2021.

Respectfully submitted:

CHESNOFF & SCHONFELD

RICHARD A. SCHONFELD, ESQ.
Nevada Bar #6815
CHESNOFF & SCHONFELD
520 S. Fourth Street
Las Vegas, Nevada 89101
Attorney for Gina Fiore

CERTIFICATE OF ELECTRONIC SERVICE

Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D), and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court" on the 19th day of January, 2021, I served the PEREMPTORY CHALLENGE OF JUDGE DAWN R. THRONE via the electronic filing system, as follows:

douglasbrofmanpersonal@yahoo.com

/s/ Rosemary Reyes
Rosemary Reyes
Employee of Chesnoff & Schonfeld

Electronically Filed
1/20/2021 10:31 AM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

****

GINA FIORE, PLAINTIFF. VS. DOUGLAS BROFMAN, DEFENDANT.	CASE NO.: D-19-600841-C DEPARTMENT E

NOTICE OF DEPARTMENT REASSIGNMENT

NOTICE IS HEREBY GIVEN that the above-entitled action has been randomly reassigned to Judge Charles J. Hoskin.

☒ This reassignment follows the filing of Peremptory Challenge of Judge DAWN R. THORNE.

☐ This reassignment is due to the recusal of Judge CHARLES J. HOSKIN. See minutes in file.

☐ This reassignment is due to: .

ANY TRIAL DATE IS VACATED AND WILL BE RESET BY THE NEW DEPARTMENT.

Any motions or hearings presently scheduled in the FORMER department will be heard by the NEW department as set forth below.

Opposition; Motion, on February 25, 2021, at 9:00 AM with Judge Charles J. Hoskin in Department E located at 601 N. Pecos, Las Vegas, Nevada 89101.

PLEASE INCLUDE THE NEW DEPARTMENT NUMBER ON ALL FUTURE FILINGS.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Melissa Ellis
Deputy Clerk of the Court

CERTIFICATE OF MAILING

I hereby certify that: on this the 20th day of January, 2021

☐ I mailed, via first-class mail, postage fully prepaid, the foregoing Clerk's Notice Department of Reassignment to:

Douglas Brofman
168 Hickory Heights Avenue
Las Vegas, NV 89148

Richard A. Schonfeld
520 S Fourth St
Las Vegas, NV 89101

☒ I emailed a copy of the foregoing Clerk's Notice of Department Reassignment.

Richard A. Schonfeld
Douglas Brofman

/s/ Melissa Ellis
Deputy Clerk of the Court

Electronically Filed
1/21/2021 3:47 PM
Steven D. Grierson
CLERK OF THE COURT

NEO

DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

Gina Fiore, Plaintiff. vs. Douglas Brofman, Defendant.	Case No: D-19-600841-C Department E

NOTICE OF ENTRY OF ORDER REMANDING CASE BACK TO DEPARTMENT U

Please take notice that an ORDER NOT FROM HEARING remanding case back to Department U was entered in the foregoing action and the following is a true and correct copy thereof.

Dated: January 21, 2021

Sherri Estes
Judicial Executive Assistant
Department E

NEO

CERTIFICATE OF SERVICE

I hereby certify that on the above file stamp date:

☐ I placed a copy of the foregoing NOTICE OF ENTRY OF ORDER in the appropriate attorney folder located in the Clerk of the Court's Office of:

☒ I emailed the foregoing NOTICE OF ENTRY OF ORDER REMANDING CASE BACK DEPARTMENT U to:

Douglas Brofman
DouglasBrofmanPersonal@yahoo.com

Richard A. Schonfeld, Esq.
rschonfeld@cslawoffice.net

Sherri Estes
Judicial Executive Assistant
Department E

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1/21/2021 2:00 PM
Steven D. Grierson
CLERK OF THE COURT

ORD

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Gina Fiore, Plaintiff v. Douglas Brofman, Defendant	Case No: D-19-600841-C Dept.: E

ORDER REMANDING CASE BACK TO DEPARTMENT U

This Court has reviewed this file for an upcoming hearing. THIS COURT FINDS that NRCP 1 and EDCR 1.10 state that the procedure in District Courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) this Court can consider a motion and issue a decision on the papers at any time without a hearing.

This Court has reviewed the timeliness of the peremptory challenge and FINDS that the peremptory challenge resulting in re-assignment of this case to Department E fails because the Plaintiff had already exercised her right to a preemptory challenge.

CHARLES J HOSMAN
DISTRICT JUDGE
FAMILY DIVISION DEPT E
LAS VEGAS NV 89101-2408

THE COURT FINDS that the Plaintiff preempted Judge Amy Mastin on January 6, 2021 which resulted in the reassignment of this case to Judge Rocheleau. Judge Rocheleau recused and the case was assigned to Judge Throne. Plaintiff then preempted Judge Dawn Throne on January 19, 2021 in violation of Supreme Court Rule 48.1, which outlines the procedure for preemptory challenge and permits each party the right to one preemptory challenge. It should be noted that SCR 48.1(9) is inapplicable in this instance because the reassignment from Judge Mastin, eventually to Judge Throne, was a result of the Plaintiff's first and proper preemptory challenge.

BASED ON THE FINDINGS ABOVE, THIS COURT ORDERS that this case is hereby remanded back to Department U.

IT IS SO ORDERED this 21st day of January, 2021

CHARLES J. HOSKIN
District Court Judge

CHARLES J HOSKIN
DISTRICT JUDGE
FAMILY DIVISION DEPT E
LAS VEGAS NV 89101 2408